

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

THURSDAY, January 31, 1980.

10:00 A.M.

The senate met.

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

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

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

Absent -- Senators Harnisch, Moody and Strohl -- 3.

Absent with leave -- None.

The senate stood for the prayer which was offered by Father John T. Flanagan, pastor of St. Thomas Aquinas Catholic Church of Madison.

The senate remained standing and Senator Cullen 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 537

Relating to staggering the terms of town supervisors.

By Senator Goyke.

To committee on Agriculture, Labor and Local Affairs.

Senate Bill 538

Relating to listing all vehicles of the insured in a certificate of insurance filed as proof of financial responsibility.

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By Senator Johnston.

To committee on Insurance and Utilities.

Senate Bill 539

Relating to requiring proof of residence as a qualification for voting at annual or special school district meetings.

By Senator Johnston.

To committee on Education and Revenue.

Senate Bill 540

Relating to airport zoning.

By Senators Maurer, Thompson, Goyke, Kreul, Roshell, Krueger, Van Sistine, Cullen and Hanaway; cosponsored by Representatives Everson, Donoghue, Snyder, Barry, Flintrop, Conradt, Andrea, Prosser and Kincaid.

To committee on Agriculture, Labor and Local Affairs.

Senate Bill 541

Relating to compulsory school attendance through age 16.

By Senators Moody and Krueger; cosponsored by Representative Donoghue.

To committee on Education and Revenue.

COMMITTEE REPORTS

The committee on Agriculture, Labor and Local Affairs reports and recommends:

MAGNUSON, DR. DALE, of River Falls, as a member of the Veterinary Examining Board, to succeed Dr. Richard L. Larsen, to serve for the term ending July 1, 1984.

Confirmation:

Ayes, 6 -- Senators Van Sistine, Roshell, Thompson, Swan, Kreul and Hanaway;

Noes, 0 -- None.

Senate Bill 453

Relating to allowing county supervisors to serve on joint county-city hospital boards.

Passage:

Ayes, 6 -- Senators Van Sistine, Roshell, Thompson, Swan, Kreul and Hanaway;

Noes, 0 -- None.

Assembly Bill 667

Relating to the composition of county highway committees.

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Concurrence:

Ayes, 6 -- Senators Van Sistine, Roshell, Thompson, Swan,
Kreul and Hanaway;

Noes, 0 -- None.

Assembly Bill 787

Relating to exemption from public inspection requirements of building plans submitted to the department of industry, labor and human relations.

Concurrence:

Ayes, 6 -- Senators Van Sistine, Roshell, Thompson, Swan,
Kreul and Hanaway;

Noes, 0 -- None.

JEROME VAN SISTINE

Chair

REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS

Appendix to **Senate Bill 206**

Public Policy Involved

The Wisconsin Retirement Research Committee recently studied the benefit programs for protective participants under the WRF, and **Senate Bill 206** reflects the recommendations of that committee to restore the legislative intent of a higher formula factor for protective employees. The provisions of this bill would restore the legislative intent as to the cause and effect relationship between the normal retirement age and the formula factor, but would continue to permit extensions beyond that age at the discretion of the employee and employer involved. This approach would have a minimum effect on actuarial balance and costs of the retirement fund. Similar provisions are also found in assembly substitute amendment 2 to **Assembly Bill 109** (the merger legislation) which was favorably recommended for passage by the Joint Survey Committee on Retirement Systems.

PAUL OFFNER

Co-chair

WAYNE W. WOOD

Co-chair

Read and referred to committee on Agriculture, Labor and Local Affairs.

PETITIONS AND COMMUNICATIONS

Senate Petition 17

A petition by 108 residents of the state of Wisconsin in opposition to sections 55, 56 and 57 of Senate Bill 500, relating to energy resources.

By Senator Harnisch.

Read and referred to Senate Select Committee on Energy.

By request of Senator Lasee, with unanimous consent, the senate recessed until 10:25 A.M.

10:10 A.M.

RECESS

10:25 A.M.

The senate reconvened.

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Senate Bill 23

Relating to revision of the insurance security fund law and granting rule-making authority.

Read.

The question was: Shall the bill pass notwithstanding the objection of the governor?

The ayes and noes were required and the vote was: ayes, 28; noes, 1; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Maurer, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Swan, Theno, Thompson and Van Sistine -- 28.

Noes -- Senator McCallum -- 1.

Absent or not voting -- Senators Hanaway, Harnisch, Moody and Strohl -- 4.

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More than two-thirds having voted in the affirmative, the bill passed notwithstanding the objections of the Governor.

Senate Bill 99

Relating to insurance investments.
Read.

The question was: Shall the bill pass notwithstanding the objection of the governor?

The ayes and noes were required and the vote was: ayes, 4; noes, 29; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Cullen, Goyke and Risser -- 4.

Noes -- Senators Adelman, Bablitch, Bear, Bidwell, Braun, Chilsen, Flynn, Frank, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 29.

Absent or not voting -- None.

Less than two-thirds having voted in the affirmative, the senate refused to pass the bill notwithstanding the objections of the Governor.

Senate Bill 144

Relating to insurance claims adjustment practices, creating a claims adjustment advisory council, granting rule-making authority and providing penalties.

Read.

The question was: Shall the bill pass notwithstanding the objection of the governor?

The ayes and noes were required and the vote was: ayes, 6; noes, 27; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Flynn, Goyke, Kleczka, Moody and Thompson -- 6.

Noes -- Senators Adelman, Bablitch, Bear, Bidwell, Braun, Chilsen, Cullen, Frank, Hanaway, Harnisch, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno and Van Sistine -- 27.

Absent or not voting -- None.

Less than two-thirds having voted in the affirmative, the senate refused to pass the bill notwithstanding the objections of the Governor.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

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

Assembly Bill 20
Assembly Bill 496
Assembly Bill 718
Assembly Bill 773
Assembly Bill 817
Assembly Bill 825
Assembly Bill 850
Assembly Bill 870
Assembly Bill 886
Assembly Bill 998
Assembly Bill 1124
Assembly Bill 159
Assembly Bill 695
Assembly Bill 858
Assembly Bill 919
Assembly Bill 920
Assembly Bill 973
Assembly Bill 913

Adopted and asks concurrence in:

Assembly Joint Resolution 76
Assembly Joint Resolution 81
Assembly Joint Resolution 107

Concurred in:

Senate Bill 310
Senate Bill 131
Senate Bill 225

Concurred in as amended:

Senate Bill 75, assembly amendment 1
Senate Bill 231, assembly amendments 1 and 3 to substitute 1 and assembly substitute amendment 1

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 20

Relating to abolishing the council on library development and the council on public library certificates and standards, creating a board on library and network development and a professional council on library and network development, assigning duties relating to library services in this state, state aids to public library systems, making an appropriation and granting rule-making authority.

By Legislative Council.

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

Assembly Bill 496

Relating to special hunting privileges for disabled persons.

By Representative Rogers.

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

Assembly Bill 718

Relating to the tax bill statement of general and personal property tax credit.

By Representative Barczak.

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

Assembly Bill 773

Relating to increasing the threshold regarding required notice of an increase of assessment.

By Representative Vanderperren.

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

Assembly Bill 817

Relating to creating an exception to the definition of chauffeur.

By Representatives Thompson, Radtke and Laatsch, co-sponsored by Senator Bidwell, by request of Columbia County Board of Supervisors.

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

Assembly Bill 825

Relating to the use of multiple-beam headlamps during daylight hours and providing a penalty.

By Representative Shabaz, co-sponsored by Senator Murphy.

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

Assembly Bill 850

Relating to failure to stop at the scene of an accident and revising penalties.

By Representative Clarenbach.

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

Assembly Bill 870

Relating to increasing the penalty for violations of requirements upon striking an unattended vehicle or property on or along a highway.

By Representative Schneider.

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

Assembly Bill 886

Relating to yielding the right-of-way when a vehicle enters an alley or driveway and providing a penalty.

By Representatives McClain, Vanderperren, Smith, Matty and Soucie, co-sponsored by Senators Chilsen and Moody.

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

Assembly Bill 998

Relating to permitting minors to enter certain premises owned by counties or municipalities on which beer or liquor is being sold and permitting the secretary of the department of revenue to issue "Class B" liquor licenses for certain county-owned premises.

By Representatives Everson, Vanderperren, Behnke, Clarenbach, Munts, Barry, Flintrop, Ulichny, Loftus, Wahner, Kedrowski, Metz and D. Travis, co-sponsored by Senators Risser, Van Sistine, Thompson, Bear and Kreul.

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

Assembly Bill 1124

Relating to voting by persons owning property within public inland lake protection and rehabilitation districts and providing for a referendum.

By Representatives Potter, Munts and Byers, co-sponsored by Senators Harnisch and Opitz.

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

Assembly Joint Resolution 76

Relating to removal of obsolete provisions regarding transitions from territory to statehood, transitions in offices, legislative districting and elections, the school fund and masculine and feminine gender terminology (first consideration).

By Legislative Council.

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

Assembly Joint Resolution 81

Directing the legislative council to study the laws relating to pets, pet licensing and humane societies.

By Representative Otte.

Referred to committee on Human Services.

Assembly Bill 159

Relating to disposal of an aborted fetus and providing a penalty.

By Representatives Behnke, Hephner, Rogers, Otte, Lewis, Andrea, Donoghue, Conradt, Schneider, Fischer, Dorff, Plewa, Ward, Porter, Potter, Young, Gagin, Klicka, Prosser, Matty, Gerlach, Duren and DeLong, co-sponsored by Senators Frank and Berger.

Read first time and referred to committee on Human Services.

Assembly Bill 695

Relating to making cost controls appealable for expenses attributable to the cost of fuel for pupil transportation.

By Representatives Duren, Shoemaker, Gerlach, Barry, Everson, Smith, Rutkowski, Schneider, Wood, Fischer, Hephner, Wagner, Medinger, Lallensack, Merkt and DeLong, co-sponsored by Senator Goyke.

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

Assembly Bill 858

Relating to dogs for the deaf.

By Representatives Wahner, Kirby, Broydrick and DeLong, co-sponsored by Senators Maurer and Berger.

Read first time and referred to committee on Human Services.

Assembly Bill 919

Relating to permitting mutual savings banks to establish checking services and increasing their required reserve.

By Representatives Murray, Johnson and Leopold, co-sponsored by Senator Cullen, by request of the Mutual Savings Banks.

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

Assembly Bill 920

Relating to product liability insurance reports.

By Representatives Thompson, Ferrall, Otte, Rogers and Pabst

Read first time and referred to committee on Insurance and Utilities.

Assembly Bill 973

Relating to miscellaneous revisions affecting the examining board of architects, professional engineers, designers and land surveyor. (suggested as remedial legislation by the department of regulation and licensing.)

By Committee on Remedial Legislation.

Read first time and referred to joint committee for Review of Administrative Rules.

Assembly Bill 913

Relating to the mental health commitment laws.

By Committee on Health and Social Services, by request of Senators Braun and Kleczka, Milwaukee County and the Advisory Committee on Mental Commitment Standards and Procedures.

Read first time and referred to committee on Human Services.

Assembly Joint Resolution 107

Relating to the life and public service of Harvey L. Dueholm, on the occasion of his 70th birthday.

By Representatives Kedrowski, Johnson, Ferrall and Jackamonis.
Referred to committee on Senate Organization.

By request of Senator Flynn, with unanimous consent, **Assembly Joint Resolution 107** was withdrawn from committee on Senate Organization and taken up at this time.

Assembly Joint Resolution 107

Relating to the life and public service of Harvey L. Dueholm, on the occasion of his 70th birthday.

Read.

The question was: Concurrence?

Concurred in.

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

MOTIONS

By request of Senator Flynn, with unanimous consent, **Assembly Bill 773** was withdrawn from the committee on Education and Revenue and referred to the committee on Senate Organization.

By request of Senator Flynn, with unanimous consent, **Senate Bill 539** was withdrawn from the committee on Education and Revenue and referred to the committee on Senate Organization.

By request of Senator Flynn, with unanimous consent, **Assembly Bill 973** was withdrawn from the joint committee for Review of Administrative Rules and referred to the committee on Senate Organization.

By request of Senator Flynn, with unanimous consent, **Assembly Bill 1124** was withdrawn from the committee on Natural Resources and Tourism and referred to the committee on Senate Organization.

By request of Senator Theno, with unanimous consent, **Senate Bill 197** was withdrawn from the committee on Human Services and returned to the author.

Senator Flynn in the chair.

10:45 A.M.

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Senate Bill 181

Relating to the determination of brain death.

Read a second time.

The question was: Indefinite postponement?

The motion prevailed.

Senate Bill 249

Relating to the procedure for determining paternity.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senate amendment 4 to senate substitute amendment 2 offered by Senators Kleczka and Frank.

By request of Senator Adelman, with unanimous consent, senate substitute amendments 1 and 2 were laid on the table.

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Senate substitute amendment 3 offered by Senator Adelman.

Senate amendment 1 to senate substitute amendment 3 offered by Senators Kleczka and Frank, by request of Milwaukee County.

The question was: Adoption of senate amendment 1 to senate substitute amendment 3?

Senator Adelman moved rejection of senate amendment 1 to senate substitute amendment 3.

The question was: Rejection of senate amendment 1 to senate substitute amendment 3?

The president of the Senate in the chair.

11:46 A.M.

The question was: Rejection of senate amendment 1 to senate substitute amendment 3?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

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

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Frank, Hanaway, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz, Roshell and Theno -- 17.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 1 to senate substitute amendment 3?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Hanaway, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz, Roshell and Theno -- 16.

Noes -- Senators Adelman, Bablitch, Bear, Braun, Flynn, Frank, Goyke, Harnisch, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 17.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 3?

Adopted.

Ordered to a third reading.

Senator Bablitch asked unanimous consent that the rules be suspended and **Senate Bill 249** be read a third time.

Senator Kleczka objected.

Senator Bablitch moved that the rules be suspended and **Senate Bill 249** be read a third time.

The question was: Shall the rules be suspended and **Senate Bill 249** be read a third time?

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

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

Noes -- Senators Bidwell, Kleczka and Lorge -- 3.

Absent or not voting -- None.

So the motion prevailed.

Senate Bill 249

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kreul, Lasee, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 29.

Noes -- Senators Bidwell, Kleczka, Krueger and Lorge -- 4.

Absent or not voting -- None.

So the bill passed.

Senate Bill 338

Relating to creating an office of the commissioner of volunteerism, granting rule-making authority and making an appropriation.

Read a second time.

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Senate substitute amendment 1 offered by Senator Bear.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 338** was referred to joint committee on Finance.

Assembly Bill 596

Relating to exempting solar energy home heating systems and electricity generating devices from the property tax.

Read a second time.

Senate amendment 1 offered by Senators Moody, Offner, Radosevich and Berger.

The question was: Adoption of senate amendment 1?

Senator Adelman moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

LEAVE OF ABSENCE

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

The question was: Rejection of senate amendment 1?

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

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Frank, Goyke, Hanaway, Harnisch, Lasee, Opitz, Risser, Strohl, Theno, Thompson and Van Sistine -- 15.

Noes -- Senators Berger, Chilsen, Cullen, Flynn, Johnston, Kleczka, Kreul, Krueger, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Radosevich, Roshell and Swan -- 17.

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

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

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

Ayes -- Senators Bear, Berger, Chilsen, Cullen, Flynn, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Radosevich, Roshell and Swan -- 19.

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Noes -- Senators Adelman, Bablitch, Bidwell, Frank, Goyke, Hanaway, Harnisch, Opitz, Risser, Strohl, Theno, Thompson and Van Sistine -- 13.

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

So the motion prevailed.

Senate amendment 2 offered by Senators Moody and Berger.

The question was: Adoption of senate amendment 2?

Senator Adelman moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

Senator Flynn in the chair.

12:45 P.M.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasec, Lorge, Maurer, Murphy, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 25.

Noes -- Senators Bear, Berger, Hanaway, McCallum, Moody, Offner and Opitz -- 7.

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

So the motion prevailed.

Ordered to a third reading.

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

Assembly Bill 596

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 6; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Lasec, Lorge, Maurer, Murphy, Opitz, Radosevich, Strohl, Theno, Thompson and Van Sistine -- 25.

Noes -- Senators Krueger, McCallum, Moody, Offner, Roshell and Swan -- 6.

Absent or not voting -- Senators Braun and Risser -- 2.

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So the bill was concurred in.

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

By request of Senator Bablitch, with unanimous consent, the senate returned to the second order of business.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 40

Relating to the life and public service of Paul J. Rogan.

By the entire membership of the Senate.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 341** by Senators Moody, Braun and Chilsen.

Senate amendment 1 to **Assembly Joint Resolution 81** by Senator Thompson, by request of Representative Otte.

Senate amendment 12 to **Assembly Bill 777** by Senators Radosevich and Harnisch.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M., Tuesday, February 5.

1:13 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 336

1. On page 5, line 7, substitute "35.84" for "25.84".

Senate Bill 344

1. In enrolling, line 2 was deleted from senate amendment 4. It had become superfluous as the result of the earlier adoption of senate amendment 3.

Engrossed Assembly Bill 742

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1. On page 1, line 8, substitute "and" for the last comma.
2. On page 1, line 9, delete "and 346.95 (2m)".

Assembly Bill 1043

In engrossing, the following correction was made in the original bill:

1. On page 1, line 1; on page 3, lines 1 and 2; and on page 6, lines 11 and 26, substitute "20.455 (2)" for "20.445 (1)".