

JOURNAL OF THE SENATE [November 8,1977]

STATE OF WISCONSIN  
**Senate Journal**

**1977 Special Session**

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TUESDAY, November 8,1977.

9:00 A.M.

The senate met.

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

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Harvey W. Schweppe, Pastor of Monona United Methodist Church, Monona.

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

By request of Senator Bablitch, with unanimous consent, the senate recessed until 10:35 A.M.

9:07 A.M.

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RECESS

10:35 A.M.

The senate reconvened.

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COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

**Senate Bill 2, Special Session**

Relating to eliminating the personnel functions of the department of administration, altering the functions of the personnel board, creating a department of employment relations, a division of personnel, an affirmative action council and a personnel commission, making diverse changes in the statutes relating to state personnel procedures, changing the award of veterans preference points in state and local civil service examination, granting rule-making authority and transferring and making appropriations.

Introduction and adoption of senate amendment 4:

Ayes, 14 -- Senators Dorman, Kleczka, McKenna, Peloquin, Morrison, Maurer and Chilsen, and Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Quackenbush;

Noes, 0 -- None.

Introduction and adoption of senate amendment 5:

Ayes, 14 -- Senators Dorman, Kleczka, McKenna, Peloquin, Morrison, Maurer and Chilsen, and Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Quackenbush;

Noes, 0 -- None.

Introduction and adoption of senate amendment 6:

Ayes, 14 -- Senators Dorman, Kleczka, McKenna, Peloquin, Morrison, Maurer and Chilsen, and Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Quackenbush;

Noes, 0 -- None.

Passage as amended:

Ayes, 14 -- Senators Dorman, Kleczka, McKenna, Peloquin, Morrison, Maurer and Chilsen, and Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Quackenbush;

Noes, 0 -- None.

HENRY DORMAN  
Chairman

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MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Motions Under Joint Rule 7:

A joint certificate of commendation by Representative Donoghue; cosponsored by Senator Krueger for the T. B. SCOTT FREE LIBRARY on the occasion of receiving the Outstanding Library of the State Award.

A joint certificate of commendation by Representatives Potter and Otte; cosponsored by Senator Keppler for RAY VAN HANDEL, Sr. on the occasion of his retirement.

**Assembly Joint Resolution 1, Special Session**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 7:

A joint certificate of commendation by Representative Donoghue; cosponsored by Senator Krueger for the T. B. SCOTT FREE LIBRARY on the occasion of receiving the Outstanding Library of the State Award.

A joint certificate of commendation by Representatives Potter and Otte; cosponsored by Senator Keppler for RAY VAN HANDEL, Sr. on the occasion of his retirement.

The above motions under joint rule 7 were read and concurred in enmasse.

**Assembly Joint Resolution 1, Special Session**

Relating to the life and public service of Clemens F. Michalski.

By Representative Norquist and all members of the Assembly, cosponsored by Senator Kleczka.

Read.

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

Adopted by unanimous rising vote.

MOTIONS UNDER SENATE RULE 97

A certificate of commendation by Senator Krueger; cosponsored by Representative Donoghue for CEDRIC A. VIG on the occasion of his many years of service in the field of education.

A certificate of congratulations by Senator McKenna for DAVE WATSON on the occasion of his racing achievements at the Wisconsin State Fair.

A certificate of condolence by Senators Chilsen and Risser for LEO F. MULCAHY on the occasion of his untimely death.

A certificate of condolence by Senator Bidwell; cosponsored by Representative Thompson for ROBERT M. LONG on the occasion of his death.

A certificate of congratulations by Senator Sensenbrenner; cosponsored by Representative Merkt for BOB LYDON, Jr. on the occasion of his dedicated service to Boy Scout Troop 87.

A certificate of commendation by Senator Petri; cosponsored by Representative Hephner for JOHN A. KNAUF on the occasion of his years of community service as a doctor.

The above motions under senate rule 97 were read and adopted enmasse.

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CALENDAR OF NOVEMBER 8

**Senate Bill 2, Special Session**

Relating to eliminating the personnel functions of the department of administration, altering the functions of the personnel board, creating a department of employment relations, a division of personnel, an affirmative action council and a personnel commission, making diverse changes in the statutes relating to state personnel procedures, changing the award of veterans preference points in state and local civil service examination, granting rule-making authority and transferring and making appropriations.

Read a second time.

Senator Sensenbrenner moved that **Senate Bill 2, Special Session** be referred to the committee on Governmental and Veterans' Affairs.

JOURNAL OF THE SENATE [November 8, 1977]

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

Ayes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 11.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 21.

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

So the motion did not prevail.

By request of Senator Offner, with unanimous consent, senate amendment 1 was withdrawn and returned to the author.

The question was: Adoption of senate amendment 2?

Senator Offner moved rejection.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich and Van Sistine -- 18.

Noes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Risser, Sensenbrenner, Swan, Theno and Thompson -- 14.

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

So the motion prevailed.

The question was: Adoption of senate amendment 3?

Senator Offner moved rejection.

The motion prevailed.

Senator Swan moved reconsideration of the vote by which senate amendment 3 was rejected.

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Cullen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan, Theno and Thompson -- 15.

JOURNAL OF THE SENATE [November 8, 1977]

Noes -- Senators Adelman, Bablitch, Berger, Braun, Dorman, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser and Van Sistine -- 17.

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

So the motion did not prevail.

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AMENDMENTS OFFERED

Senate amendment 7 to **Senate Bill 2**, Special Session by Senator Thompson.

Senate amendment 8 to **Senate Bill 2**, Special Session by Senator Krueger.

Senate amendment 9 to **Senate Bill 2**, Special Session by Senator Sensenbrenner.

Senate amendment 10 to **Senate Bill 2**, Special Session by Senators Sensenbrenner, Theno, Chilsen and Murphy.

Senate amendment 11 to **Senate Bill 2**, Special Session by Senators Sensenbrenner and Murphy.

Senate amendment 12 to **Senate Bill 2**, Special Session by Senators Murphy, Krueger, Bidwell and Lasee.

Senate amendment 13 to **Senate Bill 2**, Special Session by Senators Murphy, Krueger and Bidwell.

Senate amendment 14 to **Senate Bill 2**, Special Session by Senators Adelman and Braun.

Senate amendment 15 to **Senate Bill 2**, Special Session by Senator Parys.

Upon motion of Senator Bablitch the senate recessed until 3:00 P.M.

12:05 P.M.

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RECESS

3:00 P.M.

The senate reconvened.

JOURNAL OF THE SENATE [November 8,1977]

QUORUM CALL

Senator Bablitch called the attention of the chair to the possible lack of a quorum.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Frank, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McKenna, Morrison, Murphy, Offner, Parys, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno and Van Sistine - - 27.

Absent -- Senators Flynn, Goyke, McCallum, Maurer, Peloquin and Thompson -- 6.

Absent with leave -- None.

The question was: Adoption of senate amendment 4?  
Adopted.

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

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

By request of Senator Offner, with unanimous consent, senate amendment 7 was placed after senate amendment 15 for consideration.

The question was: Adoption of senate amendment 8?

Senator Offner moved rejection.

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 19.

Noes -- Senators Bidwell, Chilsen, Cullen, Dorman, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner, Swan and Theno -- 14.

Absent or not voting -- None.

So the motion prevailed.

**JOURNAL OF THE SENATE [November 8,1977]**

By request of Senator Flynn, with unanimous consent, the journal showed that had he been present he would have voted as follows on the measures enumerated below:

No -- for referring Senate Bill 2, Special Session to the committee on Governmental and Veterans' Affairs.

Aye -- for rejection of senate amendment 2 to Senate Bill 2, Special Session.

No -- for reconsideration of the vote by which senate amendment 3 to Senate Bill 2, Special Session was rejected.

The question was: Adoption of senate amendment 9 to **Senate Bill 2, Special Session?**

Senator Offner moved rejection.

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, Bidwell, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 23.

Noes -- Senators Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 10.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 10?

Senator Offner moved rejection.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner, Swan and Theno -- 12.

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

So the motion prevailed.

The question was: Adoption of senate amendment 11?



JOURNAL OF THE SENATE [November 8,1977]

Adopted.

By request of Senator Parys, with unanimous consent, senate amendment 15 was withdrawn and returned to the author.

The question was: Adoption of senate amendment 12?

Senator Offner moved rejection.

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 22.

Noes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 11.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 13?

Senator Offner moved rejection.

By request of Senator Murphy, with unanimous consent, senate amendment 13 was withdrawn and returned to the author.

The question was: Adoption of senate amendment 14?

Senator Offner moved rejection.

The motion prevailed.

The question was: Adoption of senate amendment 7?

Senator Berger moved rejection.

By request of Senator Thompson, with unanimous consent, senate amendment 7 was laid on the table.

Senate amendment 16 to **Senate Bill 2**, Special Session offered by Senator Swan.

Senator Offner moved rejection.

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

JOURNAL OF THE SENATE [November 8,1977]

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 15.

Noes -- Senators Bidwell, Chilsen, Cullen, Dorman, Frank, Goyke, Harnisch, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 16?

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

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Dorman, Goyke, Harnisch, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 18.

Noes -- Senators Adelman, Bablitch, Braun, Flynn, Frank, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 15.

Absent or not voting -- None.

So the amendment was adopted.

Ordered to a third reading.

Senator Bablitch asked unanimous consent that the bill be considered for final action at this time.

Senator Murphy objected.

Senator Bablitch moved that the bill be considered for final action at this time.

The motion prevailed.

**Senate Bill 2, Special Session**

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lorge, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 24.

Noes -- Senators Chilsen, Cullen, Krueger, Lasee, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 9.

Absent or not voting -- None.

So the bill passed.

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

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COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

**Senate Bill 1, Special Session**

Relating to the implementation of a court of appeals and making appropriations.

Adoption of senate substitute amendment 1:

Ayes, 13 -- Senators Dorman, McKenna, Morrison, Maurer, Peloquin, Chilsen and Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Quackenbush;

Noes, 0 -- None.

Passage as amended:

Ayes, 13 -- Senators Dorman, McKenna, Morrison, Maurer, Peloquin, Chilsen and Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Quackenbush;

Noes, 0 -- None.

HENRY DORMAN

Chairman

The committee on Human Services reports and recommends:

**POLDER, DR. GORDON J.**, of Eau Claire, as a member of the Psychology Examining Board, to serve for the term ending July 1, 1980.

Confirmation:

Ayes, 5 -- Senators Thompson, Offner, Braun, Van Sistine and Petri;

Noes, 0 -- None.

**CONVERSE, MARK**, of Green Bay, as a member of the Psychology Examining Board, to succeed Georgia Felger, resigned, to serve for the term ending July 1, 1979.

Confirmation:

Ayes, 5 -- Senators Thompson, Offner, Braun, Van Sistine and Petri;

Noes, 0 -- None.

HENDERSON, DOUGLAS B., of Stevens Point, as a member of the Psychology Examining Board, to succeed John Giebink, whose term has expired, to serve for the term ending July 1, 1980.

Confirmation:

Ayes, 5 -- Senators Thompson, Offner, Braun, Van Sistine and Petri;

Noes, 0 -- None.

CARL W. THOMPSON  
Chairman

REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS

Appendix to senate substitute amendment 1 to  
**Senate Bill 1, Special Session**

Recommendation

The report of this committee on senate substitute amendment 1 to **Senate Bill 1, Special Session** is concerned only with those areas which relate to the programs administered by the DETF. This committee's report on **Senate Bill 1, Special Session** recommended that DETF statutes should be amended to include court of appeals judges in sections 40.11(2)(a)2., 41.02(14) and (23), 41.07(2)(am)2., and 41.11(2) and (6)(d)3.b. This senate substitute amendment does contain all of these recommended amendments, and, therefore, this committee would find that those amendments to the DETF programs contained in this legislation are proper and needed.

CARL W. THOMPSON  
Senate Cochair

EDWARD MCCLAIN  
Assembly Cochair

REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS

Appendix to senate substitute amendment 2 to  
**Senate Bill 1, Special Session**

Recommendation

The report of this committee on senate substitute amendment 2 to **Senate Bill 1, Special Session** is concerned only with those areas

which relate to the programs administered by the DETF. The committee finds that some of the amendments are needed and appropriate, while others are not. Specifically, this committee recommends that amendments in this legislation to ss. 41.02 (21)(b), 41.05 (6)(n), 41.07 (1)(a), 41.09 (9), and 41.11 (6)(c)3.b. deleted. In addition, this committee recommends that s. 41.11 (6)(d)3.b. be amended to include court of appeals judges thereunder. With these changes to this legislation, this committee would find that the amendments to the statutes governing the DETF are proper and needed.

CARL W. THOMPSON  
Senate Cochair

EDWARD MCCLAIN  
Assembly Cochair

REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS

Appendix to Senate Bill 3, Special Session

Recommendation

The report by this committee on Senate Bill 3, Special Session is concerned with only those areas which relate to the programs administered by the Department of Employee Trust Funds (DETF). This report notes that some of the proposed amendments to the statutes governing the DETF are inappropriate or unneeded, and that one additional amendment is needed to newly include court of appeals judges under the department programs. Specifically, this committee recommends that amendments in this bill to ss. 41.02 (21)(b), 41.05 (6)(n), 41.07 (1)(a)5., 41.09 (9), and 41.11 (6)(c)3.b. be *deleted*. In addition, this committee recommends that s. 41.11 (6)(d)3.b. be amended to include court of appeals judges thereunder. With these amendments to the bill, the committee would find that the references to the statutes governing the DETF are proper and needed.

CARL W. THOMPSON  
Senate Cochair

EDWARD MCCLAIN  
Assembly Cochair

Read and referred to the committee on Judiciary and Consumer  
Affairs.

## JOURNAL OF THE SENATE [November 8,1977]

By request of Senator Flynn, with unanimous consent, **Senate Bill 3**, Special Session was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the joint committee on Finance.

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### MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

**Assembly Bill 3**, Special Session

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### MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 3**, Special Session

Relating to shelter care reimbursement.

By Committee on Assembly Organization, by request of Acting Governor Martin J. Schreiber.

Read first time and referred to committee on Human Services.

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

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### AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 1**, Special Session by Senator Flynn.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 1**, Special Session by Senator Flynn.

Senate amendment 3 to senate substitute amendment 1 to **Senate Bill 1**, Special Session by Senators Harnisch and Keppler.

Senate amendment 4 to senate substitute amendment 1 to **Senate Bill 1**, Special Session by Senator Flynn.

Senate substitute amendment 3 to **Senate Bill 1**, Special Session by Senator Krueger.

Senate amendment 1 to **Senate Bill 1**, Special Session by Senators Murphy, Sensenbrenner and Keppler.

JOURNAL OF THE SENATE [November 8,1977]

Senate amendment 2 to **Senate Bill 1**, Special Session by Senators Murphy, Sensenbrenner and Keppler.

Senate amendment 3 to **Senate Bill 1**, Special Session by Senators Murphy, Sensenbrenner and Keppler.

Senate amendment 4 to **Senate Bill 1**, Special Session by Senators Murphy and Keppler.

Senate amendment 5 to **Senate Bill 1**, Special Session by Senator Murphy.

Senate amendment 6 to **Senate Bill 1**, Special Session by Senators Murphy and Sensenbrenner.

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

5:42 P.M.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to **Senate Bill 1**, Special Session:

1. On page 13, line 28, after "(m)" insert "Federal aid.".

Relating to **Senate Bill 2**, Special Session:

1. On page 1, line 8, after "16.03" insert "(title),".
2. On page 10, lines 23 and 24, before "(1)" insert "(title),".
3. On page 52, line 2, after the colon, insert "16.415 (1),".
4. On page 52, line 13, delete "(1) and (2)".
5. On page 52, delete lines 30 to 32.

Relating to senate amendment 1 to **Senate Bill 2**, Special Session:

1. On page 3, line 19, before "consistent" insert "are".
2. On page 4, line 1, delete "to a".