

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

WEDNESDAY, September 30, 1981.

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, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend William Berg, pastor of the Messiah Lutheran Church of Madison.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 40

Relating to senate advice and consent for judicial appointments (first consideration).

By Senators George, Flynn, Braun, Berger and Lorge; cosponsored by Representatives Crawford, Neubauer, Coggs, Smith, Hasenohrl, Czarnezki, Plous, Menos and Behnke.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Senate Joint Resolution 41

Memorializing Congress and the President to seek the dismissal of the Secretary of the Interior, James G. Watt.

By Senators Strohl, Berger, Lorman, Braun, George, Thompson, Risser, Moody and Adelman; cosponsored by Representatives Neubauer, Ulichny, Medinger, Plous, Plewa, Lee, Tuczynski, Munts, Helbach, D. Travis, Crawford, Kunicki, Czarnezki, Metz, Jackamonis, Miller, Looby, Wagner, Rogers and Loftus.

Read and referred to committee on Energy.

Senate Joint Resolution 42

Relating to directing the legislative council to study the need for noise pollution legislation.

By Senator Flynn; cosponsored by Representative Klicka, by request of Geraldine Graf.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 589

Relating to creating a private cause of action for certain discrimination violations.

By Senators George, Braun, Johnston and Adelman; cosponsored by Representative Crawford.

To committee on Judiciary and Consumer Affairs.

Senate Bill 590

Relating to review of municipal assessment practices.

By Senator Chilsen; cosponsored by Representative Schmidt.

To committee on State and Local Affairs and Taxation.

Senate Bill 591

An act to appropriate \$2,188.90 from the transportation fund for payment of a claim against the state made by Marvin and Vivian Gattie.

By Senator Strohl; cosponsored by Representative Ladwig.

To joint committee on Finance.

Senate Bill 592

Relating to permitting certain retired judges and justices to perform marriages, administer oaths and take acknowledgements.

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By Senators Theno, Lorman, George, Goyke and Strohl; cosponsored by Representatives Becker, R. Travis, Hopkins and Donoghue.

To committee on Judiciary and Consumer Affairs.

Senate Bill 593

Relating to waiver of interest assessed against employers making late unemployment compensation payments.

By Senator Kreul; cosponsored by Representative Hasenohrl.

To committee on Labor, Government, Veterans Affairs and Tourism.

Senate Bill 594

Relating to repeal of emergency numbers system program.

By Senators Theno and Johnston; cosponsored by Representatives Gerlach, Schmidt, R. Travis, Luckhardt, Hopkins, Robertson, Donoghue and Klicka.

To committee on Labor, Government, Veterans Affairs and Tourism.

Senate Bill 595

Relating to a tax exemption for motor fuel sold to school districts.

By Senator Flynn; cosponsored by Representatives Hauke, Smith and Nelsen.

To Joint Survey committee on Tax Exemptions.

Senate Bill 596

Relating to the fees for copies of transcripts and tape recordings of unemployment compensation hearings.

By Senator Offner.

To committee on Labor, Government, Veterans Affairs and Tourism.

COMMITTEE REPORTS

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

Senate Bill 597

Relating to organizations and reorganizations of executive agencies and granting rule-making authority.

Introduction:

Ayes, 8 -- Senators Berger, Goyke, George and Kreul, Representatives Rogers, Wagner, Crawford and Thompson;

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Noes, 0 -- None.

DAVID G. BERGER
Co-Chair

WILLIAM J. ROGERS
Co-Chair

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

The committee on Labor, Government, Veterans Affairs and Tourism reports and recommends:

Senate Bill 567

Relating to various changes in the unemployment compensation law and making an appropriation.

Passage:

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;

Noes, 0 -- None.

JEROME VAN SISTINE
Chair

The committee on Insurance and Utilities reports and recommends:

Senate Joint Resolution 36

Relating to directing the legislative council to study the Wisconsin compensation rating bureau.

Adoption:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

Senate Bill 85

Relating to direct appeal to the supreme court of public service commission rate decisions.

Passage:

Ayes, 3 -- Senators Berger, Van Sistine and Lorge;

Noes, 1 -- Senator Frank.

Senate Bill 297

Relating to discrimination by insurers issuing or renewing motor vehicle liability policies.

Introduction and adoption of senate amendment 1:

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Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

Senate Bill 493

Relating to compulsory motor vehicle insurance, granting rule-making authority and providing a penalty.

Passage:

Ayes, 3 -- Senators Frank, Berger and Lorge;

Noes, 1 -- Senator Van Sistine.

Senate Bill 528

Relating to changes to the mandatory health insurance risk sharing plan and granting rule-making authority.

Passage:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

KURT A. FRANK

Chair

The joint committee on Finance reports and recommends:

Senate Bill 250

Relating to access to public records, creating an open records board, granting rule-making authority, making appropriations and providing a penalty.

Adoption of senate amendment 1 to senate substitute amendment 1:

Ayes, 14 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz, Wood and Ellis;

Noes, 0 -- None.

Adoption of senate amendment 3 to senate substitute amendment 1:

Ayes, 14 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz, Wood and Ellis;

Noes, 0 -- None.

Adoption of senate substitute amendment 1 as amended:

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Ayes, 11 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Representatives Norquist, Otte, Roberts, Kirby, Metz, and Wood;

Noes, 2 -- Senators Roshell and McCallum.

Passage as amended:

Ayes, 11 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Representatives Norquist, Otte, Roberts, Kirby, Metz, and Wood;

Noes, 3 -- Senators Roshell and McCallum, Representative Ellis.

GERALD D. KLECZKA

Senate Chair

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

Senate Bill 238

Relating to publication of general orders of agencies and certain decisions of the department of transportation.

Introduction and adoption of senate substitute amendment 1:

Ayes, 8 -- Senators Berger, Goyke, George and Kreul, Representatives Rogers, Wagner, Crawford and Thompson;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Berger, Goyke, George and Kreul, Representatives Rogers, Wagner and Crawford;

Noes, 1 -- Representative Thompson.

Senate Bill 417

Relating to abolishing the public records board, creating a forms control and records management board, granting rule-making authority and making an appropriation.

Introduction of senate substitute amendment 1:

Ayes, 8 -- Senators Berger, Goyke, George and Kreul, Representatives Rogers, Wagner, Crawford and Thompson;

Noes, 0 -- None.

Senate Bill 450

Relating to increasing the application period of, and providing for the extension of, emergency rules.

Introduction and adoption of senate amendment 1:

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Ayes, 8 -- Senators Berger, Goyke, George and Kreul,
Representatives Rogers, Wagner, Crawford and
Thompson;

Noes, 0 -- None.

Passage as amended:

Ayes, 8 -- Senators Berger, Goyke, George and Kreul,
Representatives Rogers, Wagner, Crawford and
Thompson;

Noes, 0 -- None.

Senate Bill 470

Relating to review and automatic termination of state executive branch agencies and administrative rules and making an appropriation.

Introduction and adoption of senate amendment 1:

Ayes, 8 -- Senators Berger, Goyke, George and Kreul,
Representatives Rogers, Wagner, Crawford and
Thompson;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Berger, Goyke, George and Kreul,
Representatives Rogers, Wagner, and Thompson;

Noes, 1 -- Representative Crawford.

Senate Bill 522

Relating to adoption of administrative rules on expenditures, purchasing and printing.

Introduction of senate substitute amendment 1:

Ayes, 7 -- Senators Berger, Goyke, George and Kreul,
Representatives Rogers, Wagner, and Crawford;

Noes, 1 -- Representative Thompson.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

Ayes, 8 -- Senators Berger, Goyke, George and Kreul,
Representatives Rogers, Wagner, Crawford and
Thompson;

Noes, 0 -- None.

Adoption of senate substitute amendment 1 as amended:

Ayes, 7 -- Senators Berger, Goyke, George and Kreul,
Representatives Rogers, Wagner, and Crawford;

Noes, 1 -- Representative Thompson.

Passage as amended:

Ayes, 6 -- Senators Berger, Goyke, and George,
Representatives Rogers, Wagner, and Crawford;

Noes, 2 -- Senator Kreul and Representative Thompson.

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Senate Bill 539

Relating to prohibiting the department of industry, labor and human relations from promulgating certain rules on fair housing.

Passage:

Ayes, 6 -- Senators Berger, Goyke, and George,
Representatives Rogers, Wagner, and Crawford;

Noes, 2 -- Senator Kreul and Representative Thompson.

DAVID G. BERGER

Co-Chair

WILLIAM J. ROGERS

Co-Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

September 22, 1981

To the Honorable, the Senate:

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

Yours very truly,
VEL PHILLIPS
Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number.

Anderson, Norman, C., 25 W. Main St., Madison, WI 53703 (608) 255-7277; Friends of the Brule River, Route 1, Box 83, Brule, WI 53820 (715) (372-8363; 17, 26; 144.

Hendee, Kirby, P.O. Box 2626, Madison, WI 53701 (608) 257-0257; Investment Counsel Association of America, Inc., 50 Broad St., New York, N.Y. 10004 (617) 482-2450; 18, 21; 175.

Scott, Alwyn, 6414 Copsps Ave., Ste. 154, Madison, WI 53716 (608) 221-0874; Wisconsin Physical Therapy Assn., Inc., 6414 Copsps Ave., Ste. 154, Madison, WI 53716 (608) 221-0874; 11, 18-20; 129, 150, 161.

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State of Wisconsin
Office of Commissioner of Savings and Loan

To the Honorable the Senate:

The 1979-1981 Biennial Report of the Office of the Commissioner of Savings and Loan for the State of Wisconsin has been prepared in accordance with the guidelines established by the Department of Administration.

Detailed statistical information was provided in the Annual Reports on the condition of Wisconsin savings and loan associations.

Respectfully submitted
R. J. McMAHON
Commissioner

Senate Petition 15

A petition by 3058 residents of the State of Wisconsin in opposition to any legislation which would further restrict the sale or use of Class 'C' fireworks. (Senate Bill 300)

By Senator Goyke.

Read and referred to committee on Judiciary and Consumer Affairs.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

September 28, 1981

To the Honorable, the Senate:

I am writing to withdraw my appointment of Dr. Maura Gage to the Air Resource Allocation Council. Dr. Gage has advised me that she regrettably will not be able to serve on the council.

Thank you for your time.

Sincerely,
LEE SHERMAN DREYFUS
Governor

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State of Wisconsin
Office of the Governor
Madison, Wisconsin

September 28, 1981

To the Honorable, the Senate:

I am writing to withdraw my appointment of Robert M. Thom to the Dentistry Examining Board. Mr. Thom has advised me that he regrettably will not be able to serve on the board.

Thank you for your time.

Sincerely,
LEE SHERMAN DREYFUS
Governor

CALENDAR OF SEPTEMBER 30

Senate Bill 22

Relating to issuance of Wisconsin housing finance authority bonds and notes for, and providing, housing rehabilitation loans.

Read.

The question was: Shall the vetoed portion of the bill pass notwithstanding the objections of the Governor?

By request of Senator Lasee, with unanimous consent, the senate recessed until 10:55 A.M.

10:15 A.M.

RECESS

10:55 A.M.

The senate reconvened.

The question was: Shall the vetoed portion of the bill pass notwithstanding the objections of the Governor?

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Harsdorf, Kleczka, Kreul,

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Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Thompson and Van Sistine -- 26.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Johnston, Lorman and Theno -- 7.

Absent or not voting -- None.

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

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-24

AN ORDER to repeal Grp 4.10 and 12.10, relating to transmission of premiums for group life insurance from annuitants of the Wisconsin retirement system.

Submitted by Department of Employee Trust Funds.

Report received from agency, September 24, 1981.

Referred to committee on Insurance and Utilities, September 30, 1981.

Clearinghouse Rule 81-26

AN ORDER to repeal Ret 6.52; and to create ETF 6.04, relating to disability annuitant certification in the Wisconsin retirement fund.

Submitted by Department of Employee Trust Funds.

Report received from agency, September 28, 1981.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, September 30, 1981.

Clearinghouse Rule 81-89

AN ORDER to renumber and amend ch. DE 6; to repeal and recreate chs. DE 1 to 5 and 7; and to create chs. DE 6 and 8, relating to authority and definitions; educational programs meeting licensing and certification requirements; practice of dental hygiene; licensure; standards of conduct; unprofessional advertising; rules of procedures; access to public records; and, laboratories and work authorizations.

Submitted by Department of Regulation and Licensing.

Report received from agency, September 24, 1981.

Referred to committee on Human Services, September 30, 1981.

CALENDAR OF SEPTEMBER 30

Senate Joint Resolution 37

Relating to the life and public service of Rudolph Schlabach.

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Read.

Adopted by unanimous rising vote.

Senate Bill 6

Relating to requiring public and private schools to conduct tornado drills.

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, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Berger, Braun, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Kleczka, Lorge, Maurer, Risser, Strohl, Theno, Thompson and Van Sistine -- 17.

Noes -- Senators Bidwell, Chilsen, Engeleiter, George, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorman, McCallum, Moody, Offner, Opitz and Roshell -- 15.

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

So the bill was ordered to a third reading.

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

Senate Bill 6

Read a third time.

By request of Senator Theno, with unanimous consent, the bill was referred to a second reading.

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

Senate amendment 1 offered by Senator Theno.

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

Senate amendment 2 offered by Senator Lorge.

The question was: Adoption of senate amendment 2?

Senator Kleczka 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, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Harnisch, Kleczka,

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Lorman, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 22.

Noes -- Senators Bidwell, Chilsen, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum and Opitz -- 11.
Absent or not voting -- None.

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.

Senate Bill 6

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Lorman, Maurer, Risser, Strohl, Theno, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Chilsen, George, Harsdorf, Kreul, Krueger, Lasee, Lorge, McCallum, Moody, Offner, Opitz and Roshell -- 13.

Absent or not voting -- None.

So the bill passed.

Senate Bill 71

Relating to fair-share and maintenance of membership agreements under the state employment labor relations act.

Read a second time.

Senate amendment 1 offered by Senator Kleczka.

The question was: Adoption of senate amendment 1?

Senator Van Sistine moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The motion did not prevail.

The question was: Adoption 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 Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz, Roshell and Theno -- 15.

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Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Krueger, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 17.

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

So the motion did not prevail.

Senate amendment 2 offered by Senator Kleczka.

The question was: Adoption of senate amendment 2?

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

11:58 A.M.

RECESS

3:00 P.M.

The senate reconvened.

Senator Frank in the chair.

3:00 P.M.

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, Braun, Frank, George, Goyke, Hanaway, Harnisch, Kleczka, Kreul, Lorge, McCallum, Offner, Opitz, Strohl, Thompson and Van Sistine -- 18.

Absent -- Senators Bidwell, Chilsen, Cullen, Engleleiter, Flynn, Harsdorf, Johnston, Krueger, Lasee, Lorman, Maurer, Moody, Risser, Roshell and Theno -- 15.

Absent with leave -- None.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 71** was placed after **Senate Bill 491**.

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Senate Bill 73

Relating to collective bargaining between producers and handlers of agricultural commodities, creating an agricultural bargaining board and increasing an appropriation.

Read a second time.

By request of Senator Harnisch, with unanimous consent, the bill was referred to committee on Agriculture and Natural Resources.

Senate Bill 172

Relating to redemption of beverage containers, making an appropriation, providing for a study and creating a penalty.

Read a second time.

By request of Senator Kleczka, with unanimous consent, the bill was referred to joint committee on Finance.

Senate Bill 188

Relating to collective bargaining units consisting of supervisors, making an appropriation and providing a penalty.

Read a second time.

The question was: Shall the bill be indefinitely postponed?

The president of the senate in the chair.

3:13 P.M.

The question was: Shall the bill be indefinitely postponed?

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

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum, Offner, Opitz and Roshell -- 14.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Krueger, Maurer, Moody, Risser, Strohl, Thompson and Van Sistine -- 18.

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

So the bill failed to be indefinitely postponed.

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

Senate amendment 2 offered by Senator Kleczka.

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

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Senate amendment 3 offered by Senator Hanaway.

The question was: Adoption of senate amendment 3?

Senator Kleczka 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, 17; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Moody, Offner, Strohl, Thompson and Van Sistine -- 16.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Opitz, Risser, Roshell and Theno -- 17.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 3?
Adopted.

Senate amendment 4 offered by Senator Hanaway.

The question was: Adoption of senate amendment 4?

Senator Kleczka moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Krueger, Maurer, Moody, Risser, Strohl, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum, Offner, Opitz and Roshell -- 12.

Absent or not voting -- None.

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.

Senate Bill 188

Read a third time.

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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, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Moody, Risser, Strohl, Thompson and Van Sistine -- 16.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Roshell and Theno -- 17.

Absent or not voting -- None.

So the bill did not pass.

Senate Bill 258

Relating to collective bargaining units consisting of supervisors, making an appropriation and providing a penalty.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 258** was placed after **Senate Bill 71**.

Senate Bill 316

Relating to allowing persons covered by health care services contracts or plans to choose freely among licensed health care professionals and providing a penalty.

Read a second time.

By request of Senator Kleczka, with unanimous consent, the bill was referred to joint committee on Finance.

Senate Bill 328

Relating to prior approval by the legislature and governor of state plans submitted to federal agencies for funding.

Read a second time.

By request of Senator Kleczka, with unanimous consent, the bill was referred to joint committee on Finance.

Senate Bill 360

Relating to a residential weatherization program, granting rule-making authority and making an appropriation.

Read a second time.

By request of Senator Strohl, with unanimous consent, the bill was referred to committee on Energy.

Senate Bill 371

Relating to prohibiting the use and sale of radar detectors and providing a penalty.

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Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Senator Kreul moved that **Senate Bill 371** be referred to committee on Aging, Business and Financial Institutions and Transportation.

The question was: Shall the bill be referred to committee on Aging, Business and Financial Institutions and Transportation?

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

Ayes -- Senators Berger, Cullen, Flynn, Frank, George, Goyke, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorman, Opitz, Roshell and Van Sistine -- 15.

Noes -- Senators Adelman, Bidwell, Braun, Chilsen, Engeleiter, Hanaway, Harnisch, Kleczka, Lorge, McCallum, Maurer, Moody, Offner, Risser, Strohl, Theno and Thompson -- 17.

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

So the motion did not prevail.

Senator Lasee moved indefinite postponement of **Senate Bill 371**.

The question was: Shall the bill be indefinitely postponed?

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

Ayes -- Senators George, Goyke, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, Moody, Opitz and Roshell -- 11.

Noes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, Hanaway, Harnisch, Harsdorf, Kleczka, McCallum, Maurer, Offner, Risser, Strohl, Theno, Thompson and Van Sistine -- 22.

Absent or not voting -- None.

So the motion did not prevail.

Ordered to a third reading.

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

Senate Bill 371

Read a third time and passed.

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Senate Bill 491

Relating to requiring the department of transportation to issue a one-part operator's license and identification card.

Read a second time.

Senator Berger asked unanimous consent that the bill be indefinitely postponed.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, the bill was referred to committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 71

Relating to fair-share and maintenance of membership agreements under the state employment labor relations act.

Read a second time.

The question was: Adoption of senate amendment 2?

Adopted.

Senate amendment 3 offered by Senator Kleczka.

By request of Senator Kleczka, with unanimous consent, senate amendment 3 was returned to the author.

Ordered to a third reading.

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

Senate Bill 71

Read a third time.

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, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Krueger, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorge and Opitz -- 10.

Absent or not voting -- None.

So the bill passed.

Senate Bill 258

Relating to collective bargaining units consisting of supervisors, making an appropriation and providing a penalty.

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Read a second time.

The question was: Shall the bill be indefinitely postponed?

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

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Krueger, Lasee, Lorge, Lorman, McCallum, Offner, Opitz and Theno -- 14.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Kreul, Maurer, Moody, Risser, Roshell, Strohl, Thompson and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 offered by Senator Hanaway.

The question was: Adoption of senate amendment 2?

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

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Risser, Roshell and Theno -- 18.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Moody, Strohl, Thompson and Van Sistine -- 15.

Absent or not voting -- None.

So the amendment was adopted.

Ordered to a third reading.

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

Senate Bill 258

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Kreul, Moody, Risser, Strohl, Thompson and Van Sistine -- 17.

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Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Roshell and Theno -- 16.

Absent or not voting -- None.

So the bill passed.

Assembly Bill 76

Relating to damages in wrongful death actions.

Read a second time.

Senator Kleczka moved that **Assembly Bill 76** be non-concurred in.

The question was: Shall the bill be non-concurred in?

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

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Engeleiter, Goyke, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorman, McCallum, Opitz, Roshell, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Bablitch, Braun, Flynn, Frank, George, Hanaway, Harnisch, Harsdorf, Lorge, Maurer, Moody, Offner, Risser, Strohl and Thompson -- 16.

Absent or not voting -- None.

So the bill was non-concurred in.

Senator Kleczka moved reconsideration of the vote by which **Assembly Bill 76** was non-concurred in.

The question was: Reconsideration of the vote by which **Assembly Bill 76** was non-concurred in?

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

Ayes -- Senators Adelman, Bablitch, Braun, Flynn, Frank, George, Hanaway, Harnisch, Lorge, Maurer, Moody, Offner, Strohl and Thompson -- 14.

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Engeleiter, Goyke, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorman, McCallum, Opitz, Risser, Roshell, Theno and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

Assembly Bill 85

Relating to the maximum recovery level for tort actions against local governmental entities and agencies.

Read a second time.

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

Senate amendment 2 offered by Senator Flynn.

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

Senate amendment 3 offered by Senators Hanaway, Flynn, Bablitch and Johnston.

The question was: Adoption of senate amendment 3?
Senator Chilsen 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, 12; noes, 19; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bidwell, Chilsen, Frank, Kleczka, Kreul, Krueger, Lasee, McCallum, Offner, Roshell and Van Sistine -
- 12.

Noes -- Senators Bablitch, Berger, Braun, Cullen, Engeleiter, Flynn, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Lorge, Lorman, Maurer, Moody, Risser, Strohl and Thompson -- 19.

Absent or not voting -- Senators Opitz and Theno -- 2.

So the motion did not prevail.

The question was: Adoption of senate amendment 3?

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

Ayes -- Senators Berger, Hanaway, Johnston, Lorge and Moody -
- 5.

Noes -- Senators Adelman, Bablitch, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Harnisch, Harsdorf, Kleczka, Kreul, Krueger, Lasee, Lorman, McCallum, Maurer, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -
- 26.

Absent or not voting -- Senators Opitz and Theno -- 2.

So the motion did not prevail.

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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 85

Read a third time and concurred in as amended.

MOTIONS

By request of Senator Engeleiter, with unanimous consent, **Senate Bill 518** was withdrawn from committee on Education and State Institutions and returned to the author.

By request of Senator Lorman, with unanimous consent, her name was withdrawn as a co-author of **Senate Bill 297**.

By request of Senator Chilsen, with unanimous consent, **Senate Bill 444** was withdrawn from committee on Agriculture and Natural Resources and returned to the author.

Senator George moved reconsideration of the vote by which **Senate Bill 258** passed.

By request of Senator Bablitch, with unanimous consent, the motion for reconsideration of the vote by which **Senate Bill 258** passed was laid on the table.

LEAVE OF ABSENCE

By request of Senator Chilsen, with unanimous consent, Senator Theno was granted a leave of absence for Thursday, October 1.

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

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, October 1.

5:30 P.M.