

JOURNAL OF THE SENATE [March 23, 1982]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

TUESDAY, March 23, 1982.

10:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Julius Stagner, pastor of Midvale Baptist Church of Madison.

The senate remained standing and Senator Lasee led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 827

Relating to permits for loads of hay that exceed statutory width limits.

By Senator Kreul.

To committee on Aging, Business and Financial Institutions and Transportation.

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Senate Bill 828

Relating to the assessment of agricultural land for purposes of property taxes and granting rule-making authority.

By Senators Kreul and Harsdorf.

To committee on Labor, Government, Veterans Affairs and Tourism.

Senate Bill 829

Relating to changing the legal age for drinking and obtaining alcohol beverage licenses and providing penalties.

By Senator Cullen, by request of Scott Ammerman of Janesville.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 830

An act to authorize and direct expenditure of \$1,395.49 from the general fund for payment of a claim against the state made by Alva and Mary Metcalfe.

By Senator Kleczka; cosponsored by Representative Roberts, by request of State Claims Board.

To joint committee on Finance.

COMMITTEE REPORTS

The committee on Senate Organization, acting under Senate Rule 20(1), reports and recommends the following nominations to committee for appointment by the Senate:

To the Radioactive Waste Review Board, pursuant to sec. 15.105(11) (b), Senator Strohl and Paul Prevenas.

To the Radiation Protection Council, pursuant to sec. 15.197(12) (b), to replace James Johnston, resigned effective November 1981, to fill a term which expires July 1, 1985, Ms. Betty MacDonald.

Read.

Adopted.

FRED A. RISSER

Chair

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The committee on Aging, Business and Financial Institutions and Transportation reports and recommends:

Assembly Bill 668

Relating to beer and liquor wholesalers' interest in retail premises.

Introduction of senate substitute amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Maurer, Goyke, Bidwell and Engeleiter;

Noes, 3 -- Senators Roshell, Moody and Cullen.

Concurrence:

Ayes, 4 -- Senators Maurer, Goyke, Bidwell and Engeleiter;

Noes, 3 -- Senators Roshell, Moody and Cullen.

Assembly Bill 1018

Relating to exempting imported vehicles from equipment requirements.

Concurrence:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

TIM CULLEN

Chair

The joint committee on Finance reports and recommends:

Senate Bill 791

Relating to various changes in the unemployment compensation law.

Introduction and adoption of senate amendment 1:

Ayes, 12 -- Senators Kleczka, Maurer, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Wood and Ellis;

Noes, 0 -- None.

Indefinite postponement:

Ayes, 9 -- Senators Kleczka, Maurer, Offner and Roshell, Representatives Norquist, Otte, Roberts, Kirby and Ellis;

Noes, 3 -- Senators Braun and McCallum, Representative Wood.

GERALD D. KLECZKA

Senate Chair

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The committee on Education and State Institutions reports and recommends:

Assembly Bill 205

Relating to establishing pupil minimum competency examinations in public schools.

Adoption of senate amendment 1:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;

Noes, 0 -- None.

Introduction and adoption of senate amendment 3:

Ayes, 3 -- Senators Goyke, George and Harsdorf;

Noes, 1 -- Senator Thompson.

Non-concurrence:

Ayes, 3 -- Senators Goyke, George and Harsdorf;

Noes, 1 -- Senator Thompson.

Senate Bill 35

Relating to state payment of public school tuition for children of parents employed at and residing on the grounds of a state park.

Passage:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;

Noes, 0 -- None.

Assembly Bill 230

Relating to the computation of a school district's controllable cost in the 1980-81 school year.

Concurrence:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;

Noes, 0 -- None.

Assembly Bill 718

Relating to various changes in the statutes pertaining to vocational, technical and adult education and granting rule-making authority.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;

Noes, 0 -- None.

Concurrence:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;

Noes, 0 -- None.

Assembly Bill 727

Relating to the modification of provisions pertaining to renewal of teacher contracts and teacher tenure by collective bargaining agreements.

Concurrence:

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Ayes, 3 -- Senators Goyke, George and Thompson;
Noes, 1 -- Senator Harsdorf.

Assembly Bill 908

Relating to the reporting of accidents involving pupils in physical education classes.

Concurrence:

Ayes, 3 -- Senators Goyke, George and Thompson;
Noes, 1 -- Senator Harsdorf.

GARY R. GOYKE

Chair

The committee on Agriculture and Natural Resources reports and recommends:

ROGERS, J. JEAN, of Merrill, as a member of the Air Resources Allocation Council, to serve for the term ending July 1, 1983.

Confirmation:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;
Noes, 0 -- None.

THOMAS W. HARNISCH

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 990

Relating to strip searches.

Concurrence:

Ayes, 2 -- Senators Adelman and Johnston;
Noes, 2 -- Senators Braun and George.

Without recommendation.

LYNN S. ADELMAN

Chair

CALENDAR OF MARCH 23

By request of Senator Bablitch, with unanimous consent, the appointments were considered enmasse.

FREDRICKSON, CLIFFORD A., of Amory, as a member of the Snowmobile Recreation Council, to succeed Fredrick J. Wenzel, to serve for the term ending May 1, 1983.

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Read.

MILLER, DAVID ROSS, of Stevens Point, as a member of the Investment Board, to succeed John Powles, to serve for the term ending May 1, 1987.

Read.

NELSEN, JAMES R., of Shorewood, as a member of the Investment Board, to serve for the term ending May 1, 1987.

Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-219

AN ORDER to repeal PW-CY 40.20, relating to procedures and proceedings for revocation of licenses, permits or certifications for day care centers.

Submitted by Department of Health & Social Services.

Report received from agency, March 22, 1982.

Referred to committee on Human Services, March 23, 1982.

Clearinghouse Rule 81-235

AN ORDER to amend Adm 2.13 (2) (a); and to create Adm 2.09 (1) (e), relating to use of state buildings and facilities.

Submitted by Department of Administration.

Report received from agency, March 18, 1982.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, March 23, 1982.

Clearinghouse Rule 81-220

AN ORDER to repeal REB 16.05 (4) (intro.); to amend REB 16.02 (4) (intro.) and (b), 16.03 (2) (b) and 16.05 (1); and to create

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REB 2.03, 16.05 (4) (title) and 16.075, relating to requirements for licensure and educational program approval.

Submitted by Department of Regulation and Licensing.

Report received from agency, March 18, 1982.

Referred to committee on State and Local Affairs and Taxation, March 23, 1982.

Clearinghouse Rule 81-205

AN ORDER to amend Ind 14.01 (1) (b), 14.03 (1), (2), (3), (4) (intro.) and (c) and (10) (a); and to create Ind 14.03 (1) (a) and (b), relating to formaldehyde ambient air standards for mobile homes.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, March 18, 1982.

Referred to committee on Human Services, March 23, 1982.

The joint committee for Review of Administrative Rules reports and recommends:

Clearinghouse Rule 82-18

AN ORDER to amend SEC 3.11, relating to real estate programs.

Non-concurrence:

Ayes, 9 -- Senators Berger, Goyke, Harnisch, George and Kreul, Representatives Rogers, Wagner, Crawford and Thompson;

Noes, 0 -- None.

DAVID G. BERGER
Co-Chair

WILLIAM J. ROGERS
Co-Chair

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 286

Assembly Bill 292

Assembly Bill 240

Assembly Bill 615

Assembly Bill 623

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Assembly Bill 839
Assembly Bill 1122
Assembly Bill 1133

Concurred in:

Senate Joint Resolution 60

Senate Bill 683, senate amendments 1, 2 and 3 to assembly substitute amendment 2

Amended and concurred in as amended:

Senate Joint Resolution 51, assembly substitute amendment 1

Senate Bill 427, assembly amendment 1

Senate Bill 462, assembly substitute amendment 1

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 286

Relating to special elections, ballots, nominations, canvassing, election officials, recall, referenda, prohibited election practices, registration and voting procedure, qualifications for office, vacancies, notices and administration of elections and providing a penalty.

By Representative Broydrick, by request of State Elections Board.

Read first time and referred to committee on Labor, Government, Veterans Affairs and Tourism.

Assembly Bill 292

Relating to mound private sewage systems.

By Representatives Roberts, Hephner, Swoboda, Radtke, Fischer, Shoemaker, Hasenohrl, R. Travis and Shabaz, co-sponsored by Senators Kreul and Chilsen.

Read first time and referred to committee on Agriculture and Natural Resources.

Assembly Bill 240

Relating to a revision of the obscenity law and the penalties for its violation.

By Representatives Duren, Porter, Vanderperren, Andrea, Young, McEwen, Robertson, Harer and Wood, co-sponsored by Senator Chilsen.

Read first time and referred to committee on Human Services.

Assembly Bill 615

Relating to employes' right to know regarding toxic substances and infectious agents, providing a penalty and making an appropriation.

By Representatives Munts, Behnke, Coggs, Metz, Becker, Looby, Otte, Flintrop, Neubauer, Miller, Shoemaker, Duren, Crawford, Medinger, Williams, Dorff, Clarenbach, Jackamonis, Ulichny, Kunicki, Czarnezki, Andrea and Leopold, co-sponsored by Senators Strohl, Braun, Flynn, Harnisch and Krueger.

Read first time and referred to committee on Labor, Government, Veterans Affairs and Tourism.

Assembly Bill 623

Relating to creating a private cause of action for certain discrimination violations.

By Representatives Crawford, Coggs, Becker, Ulichny, Kirby, Plous and Williams, co-sponsored by Senator Braun.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 839

Relating to wetland protection, duration of permits relating to navigable waters, permit requirements for certain activities conducted near navigable waters, removal of materials from certain waterways and granting rule-making authority.

By Committee on Environmental Resources, by request of Board of Agriculture, Trade and Consumer Protection, and the Natural Resources Board.

Read first time and referred to committee on Agriculture and Natural Resources.

Assembly Bill 1122

Relating to state bank reserve requirements.

By Representatives Hephner and Thompson, co-sponsored by Senators Cullen and Bidwell, by request of Commissioner of Banking.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

Assembly Bill 1133

Relating to changing the boundary line between the 6th and 8th congressional districts.

By Representatives Schmidt, Dilweg, Byers, R. Travis and Loftus, co-sponsored by Senators Berger and Hanaway.

Read first time and referred to committee on Senate Organization.

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Senate Joint Resolution 49

Relating to proclaiming April 18 to 24, 1982, Ground Zero Week.
Read.

The question was: Concurrence of assembly amendment 2?
Concurred in.

Senate Bill 181

Relating to service of process on nonresident parties to a residential tenancy.
Read.

The question was: Concurrence of assembly substitute amendment 1?
Concurred in.

Senate Bill 250

Relating to access to public records, creating an open records board, granting rule-making authority, making appropriations and providing a penalty.
Read.

The question was: Adoption of senate amendment 1 to assembly substitute amendment 1?

By request of Senator Berger, with unanimous consent, **Senate Bill 250** was placed after **Senate Bill 792**.

Assembly Bill 501

Relating to arrests by peace officers of suspected violators in cases of fresh pursuit.
Read.

The question was: Concurrence of assembly amendment 1 to senate substitute amendment 1?

Senator George moved non-concurrence of assembly amendment 1 to senate substitute amendment 1.

The question was: Non-concurrence of assembly amendment 1 to senate substitute amendment 1?
The motion did not prevail.

The question was: Concurrence of assembly amendment 1 to senate substitute amendment 1?

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Senate amendment 1 to assembly amendment 1 to senate substitute amendment 1 offered by Senator Kleczka.

The question was: Adoption of senate amendment 1 to assembly amendment 1 to senate substitute amendment 1?

By request of Senator Flynn, with unanimous consent, **Assembly Bill 501** was placed after **Senate Bill 250**.

Senate Resolution 14

Memorializing Congress and the President to dismantle and remove Project ELF, the Navy's extremely low-frequency transmission system designed for communication with nuclear submarines.

Read.

The question was: Adoption of **Senate Resolution 14**?

Senator Theno moved rejection of **Senate Resolution 14**.

The question was: Rejection of **Senate Resolution 14**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Frank, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Opitz, Roshell, Theno and Van Sistine -- 19.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, George, Goyke, Harsdorf, Moody, Offner, Risser, Strohl and Thompson -- 13.

Absent or not voting -- Senator Flynn -- 1.

So the motion prevailed.

Senate Bill 240

Relating to referenda concerning school district reorganizations.
Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 240** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 240** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 240

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 283

Relating to the regulation of nonmetallic mining, the zoning of mineral-bearing lands and the collection of information on mining, and providing an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Lasee, with unanimous consent, the senate recessed until 11:33 A.M.

11:10 A.M.

RECESS

11:33 A.M.

The senate reconvened.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 283** was referred to joint committee on Finance.

Senate Bill 320

Relating to including wood energy systems in the renewable energy resource systems incentive program administered by the department of industry, labor and human relations.

Read a second time.

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By request of Senator Kleczka, with unanimous consent, **Senate Bill 320** was referred to joint committee on Finance.

Senate Bill 396

Relating to collection of public utility bills.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senator Johnston.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 396

Read a third time and passed.

Senate Bill 459

Relating to jurisdiction of duties of the department of natural resources with respect to the waters of the state.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 459** was referred to joint committee on Finance.

Senate Bill 464

Relating to eligibility to attend a vocational, technical and adult education school located outside the district of residence.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 464

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman,

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McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

Noes -- Senators Bablitch and George -- 2.

Absent or not voting -- Senator Harnisch -- 1.

So the bill passed.

Senate Bill 561

Relating to racketeering, continuing criminal enterprise and providing penalties.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

By request of Senator Braun, with unanimous consent, senate amendments 1, 2, 3, 4, 5, 6 and 7 to senate substitute amendment 1 were placed after senate amendment 8 to senate substitute amendment 1.

Senate amendment 8 to senate substitute amendment 1 offered by Senators Bablitch, Braun, Adelman and Chilsen.

The question was: Adoption of senate amendment 8 to senate substitute amendment 1?

Adopted.

By request of Senator Bablitch, with unanimous consent, senate amendments 1, 2, 3, 4, 5, 6 and 7 to senate substitute amendment 1 were laid on the table.

Senate amendment 9 to senate substitute amendment 1 offered by Senator Flynn.

The question was: Adoption of senate amendment 9 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 561

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

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Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 628

Relating to mandatory health care liability risk sharing plans, creating a patients compensation panels fund and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 628** was laid on the table.

Senate Bill 736

Relating to an income tax credit for child restraint systems.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 736** was referred to joint committee on Finance.

Senate Bill 761

Relating to leaves for qualified inmates.

Read a second time.

Senate amendment 1 offered by Senator Opitz.

The question was: Adoption of senate amendment 1?

Senator Braun moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The motion prevailed.

Senate amendment 2 offered by Senator Kleczka.

The question was: Adoption of senate amendment 2?

Senator Braun moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

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The ayes and noes were demanded and the vote was: ayes, 7; noes, 26; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Braun, Frank, George, Moody, Risser and Thompson -- 7.

Noes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Engleiter, Flynn, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Roshell, Strohl, Theno and Van Sistine -- 26.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 2?

Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 761

Read a third time and passed.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:00 P.M.

12:12 P.M.

RECESS

2:00 P.M.

The senate reconvened.

Senate Bill 772

Relating to the duties and changing the name of the funeral directors and embalmers examining board, and the licensing of funeral directors and embalmers.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 772** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 772** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

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By request of Senator Bablitch, with unanimous consent, **Senate Bill 772** was placed at the foot of the calendar.

Senate Bill 784

Relating to eligibility requirements for student tuition grants administered by the higher educational aids board.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 784** was referred to joint committee on Finance.

Senate Bill 792

Relating to establishing guidelines for the identification of gifted and talented pupils.

Read a second time.

Senate amendment 1 offered by Senators Berger and Braun.

Senator Goyke moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Chilsen, Engeleiter, Frank, Goyke, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lorge, Lorman, McCallum, Maurer, Moody, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Adelman, Berger, Bidwell, Braun, Cullen, Flynn, George, Harnisch, Kleczka, Lasee, Offner and Opitz -- 12.

Absent or not voting -- None.

So the motion prevailed.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 792

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 29.

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Noes -- Senators Berger, Braun and Lasee -- 3.

Absent or not voting -- Senator Krueger -- 1.

So the bill passed.

Senate Bill 250

Relating to access to public records, creating an open records board, granting rule-making authority, making appropriations and providing a penalty.

Read.

Senate amendment 1 to assembly substitute amendment 1 offered by Senator Adelman.

The question was: Adoption of senate amendment 1 to assembly substitute amendment 1?

Adopted.

Senate amendment 2 to assembly substitute amendment 1 offered by Senator Berger.

The question was: Adoption of senate amendment 2 to assembly substitute amendment 1?

Senator Adelman moved rejection of senate amendment 2 to assembly substitute amendment 1.

The question was: Rejection of senate amendment 2 to assembly substitute amendment 1?

The motion prevailed.

The question was: Concurrence of assembly substitute amendment 1?

Concurred in as amended.

Assembly Bill 501

Relating to arrests by peace officers of suspected violators in cases of fresh pursuit.

Read.

The question was: Adoption of senate amendment 1 to assembly amendment 1 to senate substitute amendment 1?

Adopted.

The question was: Concurrence of assembly amendment 1 to senate substitute amendment 1?

Concurred in as amended.

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Assembly Bill 170

Relating to various accounting examining board revisions and providing penalties.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Berger, with unanimous consent, senate amendment 1 was laid on the table.

Senate amendment 2 offered by Senator Lorman.

The question was: Adoption of senate amendment 2?

Senator Goyke moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The motion prevailed.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 170

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

Absent or not voting -- Senators Cullen and Krueger -- 2.

So the bill was concurred in.

Assembly Bill 303

Relating to voluntary designation on income tax returns for the protection and acquisition of endangered resources and making an appropriation.

Read a second time.

Senate substitute amendment 1 offered by Senator Kleczka.

Senate amendments 1, 2, 3 and 4 to senate substitute amendment 1 offered by Senator Kleczka.

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The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator Harnisch raised the point of order that senate amendment 1 to senate substitute amendment 1 was not germane.

The chair ruled the point of order well taken.

Senator Chilsen raised the point of order that senate substitute amendment 1 was not germane.

The chair took the point of order under advisement.

Assembly Bill 323

Relating to creating an occupational disease surveillance system.

Read a second time.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 323

Read a third time.

Senator Opitz moved non-concurrence of **Assembly Bill 323**.

The question was: Non-concurrence of **Assembly Bill 323**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 2; as follows:

Ayes -- Senators Chilsen, Engeleiter, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum, Moody, Opitz, Risser, Roshell and Theno -- 18.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, George, Kleczka, Maurer, Offner, Strohl, Thompson and Van Sistine -- 13.

Absent or not voting -- Senators Bidwell and Krueger -- 2.

So the bill was non-concurred in.

Assembly Bill 584

Relating to miscellaneous town mutual insurance law changes.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 584

Read a third time and concurred in as amended.

Assembly Bill 697

Relating to creation of the controlled substances therapeutic research program and the patient qualification and review board, granting rule-making authority and making an appropriation.

Read a second time.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 697

Read a third time.

Senator Goyke moved non-concurrence of **Assembly Bill 697**.

The question was: Non-concurrence of **Assembly Bill 697**?

By request of Senator Goyke, with unanimous consent, he withdrew his motion for non-concurrence of **Assembly Bill 697**.

The question was: Shall the bill be concurred in?

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- Senator Lasee -- 1.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 741

Relating to restructuring the board of public welfare in populous counties.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 741

Read a third time and concurred in.

Assembly Bill 750

Relating to the licensing of barbers and cosmetologists.

Read a second time.

Senate amendment 1 offered by Senator Braun.

The question was: Adoption of senate amendment 1?

Adopted.

By request of Senator Offner, with unanimous consent, **Assembly Bill 750** was laid on the table.

Assembly Bill 757

Relating to the right to privacy in regard to cable television and 2-way communication devices.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 757

Read a third time and concurred in as amended.

Assembly Bill 813

Relating to creating an exception to the confidentiality of pupil records for directory data.

Read a second time.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 813

Read a third time and concurred in.

Assembly Bill 1005

Relating to allowing the department of health and social services to authorize bonding by the health facilities authority for the financing of residential facilities for the elderly and the chronically disabled and affecting an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Offner moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

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The ayes and noes were demanded and the vote was: ayes, 7; noes, 26; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Engeleiter, Maurer, Moody, Offner and Thompson -- 7.

Noes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz, Risser, Roshell, Strohl, Theno and Van Sistine -- 26.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 1005

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- Senator Chilsen -- 1.

Absent or not voting -- None.

So the bill was concurred in as amended.

By request of Senator Bablitch, with unanimous consent, the Senate returned to the fourth order of business.

The committee on Senate Organization reports and recommends:

Assembly Bill 1133

Relating to changing the boundary line between the 6th and 8th congressional districts.

Concurrence:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Chilsen and Hanaway;

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Noes, 0 -- None.

FRED A. RISSER
Chair

By request of Senator Bablitch, with unanimous consent, the rules were suspended and the Addendum to the Calendar of March 23 was taken up and considered at this time.

Assembly Bill 1133

Relating to changing the boundary line between the 6th and 8th congressional districts.

Read a second time.

Senate amendment 1 offered by Senator Berger.

The question was: Adoption of senate amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 1133

Read a third time and concurred in as amended.

Senate Bill 772

Relating to the duties and changing the name of the funeral directors and embalmers examining board, and the licensing of funeral directors and embalmers.

Read a second time.

The question was: Adoption of senate amendment 1?
Adopted.

Senate amendment 2 offered by Senators Braun and Bablitch.

The question was: Adoption of senate amendment 2?
Adopted.

Senate amendment 3 offered by Senator Opitz.

The question was: Adoption of senate amendment 3?
Adopted.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 772

Read a third time.

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The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- Senator Moody -- 1.

So the bill passed.

RULING OF THE CHAIR

Assembly Bill 303

Relating to voluntary designation on income tax returns for the protection and acquisition of endangered resources and making an appropriation.

Read.

Earlier today the Senator of the 29th, Senator Chilsen, raised the point of order that senate substitute amendment 1 was not germane. Senate substitute amendment 1 to Assembly Bill 303 relates to a taxpayer check-off for various programs and purposes, while Assembly Bill 303 relates to a check-off solely for endangered resources.

Senate Rule 50(7) reads 'A substitute or amendment relating to a specific subject or to a general class is not germane to a bill relating to a different specific subject, but an amendment limiting the scope of the proposal is germane.

It is the opinion of the chair that senate substitute amendment 1 would expand the scope of the original proposal, not limit the scope, and that senate substitute amendment 1 relates to a general class (i.e., various programs), and Assembly Bill 303 relates to the specific subject of endangered resources, and therefore the amendment is not germane. The point of order raised by the senator of the 29th, Senator Chilsen, is well taken.

Senator Kleczka moved non-concurrence of **Assembly Bill 303**.

The question was: Non-concurrence of **Assembly Bill 303**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

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Ayes -- Senators Berger, Bidwell, Engeleiter, Frank, George, Goyke, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum, Maurer, Offner, Opitz, Roshell and Van Sistine -- 19.

Noes -- Senators Adelman, Bablitch, Braun, Chilsen, Cullen, Flynn, Harnisch, Krueger, Lorman, Moody, Risser, Strohl, Theno and Thompson -- 14.

Absent or not voting -- None.

So the bill was non-concurred in.

By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Bablitch, with unanimous consent, the Senate returned to the eighth order of business.

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 542

Assembly Bill 968

Amended and concurred in as amended:

Senate Bill 501, assembly amendments 1 and 7 to assembly substitute amendment 1, assembly substitute amendment 1

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 542

Relating to authorizing a special death benefit under worker's compensation for national guard members performing official duty and increasing the amount of the special death benefit.

By Representatives Medinger, Andrea, Plous, Potter, Lewison, Shoemaker, Flintrop, Crawford, Williams, Matty, Becker, Leopold, McEwen, Metz, Wagner, Helbach, Miller and Vanderperren, co-sponsored by Senators Thompson, Berger and Offner.

Read first time and referred to committee on Labor, Government, Veterans Affairs and Tourism.

RULING OF THE CHAIR

Assembly Bill 621

Relating to prohibiting 3rd trimester abortions in public hospitals except to save the life of the mother and regulating other abortions in public hospitals, providing aid to women who suffer from certain diseases exacerbated by pregnancy or delivery, providing care for certain diseases of children and making an appropriation.

A similar point of order was raised on March 25, 1976 on Assembly Bill 421. On page 2165 of the Journal of the Senate March 25, 1976, the ruling reads: "As it relates to the point of order raised on Assembly Bill 421, the chair ruled that pursuant to Senate Rule 41, a bill could not be withdrawn from committee when a public hearing has already been scheduled. Any attempt to do so would require a suspension of the rules and a two-thirds vote."

On page 540 of the Journal of the Senate March 16, 1971, Senator from the 14th, Senator Lorge, proposed this rule in Senate Resolution 13. The analysis reads: "This proposal would prevent a motion to recall a bill from committee from taking effect prior to hearing if such has been scheduled".

Members have raised the question of the definition of a week. The chair has reviewed the rules and has found no definition of a week by our rules; however, the Index to the Senate Rules and Senate Rule 31 (4) states that Webster's New International Dictionary will be the standard for language usage. Webster's New International Dictionary defines a week as: "any 7 consecutive days."

A hearing is scheduled on the matter for Monday, March 29, 1982. Therefore, based on past precedent and the definition of a week, it is the opinion of the chair that in accordance with Senate Rule 41 (a) the bill cannot be withdrawn at this time and the point of order raised by the Senator of the 24th, Senator Bablitch, is well taken.

Senator Lorge appealed the ruling of the chair.

The question was: Shall the decision of the chair stand as the judgment of the senate?

Senator Bablitch moved that the motion to appeal the ruling of the chair be laid on the table.

The question was: Shall the motion to appeal the ruling of the chair be laid on the table?

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Assembly Bill 968

Relating to extending the sunset provision on the employer's power to elect to provide for early retirement for teachers under the state teachers retirement system.

By Representatives Radtke, D. Travis and Knox.

Read first time and referred to committee on Labor, Government, Veterans Affairs and Tourism.

Senator Bablitch asked unanimous consent to proceed to the fourteenth order of business.

Senator Opitz objected.

MOTIONS

By request of Senator Thompson, with unanimous consent, **Senate Bill 632** was withdrawn from committee on Senate Organization and referred to committee on Human Services.

Senator Opitz moved that **Assembly Bill 621** be withdrawn from committee on Human Services and referred to committee on Senate Organization.

Senator Kleczka moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

Senator Bablitch raised the point of order that pursuant to Senate Rule 41 the motion to withdraw **Assembly Bill 621** from committee on Human Services and refer to committee on Senate Organization was not properly before us at this time.

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The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Cullen, Engeleiter, Flynn, George, Goyke, Harnisch, Lorman, McCallum, Maurer, Moody, Offner, Risser, Strohl, Theno, Thompson and Van Sistine -- 18.

Noes -- Senators Berger, Bidwell, Braun, Chilsen, Frank, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Opitz and Roshell -- 15.

Absent or not voting -- None.

So the motion prevailed.

Senator Moody asked unanimous consent to rescind the immediate messaging of **Assembly Bill 323**.

Senator Opitz objected.

Senator Moody moved the rules be suspended to rescind the immediate messaging of **Assembly Bill 323**.

The question was: Shall the rules be suspended to rescind the immediate messaging of **Assembly Bill 323**?

The ayes and noes were required and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Flynn, Frank, George, Goyke, Harnisch, Johnston, Kleczka, Krueger, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 22.

Noes -- Senators Bidwell, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 11.

Absent or not voting -- None.

Two-thirds having voted in the affirmative, the motion prevailed.

Senator Moody moved reconsideration of the vote by which **Assembly Bill 323** was non-concurred in.

The question was: Reconsideration of the vote by which **Assembly Bill 323** was non-concurred in?

The motion prevailed.

The question was: Non-concurrence of **Assembly Bill 323**?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 22; absent or not voting, 0; as follows:

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Ayes -- Senators Bidwell, Engeleiter, Harsdorf, Kleczka, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 11.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Johnston, Krueger, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 22.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Shall **Assembly Bill 323** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 23.

Noes -- Senators Bidwell, Engeleiter, Harsdorf, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 10.

Absent or not voting -- None.

So the bill was concurred in.

By request of Senator Braun, with unanimous consent, the motion for reconsideration of the vote by which **Assembly Bill 354** was concurred in was taken from the table and considered at this time.

The question was: Reconsideration of the vote by which **Assembly Bill 354** was concurred in?

The motion did not prevail.

By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Lasee, with unanimous consent, the senate adjourned in honor of the birth of Zachary Scott McCallum, son of Scott and Laurie McCallum.

AMENDMENTS OFFERED

Senate amendments 1 and 2 to **Senate Bill 787** by Senator Strohl.

Senate amendment 2 to **Senate Bill 791** by Senator Kleczka, by request of Unemployment Compensation Advisory Council.

Senate amendment 4 to **Assembly Bill 205** by Senators Offner, Harnisch, Kleczka, Cullen, Adelman, Moody, Hanaway, Bablitch,

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Braun, McCallum, Theno, Maurer, Johnston, Strohl, Frank, Kreul, Lasec and Krueger.

Senate amendment 5 to **Assembly Bill 205** by Senators Offner, Johnston, Roshell, Harnisch, Kleczka, Adelman, Moody, Braun, Bablitch, Theno, Maurer, Strohl, Frank, Kreul, Opitz, Chilsen and Krueger.

Senate amendment 2 to **Assembly Bill 397** by Senator Braun.

Senate amendment 1 to **Senate Bill 769** by Senator Bablitch.

Senate amendment 3 to **Senate Bill 628** by Senator Berger.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Wednesday, March 24.

5:40 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 210

1. Page 6, line 27: substitute "is" for "in".

Assembly Bill 286, assembly amendment 4 to assembly substitute amendment 1

1. Page 1, line 3: delete the material beginning with "Page" on line 3 and ending with "7." on line 5, and substitute: "Page 9, line 6: on lines 6 and 7, delete the underscored material and strike through the plain material."

Assembly Bill 370, assembly substitute amendment 2

1. Page 14, line 25: substitute "(4)" for "(3)".

Assembly Bill 623, assembly substitute amendment 2

1. Page 2, line 1: substitute "complaint" for "complain".