

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

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TUESDAY, September 2, 1975.

10:00 A.M.

The senate met.

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

Prayer was offered by Reverend Paul A. Kehle, Pastor of Plymouth Congregational Church of Madison.

The senate remained standing and Senator Bablitch 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 Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 33.

Absent -- None.

Absent with leave -- None.

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INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 47**

To amend section 10 of article V of the constitution, relating to authorizing the legislature to overrule partial vetoes by simple majority (first consideration).

By Senators Sensenbrenner, Martin, Krueger and Cullen, cosponsored by Representatives Menos, Johnston, Kincaid, Donoghue and Goodrich.

Read first time and referred to committee on Governmental and Veterans' Affairs.

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 523**

Relating to issuing trout stamps for trout habitat improvement, and making an appropriation.

By Senators Harnisch, Berger and Cullen.

To committee on Natural Resources.

**Senate Bill 524**

Relating to permitting boats powered by electric motors on any waters of this state and granting rule-making authority.

By Senators Harnisch, McKenna, Martin, Morrison, Berger, Devitt, Chilsen and Cullen, cosponsored by Representative Gunderson.

To committee on Natural Resources.

**Senate Bill 525**

Relating to increasing the penalty for repeated violations of the water pollution law.

By Senators Harnisch, Berger, McKenna and Kleczka, cosponsored by Representatives Norquist, Soucie, Mittness, McClain and Menos.

To committee on Natural Resources.

**Senate Bill 526**

Relating to establishing minimum safety, health and comfort requirements for railroad engines, granting rule-making authority and providing a penalty.

By Senator Peloquin, by request of the United Transportation Union.

To committee on Commerce.

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COMMITTEE REPORTS

The committee on Commerce reports and recommends for introduction:

**Senate Bill 527**

Relating to installment loans and forbearances by licensees under the precomputed loan law.

Introduction; Ayes, 9; Noes, 0.

Read first time and referred to committee on Commerce.

**Senate Bill 528**

Relating to various changes in the Wisconsin consumer act, rates of interest and related transactions.

Introduction; Ayes, 9; Noes, 0.

Read first time and referred to committee on Commerce.

**RONALD G. PARYS**

Chairman

The committee on Senate Organization reports and recommends:

**Senate Resolution 12**

Requesting an opinion of the attorney general with regard to the constitutionality of 1975 Senate Bill 477.

Adoption; Ayes, 4; Noes, 0.

**Senate Bill 499**

Relating to the university of Wisconsin system faculty and academic sick leave plan, provision of conversion credit for unused sick leave to pay health insurance premiums and granting rule-making authority.

Passage; Ayes, 4; Noes, 0.

**FRED A. RISSER**

Chairman

The committee on Governmental and Veterans' Affairs reports and recommends:

**Assembly Bill 171**

Relating to property tax assessment board of review proceedings and creating penalties.

Concurrence; Ayes, 4; Noes, 0.

**Assembly Bill 425**

Relating to the power of a county executive to veto appropriations approved by a county board of supervisors.

Concurrence; Ayes, 4; Noes, 0.

**Assembly Bill 254**

Relating to apportionment of county supervisory districts due to changes in municipal boundaries.

Concurrence; Ayes, 4; Noes, 0.

**Assembly Bill 243**

Relating to evidence of entry or recording of certain ordinances, resolutions and other matters by counties, cities, villages and towns.

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Concurrence; Ayes, 4; Noes, 0.

**Assembly Bill 117**

Relating to calling county board special meetings within 48 hours.

Concurrence; Ayes, 4; Noes, 0.

MONROE SWAN

Chairman

The committee on Judiciary and Consumer Affairs reports and recommends:

**Senate Joint Resolution 34**

To amend section 3 of article VII of the constitution, relating to rules of pleading, practice and procedure promulgated by the supreme court (1st consideration).

Adoption; Ayes, 2; Noes, 1.

**Senate Bill 377**

Relating to permitting opticians and optometrists to advertise the cost of eyeglasses and contact lenses.

Passage; Ayes, 3; Noes, 0.

**Senate Bill 407**

Relating to permitting the attorney general to use the remedy of injunction to enforce optometry laws.

Passage; Ayes, 3; Noes, 0.

**Senate Bill 408**

Relating to register of deeds' fees for filing certain documents.

Passage; Ayes, 3; Noes, 0.

**Assembly Bill 352**

Relating to hazardous substances, flammable fabrics and product safety requirements, granting rule-making authority and providing a penalty.

Concurrence; Ayes, 2; Noes, 1.

JAMES T. FLYNN

Chairman

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MOTIONS

Senator Kreuger asked unanimous consent that **Senate Bill 458** be withdrawn from the joint committee on Finance and considered for action at this time.

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Senator Whittow objected.

Senator Krueger moved that **Senate Bill 458** be withdrawn from the joint committee on Finance and referred to committee on Senate Organization.

By request of Senator Whittow, with unanimous consent, the senate recessed until 11:30 A.M.

10:52 A.M.

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RECESS

11:30 A.M.

The senate reconvened.

Senator Whittow moved that the motion to withdraw **Senate Bill 458** from the joint committee on Finance and refer it to the Senate Organization committee be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow - 19.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Knowles, Krueger, Lorge, Murphy, Petri, Sensenbrenner and Theno -- 12.

Absent or not voting -- Senators Knutson and LaFave -- 2.

So the motion prevailed.

Senator Dorman moved that **Senate Bill 458** be withdrawn from the joint committee on Finance and referred to committee on Governmental and Veterans' Affairs.

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

Ayes -- Senators Bablitch, Berger, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Knowles, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 29.

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Noes -- Senators Bidwell, Hollander and Krueger -- 3.

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

So the motion prevailed.

By request of Senator Parys, with unanimous consent, **Senate Joint Resolution 39** was withdrawn from the committee on Commerce and referred to the Joint Survey Committee on Tax Exemptions.

By request of Senator Parys, with unanimous consent, **Senate Bill 413** was withdrawn from the committee on Commerce and referred to committee on Governmental and Veterans' Affairs.

By request of Senator Parys, with unanimous consent, **Senate Bill 509** was withdrawn from the committee on Commerce and referred to committee on Natural Resources.

By request of Senator Parys, with unanimous consent, **Senate Bill 7** was withdrawn from the committee on Commerce and referred to joint committee on Finance.

By request of Senator Parys, with unanimous consent, **Senate Bill 468** was withdrawn from the committee on Commerce and referred to joint committee on Finance.

By request of Senator Flynn, with unanimous consent, the appointment of Lechner was withdrawn from the committee on Judiciary and Consumer Affairs and referred to committee on Commerce.

Senator Whittow asked unanimous consent that **Senate Bill 483** be withdrawn from the committee on Senate Organization and referred to committee on Governmental and Veterans' Affairs.

Senator Berger objected.

By request of Senator Whittow, with unanimous consent, **Senate Bill 472** was withdrawn from the committee on Senate Organization and referred to committee on Agriculture, Human Services, Labor and Taxation.

By request of Senator Whittow, with unanimous consent, **Assembly Bill 366** was withdrawn from the committee on Senate Organization and referred to committee on Natural Resources.

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CALENDAR OF JULY 11

By request of Senator Whittow, with unanimous consent, **Senate Joint Resolutions 44** and **45** were laid on the table.

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CALENDAR OF SEPTEMBER 2

**Senate Resolution 12**

Requesting an opinion of the attorney general with regard to the constitutionality of 1975 Senate Bill 477.

Read.

Senate amendment 1 to **Senate Resolution 12** offered by Senator Parys.

Amend the resolution as follows:

On page 1, line 5, add "and Senate Bill 348."

Senate amendment 1 adopted.

**Senate Resolution 12**

Adopted.

**Senate Bill 313**

Relating to the providing of medical psychotherapy.

Read a second time.

Senate substitute amendment 2 to **Senate Bill 313** offered by Senators Devitt, LaFave and Whittow.

Senate Whittow asked unanimous consent that **Senate Bill 313** be placed at the foot of today's calendar.

Senator Chilsen objected.

Senator Chilsen raised the point of order that senate substitute amendment 1 to **Senate Bill 313** was not germane.

The chair took the point of order under advisement.

**Senate Bill 320**

An act to appropriate \$1,027.30 from the general fund for payment of a claim made by Alex Raineri against the state.

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 320**

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 Bablitch, Bidwell, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 30.

Noes -- Senators Berger and Sensenbrenner -- 2.

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

So the bill passed.

### **Senate Bill 321**

An act to appropriate \$121.26 from the general fund for payment of a claim made by Rex M. Smith against the state.

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 321**

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 Bablitch, Bidwell, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 30.

Noes -- Senators Berger and Sensenbrenner -- 2.

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

So the bill passed.

### **Senate Bill 322**

An act to appropriate \$12,090.52 from the general fund for payment of a claim made by Patrick T. Sheedy against the state.

Read a second time.

Ordered to a third reading.



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

**Senate Bill 322**

Read a third time.

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

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 31.

Noes -- Senators Berger and Sensenbrenner -- 2.

Absent or not voting -- None.

So the bill passed.

**Senate Bill 323**

An act to appropriate \$727.05 from the general fund for payment of a claim made by Laura L. Jordan against the state.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 323**

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 Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

**Senate Bill 499**

Relating to the university of Wisconsin system faculty and academic sick leave plan, provision of conversion credit for unused sick leave to pay health insurance premiums and granting rule-making authority.

Read a second time.

The question was: Shall the bill be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Knutson, Krueger, LaFave, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Theno, Thompson and Whittow -- 25.

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Kleczka, Lorge, Sensenbrenner and Swan -- 8.

Absent or not voting -- None.

So the bill was ordered to a third reading.

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

**Senate Bill 499**

Read a third time.

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

Ayes -- Senators Bablitch, Devitt, Dorman, Flynn, Frank, Goyke, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 26.

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Harnisch, Lorge and Sensenbrenner -- 7.

Absent or not voting -- None.

So the bill passed.

Senator Kleczka moved reconsideration of the vote by which **Senate Bill 499** passed.

Senator Kleczka asked unanimous consent that the motion for reconsideration of **Senate Bill 499** be placed at the foot of the calendar of September 3.

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Senator LaFave objected.

Senator Kleczka moved that the motion for reconsideration be placed at the foot of the calendar of September 3.

The motion did not prevail.

By request of Senator Whittow, with unanimous consent, all actions were ordered immediately messaged.

By request of Senator Whittow, with unanimous consent, the senate returned to the third order of business.

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 529**

Relating to authorizing a per diem of \$25 for members of the population estimates council and making an appropriation.

By Senators Thompson and Goyke.

To joint committee on Finance.

**Senate Bill 530**

Relating to fees for state park admission stickers and tags for vehicles bearing out-of-state registration plates but owned or, in certain circumstances, operated by Wisconsin residents, and granting rule-making authority.

By Senator Thompson.

To joint committee on Finance.

**Senate Bill 531**

Relating to a refund of a jury fee in traffic forfeiture actions in cases where the defendant is found innocent.

By Senators Thompson and Harnisch, cosponsored by Representative Mittness.

To committee on Commerce.

**Senate Bill 532**

Relating to finance charges in consumer credit transactions.

By Senator LaFave.

To joint committee on Finance.

**Senate Bill 533**

Relating to contribution and disbursement limitations for certain candidates for office.

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By Senator Frank, cosponsored by Representative Gerlach, by request of Mr. Donald Hermann, Mayor of Oak Creek, Wisconsin.  
To committee on judiciary and Consumer Affairs.

By request of Senator Whittow, with unanimous consent, the senate recessed until 3:00 P.M.

12:30 P.M.

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RECESS

3:00 P.M.

The senate reconvened.

President of the senate in the chair.

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LEAVE OF ABSENCE

By request of Senator Theno, with unanimous consent, Senator Knutson was granted a leave of absence for the balance of the day's session.

**Assembly Bill 7**

Relating to the methods for expanding or changing unit ownership interest in condominiums.

Read a second time.

Senator Parys asked unanimous consent that **Assembly Bill 7** be referred to committee on Commerce.

Senator Sensenbrenner objected.

Senator Parys moved that **Assembly Bill 7** be referred to committee on Commerce.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 11; absent or not voting, 4; as follows:

Ayes -- Senators Berger, Cullen, Dorman, Frank, Goyke, Harnisch, Keppler, Kleczka, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Swan and Whittow -- 18.

Noes -- Senators Bidwell, Chilsen, Devitt, Flynn, Hollander, Knowles, Murphy, Petri, Risser, Sensenbrenner and Theno -- 11.

Absent or not voting -- Senators Bablitch, Knutson, Krueger and Thompson -- 4.

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So the motion prevailed.

**Assembly Bill 9**

Relating to judgment for damages for pecuniary injury from wrongful death.

Read a second time.

Senate amendment 1 to **Assembly Bill 9** offered by Senator Flynn.

Senator Cullen moved rejection.

The motion did not prevail.

The question was: Adoption of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 2; as follows:

Ayes -- Senators Berger, Devitt, Flynn, Frank, Goyke, Keppler, LaFave, Lorge, McKenna, Maurer, Morrison, Parys, Peloquin and Risser -- 14.

Noes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Dorman, Harnisch, Hollander, Kleczka, Knowles, Krueger, Martin, Murphy, Petri, Sensenbrenner, Swan, Theno and Whittow -- 17.

Absent or not voting -- Senators Knutson and Thompson -- 2.

So the amendment was not adopted.

Ordered to a third reading.

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

**Assembly Bill 9**

Read a third time and concurred in.

**Assembly Bill 94**

Relating to time to request a substitution of judges.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 94**

Read a third time.

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

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Ayes -- Senators Bablitch, Berger, Devitt, Flynn, Frank, Harnisch, Keppler, Krueger, LaFave, Lorge, McKenna, Maurer, Morrison, Murphy, Peloquin, Petri, Risser, Sensenbrenner, Swan and Whittow -- 20.

Noes -- Senators Bidwell, Chilsen, Cullen, Dorman, Goyke, Hollander, Kleczka, Knowles, Martin, Parys and Theno -- 11.

Absent or not voting -- Senators Knutson and Thompson -- 2.

So the bill was concurred in.

### **Assembly Bill 164**

Relating to review by writ of certiorari to circuit or county court for parole refusals.

Read a second time.

Ordered to a third reading.

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

### **Assembly Bill 164**

Read a third time and concurred in.

### **Assembly Bill 251**

Relating to the composition of the board of veterans affairs.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Whittow moved rejection.

The motion prevailed.

Ordered to a third reading.

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

### **Assembly Bill 251**

Read a third time and concurred in.

### **Assembly Bill 449**

Relating to vehicles used interchangeably as motor homes and motor trucks.

Read a second time.

Ordered to a third reading.

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

### **Assembly Bill 449**

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Read a third time.

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

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Risser, Sensenbrenner, Swan, Theno and Whittow -- 30.

Noes -- Senator Petri -- 1.

Absent or not voting -- Senators Knutson and Thompson -- 2.

So the bill was concurred in.

**Assembly Bill 702**

Relating to the filing fees charged common carriers in interstate commerce.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 702**

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 6; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 26.

Noes -- Senators Devitt, LaFave, Lorge, Petri, Sensenbrenner and Theno -- 6.

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

So the bill was concurred in.

**Assembly Bill 706**

Relating to licensing requirements for nonresident insurance agent applicants.

Read a second time.

Ordered to a third reading.

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

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**Assembly Bill 706**

Read a third time and concurred in.

**Assembly Bill 707**

Relating to a prohibition against cancellation or nonrenewal of automobile liability policies on the basis of marital status.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 707**

Read a third time and concurred in.

President pro tempore of the senate in the chair.

3:42 P.M.

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RULING OF THE CHAIR

As it relates to **Senate Bill 313** the chair ruled that senate substitute amendment 1 was germane.

President of the senate in the chair.

3:45 P.M.

Senator Berger moved indefinite postponement of **Senate Bill 313**.

By request of Senator Dorman, with unanimous consent, **Senate Bill 313** was referred to the joint committee on Finance.

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LEAVE OF ABSENCE

By request of Senator Knowles, with unanimous consent, he was granted a leave of absence for Thursday, September 11 to attend a meeting of the Advisory Commission on Intergovernmental Relations in Washington, D. C.

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AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 233** by Senator Murphy.

Senate amendment 1 to **Senate Bill 475** by Senator Hollander.



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**Senate substitute amendment 1 to Senate Bill 493 by Senator Berger.**

**By request of Senator Flynn, with unanimous consent, the senate adjourned in honor of Jeffrey James, son of Ruth Ann Schriener, born on Labor Day.**

**Upon motion of Senator Whittow the senate adjourned until 10:00 A.M. Wednesday, September 3.**

**4:00 P.M.**