

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

TUESDAY, February 16, 1988

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The senate stood for a moment of silent prayer.

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

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

Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Absent — Senators Jauch and Norquist — 2.

Absent with leave — None.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 54

Relating to authorizing promotional advertising of the Wisconsin state lottery and Wisconsin participation in a midwestern multistate regional lottery and removing from the gambling section of the constitution the prohibition of individual divorce grants by the legislature (first consideration).

By Senators Van Sistine, Moen and Kreul; cosponsored by Representatives Shoemaker, Robinson, Fergus, Zweck, Gronemus, Schmidt, Welch, Hasenohrl, Boyle, Carpenter and Bolle.

Read first time and referred to committee on Labor, Business, Insurance, Veterans and Military Affairs.

LEAVE OF ABSENCE

By request of Senator Strohl, with unanimous consent, Senator Norquist was granted a leave of absence until 11 A.M. and Senator Jauch was granted a leave of absence for the balance of today's session.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 519

Relating to exempting certain property from assessments for installation of sewer and water mains.

By Senators Harsdorf and Andrea.

To committee on Agriculture, Health and Human Services.

Senate Bill 520

Relating to increasing state aid to fairs conducted by counties or by groups designated by county boards and making an appropriation.

By Senators Feingold, Moen, Kreul, Roshell, Kincaid, Buettner and Harsdorf; cosponsored by Representatives Hubler, Ott, Bolle, Goetsch, Musser, Linton, Wood, Brandemuehl, Roberts, Hamilton, Van Gorden, Gronemus, Mark Lewis, Deininger, Thompson, Volk and Holschbach.

To committee on Agriculture, Health and Human Services.

Senate Bill 521

Relating to the composition of and qualifications for membership on county social services boards, county human services boards, county community programs boards and county developmental disabilities services boards.

By Senator George; cosponsored by Representatives M. Coggs, Notestein, Clarenbach, Travis, Bell, Becker, Fortis, Young, S. Coggs, Seery, Barca, Williams, Musser and Black.

To committee on Agriculture, Health and Human Services.

COMMITTEE REPORTS

The committee on Aging, Banking, Commercial Credit and Taxation reports and recommends:

STAUDENMAIER, MARY L., of Marinette, as a member of the Banking Review Board, to serve for the term ending May 1, 1992.

Confirmation:

Ayes, 8 -- Senators Feingold, Plewa, Czarnecki, Kincaid, Jauch, Kreul, Buettner and Weeden;

Noes, 0 -- None.

Assembly Bill 619

Relating to integrating recent changes in federal law concerning age requirements for annuity benefits for

certain participants in the Wisconsin retirement system and recent changes in federal law concerning social security coverage for part-time employees.

Concurrence:

Ayes, 8 -- Senators Feingold, Plewa, Czarnezki, Kincaid, Jauch, Kreul, Buettner and Weeden;

Noes, 0 -- None.

**Senate Bill 504**

Relating to changing the maximum finance charge permitted in certain open-end credit plans.

Introduction and adoption of Senate amendment 1:

Ayes, 7 -- Senators Feingold, Plewa, Czarnezki, Jauch, Kreul, Buettner and Weeden;

Noes, 1 -- Kincaid.

Passage as amended:

Ayes, 5 -- Senators Feingold, Plewa, Kincaid, Jauch and Kreul;

Noes, 3 -- Senators Czarnezki, Buettner and Weeden.

**Senate Bill 505**

Relating to changing the maximum finance charge permitted in certain open-end credit plans that do not use a seller credit card.

Introduction and adoption of Senate amendment 1:

Ayes, 7 -- Senators Feingold, Plewa, Czarnezki, Jauch, Kreul, Buettner and Weeden;

Noes, 1 -- Kincaid.

Passage as amended:

Ayes, 5 -- Senators Feingold, Plewa, Jauch, Kreul and Weeden;

Noes, 3 -- Senators Czarnezki, Kincaid and Buettner.

**Senate Bill 522**

Relating to investments of banks and the state investment board in the African development bank, banking hours, emergency bank closings, experience requirements for the commissioner of banking and the person employed to supervise certain consumer credit agencies, branch banking, the priority of advances under certain mortgages, the location of trust company banks, voluntary liquidation of banks, increasing certain fees, cease and desist orders of the commissioner of banking, the commissioner's authority to seek an injunction, information to be provided to bank shareholders, amendments to articles of incorporation, proxy voting by bank officers, bank examination reports, meetings of boards of directors of banks, federal deposit insurance, unsecured loans to bank officers and employes, real estate held by banks, loans secured by real estate, financial statements supporting a bank's decision to make a loan, approval of bank capital notes or debentures, investments in common trust funds, supervision of Indian loan funds, library board annual reports, investments by agricultural marketing boards, capital-to-deposit ratios of banks, return of indemnity fund deposits and providing penalties.

By request of Commissioner of Banking.

Introduction:

Ayes, 8 -- Senators Feingold, Plewa, Czarnezki, Kincaid, Jauch, Kreul, Buettner and Weeden;

Noes, 0 -- None..

Russell D. Feingold  
Chair

Read first time and referred to committee on Aging, Banking, Commercial Credit and Taxation.

The committee on Transportation, Tourism and Conservation reports and recommends:

**Senate Bill 275**

Relating to railroad shop, terminal and other facility closings and removals, certain railroad work force reductions and creating a penalty.

Passage:

Ayes, 4 -- Senators Kincaid, Moen, Andrea and Rude;

Noes, 3 -- Senators Roshell, Kreul and Weeden.

Lloyd Kincaid  
Chair

The committee on Senate Organization reports and recommends:

**Senate Joint Resolution 52**

Relating to promoting the celebration of St. Urho's day.

Adoption:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

**Assembly Joint Resolution 86**

Relating to the life and public service of Alvin E. O'Konski.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

**Assembly Joint Resolution 78**

Congratulating Henry Maier upon his retirement as Mayor of the City of Milwaukee.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

**Assembly Joint Resolution 87**

Relating to the life and public service of Justice Connor T. Hansen.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

Fred A. Risser  
Chair

State of Wisconsin  
Office of the Secretary of State

February 11, 1988

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(7):

Sincerely,  
DOUGLAS LAFOLLETTE  
Secretary of State

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

**BARTELL, JEFFREY B.**, 1 S. Pinckney St., Ste. 600, Madison, WI 53703 (608) 251-5000

1) Hyatt Legal Services, Joel Hyatt, 4410 Main St., Kansas City MO 64111 (816) 932-8483 (insurance regulations)

**BLUMENFELD, MICHAEL H.**, 16 N. Carroll ST., Ste. 200, Madison, WI 53703 (608) 257-1888

1) WI Law Enforcement Officers Assn, Thomas L. Perschy, Rt. 1, Box 156 B, 7207 Bergman Rd., Sauk City, WI 53583 (608) 643-8099 (Senate Bill 465, relating to solicitation of funds for charitable purposes and providing penalties)

**BROYDRICK, BILL**, 817 N. Marshall, Milwaukee, WI 53202 (414) 224-9393

1) Miller Brewing Co., Michael Jones, 3939 W. Highland, Milwaukee, WI 53208 (414) 931-2000 (tort reform legislation)

2) CMC Real Estate Corp, Larry Adelson, 574 W. Jackson Blvd, Ste. 1510, Chicago IL 60606 (312) 294-0440 (legislative and administrative action affecting the sales and purchase of state property)

**CHRNELICH, JOSEPH M.**, 1 S. Pinckney St., Ste. 313, Madison, WI 53703 (608) 258-9506

1) WI Mortgage Bankers Assn, Patrick J. Mulcahy, 1 S. Pinckney St., Ste. 313, Madison, WI 53703 (608) 255-4180 (functions and activities of state and local government and units thereof; environment, taxation; regulation of business and finance; economic development; education)

2) WI Higher Education Corp, James A. Jung, 2401 International Ln., Madison, WI 53703 (608) 246-1400 (functions and activities of state and local government and units thereof; environment, taxation; regulation of business and finance; economic development; education)

3) Plastic Pipe and Fitting Assn, Richard W. Church, Bldg C., Ste. 20, 800 Roosevelt Rd., Glen Ellyn, IL 60137, (312) 858-6540 (functions and activities of state and local government and units thereof; environment, taxation; regulation of business and finance; economic development; education)

**COENNEN, THOMAS H.**, P.O. BOX 6, McFarland, WI 53558 (608) 838-8126

1) National Greyhound Assn, Gary Buccione, P.O. BOX 543, Abilene, KS 67410, (913) 263-4660 (regulation of horse and dog racing)

**CONTA, DENNIS J.**, 135 W. Wells St., Ste. 608, Milwaukee, WI 53203 (414) 276-3337

1) Crivello Properties, Mr. Frank P. Crivello, 1818 N. Farwell Ave., Milwaukee, WI 53202 (414) 347-0550 (proposed 5% sales tax on commercial leases)

**DACEY, SCOTT**, 817 N. Marshall, Milwaukee, WI 53202 (414) 224-9393

1) Skipper Marine Corp, Mile Pretasky, 1919 S. Marina Dr., Milwaukee, WI 53207 (414) 482-0900 (tax law)

2) WI Assn of Rehabilitation Agencies, Gary Johnson, 1516 W. Mequen Rd., Mequon, WI 53092 (414) 241-5530 (health care)

3) Ramada, Inc., Marshall Reynolds, 3838 E. Van Buren, Phoenix, AZ 85008 (602) 273-4590 (environmental regulation)

4) Miller Brewing Co., Michael Jones, 3939 W. Highland, Milwaukee, WI 53208 (414) 931-2000 (tort reform legislation)

5) CMC Real Estate Corp, Larry Adelson, 574 W. Jackson Blvd., Ste. 1510, Chicago, IL 60606 (312) 294-0440 (legislative and administrative action affecting the sales and purchase of state property)

**GOYKE, GARY R.**, 22 N. Carroll St., Madison, WI 53703 (608) 251-8997

1) Otto Bremer Foundation, John Lostishack, Ste. 700, 55 E. Fifth St., St. Paul, MN 55101 (612) 227-8036 (legislation regulating charitable trust's sale of assets where assets include bank holding company)

2) Wispark Corp, Richard A. Abcoo, 231 W. Michigan, P.O. BOX 2949, Milwaukee, WI 53201 (414) 221-2949 (all general areas of legislative and administrative action dealing with industrial development in Wisconsin)

**HAFFENBREDL, MARY K.**, 44 E. Mifflin St., Ste. 301, Madison, WI 53703 (608) 255-4440

1) Employers Health Insurance, Charles J. Meler, Jr., Green Bay, WI 54344 (414) 336-1100 (legislative and administrative actions pertaining to the insurance industry and health care in general)

**HEPHNER, GERVAASE A.**, 14 S. Carroll Ste., Madison, WI 53707 (608) 257-3000

1) WI Independent Livestock Dealers, Syd Matthes, Box 297, Viola, WI 54664 (608) 627-1401 (any and all areas of legislation and administrative action pertaining to livestock, livestock dealers, agriculture, transportation as it pertains to livestock and taxation)

**TOMAN, WILLIAM J.**, 1 S. Pinckney St., Ste. 600, Madison, WI 53703-2113 (608) 251-5000

1) Hyatt Legal Services, Joel Hyatt, 4410 Main St., Kansas City, MO 64111 (816) 932-8483 (insurance regulations)

**WITHERS, RICHARD**, 744 N. 4th St., Milwaukee, WI 53203 (414) 271-8045

1) Planned Parenthood of WI, Inc., Attn: Jeffrey Komisarek, 744 N. 4th St., Milwaukee, WI 53203 (414) 271-8045 (reproductive health and related issues)

JOURNAL OF THE SENATE [February 16, 1988]

TERMINATION OF LOBBYIST LICENSES:

Judith Selle, terminated as of February 8, 1988 for Planned Parenthood of Wisconsin, Inc.

State of Wisconsin  
Legislative Council

February 11, 1988

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1987 Legislature on legislation introduced by the Legislative Council:

RL 87-16 — Legislation on Liability Law and Insurance (1987 Assembly Bill 858)

RL 87-19 — Legislation on Property Tax Collection Laws (1987 Assembly Bill 870)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,  
BONNIE REESE  
Executive Secretary

**Senate Petition 32**

A petition by 188 residents of the State of Wisconsin in support of Assembly Bill 224, relating to arrest, battery, domestic abuse and providing penalties.

By Senator Ellis.

Read and referred to committee on Judiciary and Consumer Affairs.

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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

February 5, 1988

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GAIL BRANCEL of Endeavor to the Nursing Home Administrators Examining Board, pursuant to the statute governing, to serve a term to expire July 1, 1991.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin  
Office of the Governor

February 4, 1988

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SUSAN EBER of La Crosse to the Nursing Home Administrators Examining

Board, pursuant to the statute governing, to serve a term to expire July 1, 1991.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin  
Office of the Governor

February 3, 1988

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HAROLD LEE, Jr. of Madison to the Commissioner of Savings and Loans, pursuant to the statute governing, to serve a term to expire March 1, 1989.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Economic Development, Financial Institutions and Fiscal Policies.

State of Wisconsin  
Office of the Governor

February 5, 1988

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SHIRLEY WEBB of Chetek to the Board of Nursing, pursuant to the statute governing, to serve an interim term to expire July 1, 1989.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Agriculture, Health and Human Services.

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CALENDAR OF FEBRUARY 16, 1988

**Senate Bill 336**

Relating to creating a state lottery, creating a lottery board, creating a lottery property tax credit, granting a property tax exemption for lottery computer terminals, granting rule-making authority, providing a penalty and making appropriations.

By request of Senator Strohl, with unanimous consent, **Senate Bill 336** was laid on the table.

NICE, L.B., of Boscobel, as a member of the Community Development Finance Authority Board of Directors, to serve for the term ending September 1, 1992.

Read.

The question was: Shall the appointment be confirmed?

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

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Engleiter, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Noes — None.

Absent or not voting — Senators Jauch and Norquist — 2.

So the appointment was confirmed.

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#### SENATE CLEARINGHOUSE ORDERS

The committee on Agriculture, Health and Human Services reports and recommends:

**Senate Clearinghouse Rule 87-57**

Relating to cosmetology examinations.  
No action taken.

**Senate Clearinghouse Rule 87-10**

Relating to community-based residential facilities.  
No action taken.

**Senate Clearinghouse Rule 87-112**

Relating to use restrictions on the pesticide aldicarb.  
No action taken.

Rodney C. Moen  
Chair

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

**Senate Clearinghouse Rule 87-88**

Relating to inspection of mail to and from inmates of adult correctional institutions.

Nonconcurrency:

Ayes, 9 -- Senators Plewa, Czarnezki, Jauch, Kreul and Cowles; Representatives Antaramian, Black, Welch and Zeuske;

Noes, 0 -- None.

John R. Plewa  
Co-chair

John Antaramian  
Co-chair

**Senate Clearinghouse Rule 87-147**

Relating to commercial fishing in Green Bay and Lake Michigan.

Submitted by Department of Natural Resources.  
Report received from agency, February 15, 1988.

Referred to committee on Transportation, Tourism and Conservation, February 16, 1988.

**Senate Clearinghouse Rule 87-150**

Relating to water resource conservation and management.

Submitted by Department of Natural Resources.  
Report received from agency, February 15, 1988.

Referred to committee on Transportation, Tourism and Conservation, February 16, 1988.

**Senate Clearinghouse Rule 87-162**

Relating to dislocated workers.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, February 15, 1988.

Referred to committee on Labor, Business, Insurance, Veterans and Military Affairs, February 16, 1988.

**Senate Clearinghouse Rule 87-168**

Relating to the taxation of interest earned on certain securities.

Submitted by Department of Revenue.

Report received from agency, February 12, 1988.

Referred to committee on Aging, Banking, Commercial Credit and Taxation, February 16, 1988.

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#### MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 66**

Passed and asks concurrence in:

**Assembly Bill 499**

**Assembly Bill 581**

**Assembly Bill 582**

**Assembly Bill 910**

**Assembly Bill 911**

**Assembly Bill 912**

**Assembly Bill 913**

**Assembly Bill 801**

Concurred in:

**Senate Bill 271**

Amended and concurred in as amended:

**Senate Bill 476, Assembly substitute amendment 2**

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#### MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 66**

Relating to meat and dairy products from foreign nations.

By Representatives Johnsrud, Van Dreel, Brancel, Ott, Grobschmidt, Robson, Carpenter, Byers, Welch, Panzer, Schmidt, Hamilton, Brandemuehl, Underheim, Musser, Van Gorden and Volk, cosponsored by Senators Rude, Roshell and Lasee.

Read and referred to committee on Agriculture, Health and Human Services.

**Assembly Bill 499**

Relating to creating a Yahara watershed management district, authorizing a tax and granting rule-making authority.

By Representatives Clarenbach, Wineke and Radtke, cosponsored by Senators Chvala and Risser, by request of the Committee on the Management of the Yahara Watershed.

Read first time and referred to committee on Urban Affairs, Energy, Environmental Resources and Elections.

**Assembly Bill 581**

Relating to reporting deaths resulting from motor vehicle accidents and taking of blood specimens from certain accident victims.

By Representatives Vanderperren, Hasenohrl, Mark Lewis, Musser, Hubler, Boyle, McEssy, Bradley, Brandemuehl and Van Gorden, cosponsored by Senator Kincaid.

Read first time and referred to committee on Transportation, Tourism and Conservation.

**Assembly Bill 582**

Relating to suspension and revocation of operating privileges.

By Representatives Vanderperren, Hasenohrl, Volk, Hubler, Boyle, McEssy, Bradley, Van Gorden and Bolle, cosponsored by Senator Kincaid.

Read first time and referred to committee on Transportation, Tourism and Conservation.

**Assembly Bill 910**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 1987-89 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Rules.

**Assembly Bill 911**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Science Professionals, AFT, Local 3732, for the 1987-89 biennium, covering employes in the professional science collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Rules.

**Assembly Bill 912**

Relating to the salary of the secretary of employe trust funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Housing, Government Operations and Cultural Affairs.

**Assembly Bill 913**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees

Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1987-89 biennium, covering employes in the professional research, statistics and analysis collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Rules.

**Assembly Bill 801**

Relating to permitting law enforcement officers to take truants into custody.

By Representatives Krusick, Potter, Antaramian, Barca, Becker, Berndt, Brandemuehl, Deininger, Farrow, Foti, Gard, Goetsch, Grobschmidt, Hasenohrl, Hauke, Holperin, Hubler, Huelsman, Johnsrud, Ladwig, Larson, Lepak, Linton, Magnuson, Merkt, Musser, Ott, Paulson, Porter, Prosser, Radtke, Robson, Rosenzweig, Schmidt, Schober, Shoemaker, Swoboda, Tesmer, Tregoning, Turba, Underheim, Vanderperren, Walling, Welch, Wimmer and Ourada, cosponsored by Senators Lee, Buettner, Andrea, Lorman, Roshell, Rude, Te Winkle, Ulichny and Cowles, by request of Association of Wisconsin School Administrators, Attorney General Don Hanaway, District Attorneys Association, Milwaukee Commission on Community Relations, Milwaukee County Deputy Sheriffs Association, Milwaukee Police Department, Milwaukee, Police Supervisors Organization, Milwaukee Public School Board, Milwaukee Public School Administrators and Supervisors Council, Milwaukee Youth Commission, Office of Justice Assistance, Wisconsin Association of School District Administrators, Wisconsin Federation of Teachers, Wisconsin School Social Workers Association, Wisconsin State Parent-Teacher Association and Milwaukee County Executive Law Enforcement Board.

Read first time and referred to committee on Education.

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CALENDAR OF FEBRUARY 16, 1988

**Senate Bill 4**

Relating to granting parole.

The question was: Shall assembly amendment 1 be concurred in?

Concurred in.

The question was: Shall assembly amendment 3 be concurred in?

Concurred in.

**Senate Bill 387**

Relating to mayoral appointments, certain public offices, budget procedures and parking revenues in 1st class cities.

By request of Senator Lee, with unanimous consent, **Senate Bill 387** was placed at the foot of the eleventh order of business.

**Senate Joint Resolution 51**

Relating to nonuniform taxation of real property classified as primary personal residence or as improvements to agricultural land (first consideration).

Read a second time.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the joint resolution was considered for final action at this time.

**Senate Joint Resolution 51**

Read a third time.

The question was: Shall **Senate Joint Resolution 51** be adopted?

The ayes and noes were required and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Chvala, Cowles, Czarnecki, Feingold, George, Helbach, Kincaid, Lee, Lekan, Moen, Norquist, Plewa, Risser, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 21.

Noes — Senators Adelman, Chilsen, Davis, Ellis, Engleiter, Harsdorf, Kreul, Lasee, Lorman, Roshell and Stitt — 11.

Absent or not voting — Senator Jauch — 1.

So the joint resolution was adopted.

**Senate Bill 79**

Relating to sexual assault.

Read a second time.

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

Senate amendment 2 offered by Senator Davis.

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

Ordered to a third reading.

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

**Senate Bill 79**

Read a third time and passed.

**Senate Bill 203**

Relating to crimes and civil offenses against children and providing penalties.

Read a second time.

By request of Senator Lasee, with unanimous consent, the senate recessed until 11:21 A.M.

10:34 A.M.

RECESS

11:21 A.M.

The senate reconvened.

LEAVE OF ABSENCE

By request of Senator Strohl, with unanimous consent, Senator Feingold was granted a leave of absence for the balance of today's session.

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

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 93**

MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 93**

Relating to recalling certain assembly bills from the senate for further action.

Read.

The resolution was considered privileged and taken up at this time.

Concurred in.

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

By request of Senator Strohl, with unanimous consent, the senate recessed until 11:29 A.M.

11:25 A.M.

RECESS

11:29 A.M.

The senate reconvened.

**Senate Bill 203**

Relating to crimes and civil offenses against children and providing penalties.

Read a second time.

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

The question was: Adoption of senate amendment 2?

By request of Senator Rude, with unanimous consent, senate amendment 2 was returned to the author.

Senate amendment 1 to senate amendment 3 offered by Senators Ulichny and Adelman.

Senate amendment 2 to senate amendment 3 offered by Senators Davis, Engleiter and Chilsen.

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Senate amendments 3, 4 and 5 to senate amendment 3 offered by Senator Stitt.

By request of Senator Ulichny, with unanimous consent, senate amendment 3 was laid on the table.

Senate amendment 1 to senate amendment 4 offered by Senator Adelman.

Senate amendment 2 to senate amendment 4 offered by Senator Davis.

By request of Senator Ulichny, with unanimous consent, senate amendment 4 was laid on the table.

The question was: Adoption of senate amendment 5?  
Adopted.

The question was: Adoption of senate amendment 6?  
Adopted.

Senate amendment 7 offered by Senator Ulichny.

The question was: Adoption of senate amendment 7?  
Adopted.

Ordered to a third reading.

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

**Senate Bill 203**

Read a third time.

The question was: Shall the bill pass?

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

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Llean, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Noes — None.

Absent or not voting — Senators Feingold and Jauch — 2.

So the bill passed.

**Senate Bill 217**

Relating to crimes against children, juvenile fact-finding hearings and providing penalties.

Read a second time.

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

Adopted.

Ordered to a third reading.

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

**Senate Bill 217**

Read a third time and passed.

**Senate Bill 220**

Relating to law enforcement aid to counties with Indian reservations.

Read a second time.

Senate substitute amendment 1 offered by Senator Kincaid.

By request of Senator George, with unanimous consent, **Senate Bill 220** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 220** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

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

Adopted.

Ordered to a third reading.

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

**Senate Bill 220**

Read a third time and passed.

**Senate Bill 283**

Relating to the certification and regulation of respiratory care practitioners by the medical examining board, creating a respiratory care practitioners examining council and granting rule-making authority.

Read a second time.

By request of Senator Strohl, with unanimous consent, **Senate Bill 283** was laid on the table.

**Senate Bill 349**

Relating to fire inspection intervals in 1st class cities.

Read a second time.

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

Ordered to a third reading.

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

**Senate Bill 349**

Read a third time and passed.

**Senate Bill 352**

Relating to outpatient mental health treatment of minors 14 years of age or older.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 352**

Read a third time.

The question was: Shall the bill pass?

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



Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles Czarnezki, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Absent — None.

Absent with leave — Senators Feingold and Jauch — 2.

So the bill passed.

#### **Senate Bill 358**

Relating to the coverage and enforcement of the clean indoor air act, granting rule-making authority and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Andrea, with unanimous consent, **Senate Bill 358** was placed at the foot of the twelfth order of business.

#### **Senate Bill 455**

Relating to discrimination against employes who enforce or cooperate in the enforcement of certain employment laws.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 455** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 455** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

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

Ordered to a third reading.

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

#### **Senate Bill 455**

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 4; absent or not voting, 2; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Czarnezki, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lee, Leean, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 27.

Noes — Senators Cowles, Davis, Lasee and Stitt — 4.  
Absent or not voting — Senators Feingold and Jauch — 2.

So the bill passed.

#### **Senate Bill 494**

Relating to contract or franchise agreements between motor vehicle dealers and manufacturers, distributors or importers.

Read a second time.

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

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 Strohl, with unanimous consent, the bill was considered for final action at this time.

#### **Senate Bill 494**

Read a third time and passed.

#### **Senate Bill 387**

Relating to mayoral appointments, certain public offices, budget procedures and parking revenues in 1st class cities.

Read a second time.

Senate amendment 1 to assembly amendment 1 offered by Senators Engeleiter and Lee.

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

Adopted.

The question was: Concurrence of assembly amendment 1?

Concurred in as amended.

The question was: Concurrence of assembly amendment 2?

Senator Lee moved nonconcurrence of assembly amendment 2.

The question was: Nonconcurrence of assembly amendment 2?

By request of Senator Norquist, with unanimous consent, **Senate Bill 387** was placed after **Senate Bill 358**.

#### **Assembly Bill 108**

Relating to requiring health care providers to report cases of gunshot or knife wounds and providing penalties.

Read a second time.

Senate amendment 1 offered by Senator Adelman.

By request of Senator Rude, with unanimous consent, **Assembly Bill 108** was placed after **Assembly Bill 412**.

#### **Assembly Bill 272**

Relating to cremation of corpses.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 272**

Read a third time and concurred in.

**Assembly Bill 387**

Relating to review and appeal procedures under a medicare supplement policy, medicare replacement policy or a nursing home insurance policy.

Read a second time.

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

Ordered to a third reading.

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

**Assembly Bill 387**

Read a third time and concurred in as amended.

**Assembly Bill 412**

Relating to the definition of motor vehicle and award of collateral costs under the new motor vehicle warranties law.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 412**

Read a third time and concurred in.

**Assembly Bill 108**

Relating to requiring health care providers to report cases of gunshot or knife wounds and providing penalties.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Moen, with unanimous consent, **Assembly Bill 108** was placed after **Assembly Bill 531**.

**Assembly Bill 528**

Relating to the confidentiality of pupil records.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

**Assembly Bill 528**

Read a third time and concurred in as amended.

**Assembly Bill 531**

Relating to establishing a birth and developmental outcome monitoring program, granting rule-making authority and making an appropriation.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 531**

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, Andrea, Buettner, Chilsen, Chvala, Cowles Czarnecki, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Absent — None.

Absent with leave — Senators Feingold and Jauch — 2.

So the bill was concurred in.

By request of Senator Lee, with unanimous consent, he withdrew his motion for nonconcurrence of assembly amendment 2 to **Senate Bill 387**.

**Assembly Bill 108**

Relating to requiring health care providers to report cases of gunshot or knife wounds and providing penalties.

Read a second time.

Senate amendment 1 to senate amendment 1 offered by Senator Rude.

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

Adopted.

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

Senate amendment 2 offered by Senator Davis.

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

Ordered to a third reading.

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

**Assembly Bill 108**

Read a third time and concurred in as amended.

**Senate Bill 358**

Relating to the coverage and enforcement of the clean indoor air act, granting rule-making authority and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Senator Andrea moved that **Senate Bill 358** be referred to joint committee on Finance.

The question was: Shall **Senate Bill 358** be referred to joint committee on Finance?

By request of Senator Risser, with unanimous consent, the motion to refer **Senate Bill 358** to joint committee on Finance was placed after completion of action on senate amendment 7.

By request of Senator Andrea, with unanimous consent, he withdrew his motion to refer **Senate Bill 358** to joint committee on Finance.

The question was: Adoption of senate amendment 2?

Senator Risser moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2? Rejected.

The question was: Adoption of senate amendment 3?

Senator Risser moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 5; absent or not voting, 2; as follows:

Ayes — Senators Adelman, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Engeleiter, George, Helbach, Kincaid, Kreul, Lee, Leean, Moen, Norquist, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 26.

Noes — Senators Andrea, Harsdorf, Lasee, Lorman and Stitt — 5.

Absent or not voting — Senators Feingold and Jauch — 2.

So the motion prevailed.

The question was: Adoption of senate amendment 4?

Senator Risser moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4? Rejected.

Senate amendment 5 offered by Senators Lorman, Andrea, Van Sistine, Roshell, Cowles, Buettner and Ellis.

The question was: Adoption of senate amendment 5? Adopted.

Senate amendment 6 offered by Senator Adelman.

The question was: Adoption of senate amendment 6?

Senator Rude moved rejection of senate amendment 6.

The question was: Rejection of senate amendment 6?

Senator Davis raised the point of order that senate amendment 6 is not germane.

The Chair ruled the point of order well taken.

Senate amendment 7 offered by Senator Te Winkle.

The question was: Adoption of senate amendment 7?

Senator Risser moved rejection of senate amendment 7.

The question was: Rejection of senate amendment 7? Rejected.

Senator Andrea moved that **Senate Bill 358** be referred to joint committee on Finance.

The question was: Shall the bill be referred to joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 20; absent or not voting, 2; as follows:

Ayes — Senators Andrea, Cowles, Ellis, George, Harsdorf, Kreul, Lasee, Lorman, Plewa, Roshell and Stitt — 11.

Noes — Senators Adelman, Buettner, Chilsen, Chvala, Czarnezki, Davis, Engeleiter, Helbach, Kincaid, Lee, Leean, Moen, Norquist, Risser, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 20.

Absent or not voting — Senators Feingold and Jauch — 2.

So the motion did not prevail.

By request of Senator George, with unanimous consent, **Senate Bill 358** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 358** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 358**

Read a third time and passed.

**Senate Bill 387**

Relating to mayoral appointments, certain public offices, budget procedures and parking revenues in 1st class cities.

Senate amendment 1 to assembly amendment 2 offered by Senators Lee and Norquist.

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

Adopted.

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The question was: Concurrence in assembly amendment 2?

Concurred in as amended.

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

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AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 366** by Senator Harsdorf.

Senate amendment 1 to **Assembly bill 174** by Senator Harsdorf.

Upon motion of Senator Strohl, the senate adjourned until 10:00 A.M. Thursday, February 18.

1:11 P.M.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 434**

Senate Substitute Amendment 1.

1. Page 3, line 23: substitute "the" for "the the".

**Senate Bill 465**

1. Page 3, line 19: substitute "fire fighters" for "firefighters".