

JOURNAL OF THE SENATE [October 10, 1979]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

WEDNESDAY, October 10, 1979.

9:00 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, Bear, Berger, Bidwell, Braun, Cullen, Flynn, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 30.

Absent -- Senators Chilsen, Frank and Lorge -- 3.

Absent with leave -- None.

The senate stood for a moment of silent prayer.

The senate remained standing and Senator Flynn 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 384

Relating to registration fees for motor trucks used exclusively by groups participating in parades or other entertainment.

By Senators Chilsen and Opitz; cosponsored by Representatives Otte and D. Travis.

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

COMMITTEE REPORTS

The joint committee on Employment Relations reports and recommends for introduction:

Senate Bill 385

An act to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1979-81 biennium, covering employes in the professional engineering collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 5 -- Senators Risser, Bablitch, Kleczka and Representatives Jackamonis and Johnson.

Noes, 2 -- Representatives Wahner and Shabaz.

Read first time and referred to committee on Senate Organization.

FRED A. RISSER

Chair

ED JACKAMONIS

Chair

The committee on Human Services reports and recommends:

Senate Bill 178

Relating to regulation of occupational therapists by the medical examining board, creating an occupational therapists examining council and granting rule-making authority.

Adoption of senate amendment 2:

Ayes, 5 -- Senators Thompson, Strohl, Cullen, Radosevich and Opitz;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Thompson, Strohl, Cullen and Opitz;

Noes, 1 -- Senator Radosevich.

Senate Bill 162

Relating to diversion and treatment of drug abusers charged with a crime and providing a penalty.

Passage:

Ayes, 3 -- Senators Thompson, Cullen and Radosevich;

Noes, 2 -- Senators Strohl and Opitz.

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Senate Bill 87

Relating to prohibiting courts from placing persons convicted of first-degree murder on probation.

Passage:

Ayes, 4 -- Senators Thompson, Cullen, Radosevich and Opitz;

Noes, 1 -- Senator Strohl.

Senate Bill 97

Relating to authorization for the department of health and social services to approve limited use of experimental private domestic sewage treatment and disposal systems during the next 5 years.

Passage:

Ayes, 3 -- Senators Thompson, Radosevich and Opitz;

Noes, 2 -- Senators Cullen and Strohl.

Senate Bill 242

Relating to payment for intake, disposition and supervision services provided by court workers for children's code proceedings and making an appropriation.

Passage:

Ayes, 5 -- Senators Thompson, Cullen, Radosevich, Strohl and Opitz;

Noes, 0 -- None.

Senate Bill 310

Relating to correcting improper cross-references concerning nursing homes.

Passage:

Ayes, 5 -- Senators Thompson, Cullen, Radosevich, Strohl and Opitz;

Noes, 0 -- None.

CARL W. THOMPSON

Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 84

Relating to the life and public service of Elmer A. Weiland.

Concurrence:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Krueger and Murphy;

Noes, 0 -- None.

FRED A. RISSER

Chair

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

Senate Bill 166

Relating to issuing special identification cards for disabled persons, granting rule-making authority and providing a penalty.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Senate Bill 205

Relating to clearance of railroad wrecks or derailment, restoration of damaged property and providing a penalty.

Introduction and adoption of senate amendment 1:

↔ Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Assembly Bill 158

Relating to consignment of works of fine art, rights of creditors of art dealers and providing a penalty.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

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Assembly Bill 214

Relating to the authority to designate no-passing zones.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Assembly Bill 275

Relating to authorization of Wisconsin credit unions to do business in other states and of foreign credit unions to do business in Wisconsin, and granting rule-making authority.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Assembly Bill 334

Relating to requiring one blue light and one red light on police vehicles, prohibiting the use of flashing, oscillating or rotating blue lights along a highway and providing a penalty.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

TIM CULLEN

Chair

The joint committee on Finance reports and recommends:

Senate Bill 371

An act to appropriate \$60,000 from the general fund for payment of a claim made by Sarah Fabio against the state.

Passage:

Ayes, 12 -- Senators Kleczka, Flynn, Offner, Braun, Radosevich and Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Ellis.

Noes, 0 -- None.

GERALD D. KLECZKA

Chair

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REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS

Appendix to **Senate Bill 109**

Recommendation

The Joint Survey Committee on Retirement Systems is concerned only with the provisions in this bill which relate to retirement matters. This committee finds that the provisions of **Senate Bill 109** which require a periodic review and termination or legislative extension of tax exemptions related to public retirement fund benefits are good public policy and the committee recommends the enactment of these provisions.

Read and referred to committee on Education and Revenue.

Appendix to **Senate Bill 111**

Recommendation

The Joint Survey Committee on Retirement Systems is concerned only with the provisions in **Senate Bill 111** relating to retirement matters and programs of the DETF. This committee recommends that Section 57 of the bill be deleted and that Section 201 be amended as noted in this report. With these changes, the committee finds the provisions in **Senate Bill 111** relating to retirement matters are good public policy and recommends their enactment. However, the committee also notes that most of the retirement matters are also addressed by the merger bill of this session -- **Assembly Bill 109** -- and the committee recommends the enactment of the retirement provisions of **Senate Bill 111** only if **Assembly Bill 109** is not acted upon previously.

Read and referred to joint committee on Finance.

PAUL OFFNER

Co-chair

WAYNE W. WOOD

Co-chair

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Frank was granted a leave of absence for today's session.

CALENDAR OF OCTOBER 10

Senator Bablitch asked unanimous consent that the appointments be considered enmasse.

Senator Bidwell objected.

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

BOWER, JAMES, of Madison, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1984.
Read.

ELBE, EMORY L., of Neenah, as a member of the Credit Union Review Board, to succeed Helen Storm, to serve for the term ending May 1, 1984.
Read.

HOMBURG, ELMER, of Madison, as a member of the Investment Board, to succeed Kurt Wendt, to serve for the term ending May 1, 1983.
Read.

McARTHUR, JOAN D., of Baraboo, as a member of the Transportation Commission, to succeed Robert Huber, to serve for the term ending March 1, 1983.
Read.

McESSY, CHARLOTTE, of Fond du Lac, as a member of the Educational Communications Board, to succeed Vernon Pinkowski, to serve for the term ending July 1, 1983.
Read.

RING, GERALD J., of Madison, as a member of the Credit Union Review Board, to serve for the term ending May 1, 1983.
Read.

SMITH, ROBERT J., of Madison, as Chairman of the Transportation Commission, to succeed E. Gordon Young, to serve for the term ending March 1, 1985.
Read.

The question was: Confirmation of the appointments?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

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Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Cullen, Flynn, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

Absent or not voting -- Senators Chilsen, Frank and Lorge -- 3.

So the appointments were confirmed.

O'HARROW, RUSSELL J., of Oconto Falls, as a member of the University of Wisconsin Board of Regents, to succeed Edward Hales, to serve for the term ending May 1, 1986.

Read.

The question was: Confirmation of the appointment?

The ayes and noes were required and the vote was: ayes, 28; noes, 3; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Flynn, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Maurer, Moody, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 28.

Noes -- Senators Bidwell, Cullen and Murphy -- 3.

Absent or not voting -- Senators Frank and Lorge -- 2.

So the appointment was confirmed.

VENEMAN, GERALD E., of Port Edwards, as a member of the University of Wisconsin Board of Regents, to succeed John Levine, to serve for the term ending May 1, 1986.

Read.

The question was: Confirmation of the appointment?

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- Senator Bidwell -- 1.

Absent or not voting -- Senators Frank and Lorge -- 2.

So the appointment was confirmed.

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MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

Senate Bill 212

Senate Joint Resolution 29

Assembly Bill 243, Senate amendments 1 and 2

Passed and asks concurrence in:

Assembly Bill 466

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 466

Relating to school board elections in a common or union high school district.

By Representatives Potter, R. Travis and Harer, co-sponsored by Senator Chilsen.

Read first time and referred to committee on Education and Revenue.

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Senate Bill 61

Relating to regulation of acquisition of control of or merger with domestic insurers or insurance holding companies.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

MOTIONS

By request of Senator Bablitch, with unanimous consent, **Senate Bill 363** was withdrawn from committee on Senate Organization and referred to joint committee for Review of Administrative Rules.

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Senate Joint Resolution 17

Directing the legislative council to study the feasibility of public acquisition and operation of public utilities.

Read.

The question was: Shall the joint resolution be adopted?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 16; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bear, Berger, Braun, Cullen, Flynn, Harnisch, Kleczka, Moody, Offner, Radosevich, Risser, Strohl, Swan and Thompson -- 15.

Noes -- Senators Adelman, Bidwell, Chilsen, Goyke, Hanaway, Johnston, Kreul, Krueger, Lasee, McCallum, Maurer, Murphy, Opitz, Roshell, Theno and Van Sistine -- 16.

Absent or not voting -- Senators Frank and Lorge -- 2.

➤ So the joint resolution was not adopted.

Senate Bill 59

Relating to referenda concerning school district reorganizations.

Read a second time.

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

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

Ayes -- Senators Bablitch, Bear, Berger, Braun, Cullen, Flynn, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 19.

Noes -- Senators Adelman, Bidwell, Chilsen, Hanaway, Johnston, Kreul, Krueger, Lasee, McCallum, Murphy, Opitz and Theno -- 12.

Absent or not voting -- Senators Frank and Lorge -- 2.

So the motion prevailed.

The question was: Adoption of senate amendment 3?

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Senator Goyke 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, 16; noes, 15; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Goyke, Hanaway, Harnisch, Maurer, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 16.

Noes -- Senators Bidwell, Chilsen, Cullen, Flynn, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Moody, Murphy, Opitz, Roshell and Theno -- 15.

Absent or not voting -- Senators Frank and Lorge -- 2.

So the motion prevailed.

Ordered to a third reading.

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

Senate Bill 59

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, Bablitch, Bear, Braun, Chilsen, Cullen, Flynn, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno and Van Sistine -- 27.

Noes -- Senators Berger, Bidwell, McCallum and Thompson -- 4.

Absent or not voting -- Senators Frank and Lorge -- 2.

So the bill passed.

Senate Bill 122

Relating to metering of gas and electric service, rate structures of public utilities supplying gas and electricity, a public service commission study of energy conservation incentives, granting rule-making authority and providing a penalty.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 122** was referred to joint committee on Finance.

Senate Bill 220

Relating to a mandatory health insurance risk sharing plan, granting rule-making authority and making appropriations.

Read a second time.

Senator Kleczka asked unanimous consent that **Senate Bill 220** be referred to joint committee on Finance.

Senator McCallum objected.

Senator Kleczka moved that **Senate Bill 220** be referred to joint committee on Finance.

The question was: Shall **Senate Bill 220** be referred to joint committee on Finance?

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 21.

Noes -- Senators Bidwell, Hanaway, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz and Theno -- 11.

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

So the motion prevailed.

Assembly Bill 3

Relating to use of a foreign language for instruction in elementary schools.

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 3

Read a third time and concurred in.

Assembly Bill 208

Relating to warning lights on emergency vehicles.

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 208

Read a third time and concurred in.

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Assembly Bill 273

Relating to revision of the existing credit union investment requirements.

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 273

Read a third time and concurred in.

Assembly Bill 338

Relating to deletion of the requirement that mortgages accepted by savings and loan associations be first mortgages (suggested as remedial legislation by the commissioner of savings and loan).

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 338

Read a third time and concurred in.

Assembly Bill 463

Relating to exceptions to stopping and parking restrictions.

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 463

Read a third time and concurred in.

Assembly Bill 522

Relating to designation of rustic roads and jurisdiction over such roads.

Read a second time.

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 action at this time.

Assembly Bill 522

Read a third time and concurred in as amended.

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Assembly Bill 557

Relating to remedial legislation relating to university of Wisconsin archives (suggested as remedial legislation by the university of Wisconsin).

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 557

Read a third time and concurred in.

By request of Senator Bablitch, with unanimous consent, the Senate recessed until 11:13 A.M.

10:35 A.M.

RECESS

11:13 A.M.

The senate reconvened.

Senator Bablitch called the Chair's attention to the Special Order of Business at 10:00 A.M.

SPECIAL ORDERS

Senate Bill 355

Relating to broadening the emergency fuel assistance law.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Bablitch, with unanimous consent, he was made a co-author of **Senate Bill 355**.

By request of Senator Maurer, with unanimous consent, he was made a co-author of **Senate Bill 355**.

By request of Senator Harnisch, with unanimous consent, he was made a co-author of **Senate Bill 355**.

By request of Senator Radosevich, with unanimous consent, she was made a co-author of **Senate Bill 355**.

By request of Senator Moody, with unanimous consent, he was made a co-author of **Senate Bill 355**.

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By request of Senator Lorge, with unanimous consent, he was made a co-author of **Senate Bill 355**.

By request of Senator Van Sistine, with unanimous consent, he was made a co-author of **Senate Bill 355**.

By request of Senator Kleczka, with unanimous consent, senate substitute amendment 1 to **Senate Bill 355** was laid on the table.

Senate amendments 1 and 2 to senate substitute amendment 2 to **Senate Bill 355** offered by Senator Cullen.

Senate amendments 3, 4 and 5 to senate substitute amendment 2 to **Senate Bill 355** offered by Senator Braun.

Senate amendments 6, 7 and 8 to senate substitute amendment 2 to **Senate Bill 355** offered by Senator Kleczka.

Senate substitute amendment 3 to **Senate Bill 355** offered by Senators Opitz, Murphy, Lasee, Chilsen, Theno, McCallum, Kreul, Bidwell and Hanaway.

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

Senator McCallum asked unanimous consent that Senator Moody be made the primary author of senate substitute amendment 3.

Senator Moody objected.

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

Senator Kleczka moved rejection of senate amendment 1 to senate substitute amendment 2.

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

The ayes and noes were demanded and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Chilsen, Flynn, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Lasee, McCallum, Moody, Murphy, Offner, Opitz, Risser, Strohl, Swan, Theno, Thompson and Van Sistine -- 24.

Noes -- Senators Braun, Cullen, Goyke, Krueger, Lorge, Maurer, Radosevich and Roshell -- 8.

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

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So the motion prevailed.

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

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

By request of Senator Braun, with unanimous consent, senate amendments 3 and 4 to senate substitute amendment 2 were returned to the author.

The question was: Adoption of senate amendment 5 to senate substitute amendment 2?

By request of Senator Braun, with unanimous consent, senate amendment 5 to senate substitute amendment 2 was placed after senate amendment 8 to senate substitute amendment 2.

The question was: Adoption of senate amendment 6 to senate substitute amendment 2?

Adopted.

The question was: Adoption of senate amendment 7 to senate substitute amendment 2?

Adopted.

The question was: Adoption of senate amendment 8 to senate substitute amendment 2?

Adopted.

The question was: Adoption of senate amendment 5 to senate substitute amendment 2?

Senator Kleczka moved rejection of senate amendment 5 to senate substitute amendment 2.

The question was: Rejection of senate amendment 5 to senate substitute amendment 2?

By request of Senator Braun, with unanimous consent, senate amendment 5 to senate substitute amendment 2 to **Senate Bill 355** was returned to the author.

Senate amendment 9 to senate substitute amendment 2 offered by Senator Radosevich.

The question was: Adoption of senate amendment 9 to senate substitute amendment 2?

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Senator Bear in the chair.

12:47 P.M.

The question was: Adoption of senate amendment 9 to senate substitute amendment 2?

The president of the senate in the chair.

12:51 P.M.

The question was: Adoption of senate amendment 9 to senate substitute amendment 2?

Senator Kleczka moved rejection of senate amendment 9 to senate substitute amendment 2.

The question was: Rejection of senate amendment 9 to senate substitute amendment 2?

The motion prevailed.

Senate amendment 10 to senate substitute amendment 2 offered by Senator Berger.

The question was: Adoption of senate amendment 10 to senate substitute amendment 2?

Senator Berger asked unanimous consent that senate amendment 10 to senate substitute amendment 2 be returned to the author.

Senator Chilsen objected.

The question was: Adoption of senate amendment 10 to senate substitute amendment 2?

The motion did not prevail.

Senate amendment 11 to senate substitute amendment 2 offered by Senator Chilsen.

The question was: Adoption of senate amendment 11 to senate substitute amendment 2?

Senator Radosevich moved rejection of senate amendment 11 to senate substitute amendment 2.

The question was: Rejection of senate amendment 11 to senate substitute amendment 2?

By request of Senator Chilsen, with unanimous consent, senate amendment 11 to senate substitute amendment 2 was returned to the author.

The question was: Adoption of senate substitute amendment 2?

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Adopted.

The question was: Adoption of senate substitute amendment 3?

Senator Strohl raised the point of order that senate substitute amendment 3 to **Senate Bill 355** was not germane.

Senator Lorge asked unanimous consent that senate substitute amendment 3 be treated as if it were germane.

Senator Bablitch objected.

The chair ruled the point of order well taken.

RULING OF THE CHAIR

Senate Bill 355 as originally drafted relates to broadening an emergency fuel assistance program and to that only.

Senate substitute amendment 3 attempts to incorporate all of the provisions of Assembly Bill 777, which relates to alternative energy incentives. The amendment would totally alter the nature of the original purpose and therefore under Senate Rule 50(1) the amendment is not germane.

Senator Opitz appealed the ruling of the chair.

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

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Cullen, Flynn, Goyke, Harnisch, Kleczka, Krueger, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 22.

Noes -- Senators Chilsen, Hanaway, Johnston, Kreul, Lasee, Lorge, McCallum, Murphy, Opitz and Theno -- 10.

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

So the decision of the Chair shall stand as the judgment of the Senate.

Ordered to a third reading.

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

Senate Bill 355

Read a third time.

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The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Noes -- Senator Opitz -- 1.

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

So the bill passed.

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

Senator Van Sistine moved reconsideration of the vote by which **Senate Joint Resolution 17** failed to be adopted.

By request of Senator Van Sistine, with unanimous consent, the motion for reconsideration was laid on the table.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 97** by Senators Murphy, Kreul, Krueger, Lasee, McCallum, Chilsen and Roshell.

Senate amendment 1 to **Senate Bill 344** by Senator Murphy.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Friday, October 12.

1:45 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 121, senate substitute amendment 1

1. On page 5, line 4, after "organization", insert "may".

Senate Bill 337

1. On page 1, line 1, after the semicolon insert "and".