

JOURNAL OF THE SENATE [October 27, 1981]

STATE OF WISCONSIN

**Senate Journal**

**Eighty-Fifth Regular Session**

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TUESDAY, October 27, 1981.

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, 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 Osborne Hart, formerly of the First Congregational Church of Baraboo.

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

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COMMITTEE REPORTS

The committee on Agriculture and Natural Resources reports and recommends:

**Assembly Bill 36**

Relating to authorizing the department of natural resources to distribute free trees to schools for arbor day observance and increasing an appropriation.

Concurrence:

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Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and  
Opitz;

Noes, 0 -- None.

THOMAS W. HARNISCH

Chair

The committee on Senate Organization reports and recommends the following nomination for appointment by the senate:

Dr. Helen Corneli, for a three year term to the radiation protection council, pursuant to section 15.197(12)(b), Wis. Stats.

FRED A. RISSER

Chair

By request of Senator Bablitch, with unanimous consent, the Senate Organization committee report was considered at this time.

The question was: Adoption of the committee report?

Adopted.

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CALENDAR OF OCTOBER 27

**Assembly Bill 324**

Relating to the interest rate charged by counties and 1st class cities for overdue and delinquent real property taxes.

Read.

The question was: Concurrence of assembly amendment 1 to senate amendment 1?

Senator Braun moved non-concurrence of assembly amendment 1 to senate amendment 1.

Senator Harnisch asked unanimous consent that the senate non-concur in assembly amendments 1, 2 and 3 to senate amendment 1 to **Assembly Bill 324** and appoint a Committee of Conference.

Senator Chilsen objected.

The question was: Non-concurrence of assembly amendment 1 to senate amendment 1?

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 324** was placed at the foot of the calendar.

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**Senate Joint Resolution 33**

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

Read.

Senate amendment 1 to senate substitute amendment 1 offered by Senator Opitz.

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

Adopted.

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

Senator Lorman moved rejection of **Senate Joint Resolution 33**.

The question was: Rejection of **Senate Joint Resolution 33**.

By request of Senator Lasee, with unanimous consent, the senate recessed until 10:43 A.M.

10:03 A.M.

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RECESS

10:43 A.M.

The senate reconvened.

The question was: Rejection of **Senate Joint Resolution 33**.

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

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Frank, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Opitz, Roshell, Theno and Van Sistine -- 19.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, George, Goyke, Kleczka, Moody, Offner, Risser, Strohl and Thompson -- 14.

Absent or not voting -- None.

So the joint resolution was rejected.

**Senate Bill 269**

Relating to increasing general obligation, reducing revenue obligation and eliminating convertible obligation bonding authorization for veterans' housing loans.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 269** was referred to joint committee on Finance.

**Senate Bill 281**

Relating to exempting from cosmetology statutes services performed without compensation.

Read a second time.

Senator Kleczka moved that the bill be indefinitely postponed.

The question was: Shall **Senate Bill 281** be indefinitely postponed?

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

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Frank, Goyke, Harnisch, Kleczka, Kreul, Maurer, Roshell, Strohl and Van Sistine -- 15.

Noes -- Senators Chilsen, Engeleiter, Flynn, George, Hanaway, Harsdorf, Johnston, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Theno and Thompson -- 18.

Absent or not voting -- None.

So the motion did not prevail.

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

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

Ayes -- Senators Adelman, Chilsen, Engeleiter, Flynn, Frank, George, Hanaway, Harnisch, Harsdorf, Johnston, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Theno and Thompson -- 21.

Noes -- Senators Berger, Bidwell, Braun, Cullen, Goyke, Kleczka, Kreul, Maurer, Roshell, Strohl and Van Sistine -- 11.

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.

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**Senate Bill 281**

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, Chilsen, Engeleiter, Flynn, George, Hanaway, Harnisch, Harsdorf, Johnston, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Theno and Thompson -- 20.

Noes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, Frank, Goyke, Kleczka, Kreul, Maurer, Roshell, Strohl and Van Sistine -- 13.

Absent or not voting -- None.

So the bill passed.

**Senate Bill 351**

Relating to Brule river protection, granting rule-making authority and creating a penalty.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Senator Kleczka, with unanimous consent, **Senate Bill 351** was referred to the joint committee on Finance.

By request of Senator Senator Kleczka, with unanimous consent, **Senate Bill 351** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Opitz asked unanimous consent that senate substitute amendment 1 be placed after senate substitute amendment 2.

Senator Theno objected.

The question was: Adoption of senate substitute amendment 1?

Senator Berger moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?  
The motion did not prevail.

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

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Senate substitute amendment 2 offered by Senator Opitz.

The question was: Adoption of senate substitute amendment 2?

Senator Theno moved rejection of senate substitute amendment 2.

The question was: Rejection of senate substitute amendment 2?

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, Bidwell, Braun, Chilsen, Frank, George, Hanaway, Harnisch, Kleczka, Krueger, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno and Van Sistine -- 21.

Noes -- Senators Berger, Cullen, Engeleiter, Flynn, Goyke, Harsdorf, Johnston, Kreul, Lasee, Lorge, Opitz and Thompson -- 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 351**

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Bidwell, Braun, Chilsen, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Lasee, Lorman, McCallum, Maurer, Moody, Offner, Risser, Strohl, Theno, Thompson and Van Sistine -- 25.

Noes -- Senators Berger, Cullen, Engeleiter, Harsdorf, Kreul, Lorge and Opitz -- 7.

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

So the bill passed.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:00 P.M.

12:05 P.M.

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RECESS

2:00 P.M.

The senate reconvened.

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, 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.

By request of Senator Roshell, with unanimous consent, the journal will show that he would have voted with the majority for passage of **Senate Bill 351**.

**Senate Bill 507**

Relating to rate increases of certain utilities under an automatic adjustment clause.

Read a second time.

The question was: Adoption of senate amendment 1?

Senate amendment 2 offered by Senator Strohl.

By request of Senator Strohl, with unanimous consent, senate amendments 1 and 2 were returned to the author.

Senate amendment 3 offered by Senators Strohl, Berger and Braun.

The question was: Adoption of senate amendment 3?

Senator Frank moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

By request of Senator Lorman, with unanimous consent, **Senate Bill 507** was placed after **Senate Bill 511**.

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**Senate Bill 508**

Relating to limiting certain activity of former members and division administrators of the public service commission, intervenor financing, utility advertising practices and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Strohl, with unanimous consent, **Senate Bill 508** was placed after **Senate Bill 507**.

**Senate Bill 509**

Relating to the rate of return on public utility stock, interim utility rate increases and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Senator Lorman asked unanimous consent that **Senate Bill 509** be referred to committee on Insurance and Utilities.

Senator Berger objected.

Senator Lorman moved that **Senate Bill 509** be referred to committee on Insurance and Utilities.

The question was: Shall **Senate Bill 509** be referred to committee on Insurance and Utilities?

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

Ayes -- Senators Bablitch, Bidwell, Chilsen, Engeleiter, Goyke, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Opitz, Roshell, Theno and Van Sistine -- 19.

Noes -- Senators Adelman, Berger, Braun, Cullen, Flynn, Frank, George, Harnisch, Kleczka, Moody, Offner, Risser, Strohl and Thompson -- 14.

Absent or not voting -- None.

So the motion prevailed.

**Senate Bill 510**

Relating to rate structures of public utilities supplying gas and electricity, telephone service rates and granting rule-making authority.

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Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 510** was referred to joint committee on Finance.

**Senate Bill 511**

Relating to electricity rates, prohibiting public utility charges for construction work in progress, public utility uniform systems of accounts and granting rule-making authority.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

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LEAVE OF ABSENCE

By request of Senator Goyke, with unanimous consent, he was granted a leave of absence at 4:35 P.M. for the balance of the day.

The question was: Adoption of senate substitute amendment 1?

Senator Lorman asked unanimous consent that **Senate Bill 511** be referred to committee on Insurance and Utilities.

Senator Berger objected.

Senator Lorman moved that **Senate Bill 511** be referred to committee on Insurance and Utilities.

The question was: Shall **Senate Bill 511** be referred to committee on Insurance and Utilities?

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

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Flynn, Goyke, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorman, Maurer, Opitz, Roshell, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Frank, George, Hanaway, Harnisch, Lorge, McCallum, Moody, Offner, Risser, Strohl and Thompson -- 16.

Absent or not voting -- None.

So the motion prevailed.

**Senate Bill 507**

Relating to rate increases of certain utilities under an automatic adjustment clause.

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Read.

The question was: Rejection of senate amendment 3?

By request of Senator Frank, with unanimous consent, he withdrew his motion for rejection of senate amendment 3.

Senate amendment 1 to senate amendment 3 offered by Senator Strohl.

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

Adopted.

The question was: Adoption of senate amendment 3?

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

By request of Senator Strohl, with unanimous consent, senate amendment 1 was reintroduced.

The question was: Adoption of senate amendment 1?

Adopted.

Senator Lorman moved indefinite postponement of **Senate Bill 507**.

The question was: Shall **Senate Bill 507** 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, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 14.

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

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 507**

Read a third time.

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

Noes -- Senators Bidwell, Engeleiter, Hanaway, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman and Opitz -- 10.

Absent or not voting -- None.

So the bill passed.

### **Senate Bill 508**

Relating to limiting certain activity of former members and division administrators of the public service commission, intervenor financing, utility advertising practices and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 offered by Senators Strohl, Berger and Moody.

The question was: Adoption of senate amendment 2?

Adopted.

Senate amendment 3 offered by Senator Opitz.

The question was: Adoption of senate amendment 3?

By request of Senator Strohl, with unanimous consent, senate amendment 3 was laid on the table.

Senate amendment 4 offered by Senator Opitz.

The question was: Adoption of senate amendment 4?

Senator Strohl 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, 9; noes, 23; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, George, Krueger, Moody and Strohl -- 9.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee,

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Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Risser, Roshell, Theno, Thompson and Van Sistine -- 23.

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

So the motion did not prevail.

The question was: Adoption of senate amendment 4?

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 508**

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harsdorf, Kleczka, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Risser, Strohl, Theno and Thompson -- 25.

Noes -- Senators Bidwell, Harnisch, Johnston, Kreul, Lorman, Opitz, Roshell and Van Sistine -- 8.

Absent or not voting -- None.

So the bill passed.

**Senate Bill 521**

Relating to customer liability for unbilled utility service.

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.

**Senate Bill 521**

Read a third time and passed.

**Senate Bill 556**

Relating to limiting when a person can kill a dog as a restraining action, revising liability for damage caused by a dog, allowing money to be paid to specified organizations from the dog license fund and revising penalties.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

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By request of Senator Harnisch, with unanimous consent, he moved reconsideration of the vote by which **Senate Joint Resolution 33** was rejected.

The question was: Adoption of senate substitute amendment 1 to **Senate Bill 556**?

Senate amendment 1 to senate substitute amendment 1 offered by Senator Chilsen.

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

Adopted.

Senate amendment 2 to senate substitute amendment 1 offered by Senator Bablitch.

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

By request of Senator Chilsen, with unanimous consent, senate amendment 2 to senate substitute amendment 1 was laid on the table.

Senate amendment 3 to senate substitute amendment 1 offered by Senator Thompson.

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

Adopted.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Chilsen.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

Senator Braun moved rejection of senate amendment 4 to senate substitute amendment 1.

The question was: Rejection of senate amendment 4 to senate substitute amendment 1?

The motion did not prevail.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

Adopted.

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

Ordered to a third reading.

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

**Senate Bill 556**

Read a third time and passed.

**Senate Joint Resolution 33**

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

Read.

The question was: Reconsideration of the vote by which **Senate Joint Resolution 33** was rejected?

By request of Senator Braun, with unanimous consent, **Senate Joint Resolution 33** was placed at the foot of the calendar.

**Senate Bill 599**

Relating to the vehicle tower's liability for damages to, and loss of, personal property in vehicles being legally towed, stored or destroyed.

Read a second time.

Senate amendment 1 offered by Senator Frank.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 599** was placed at the foot of the calendar.

**Senate Bill 603**

Relating to insurance coverage of chiropractic services.

Read a second time.

Ordered to a third reading.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 603** was referred to joint committee on Finance.

**Assembly Joint Resolution 70**

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

Read.

Senate amendment 1 offered by Senate Chilsen.

The question was: Adoption of senate amendment 1?

Senator Berger moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The motion prevailed.

Senate amendment 2 offered by Senator Chilsen.

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The question was: Adoption of senate amendment 2?

Senator Strohl 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, 15; noes, 14; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, Frank, George, Harnisch, Lorman, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 15.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Opitz and Theno -- 14.

Absent or not voting -- Senators Cullen, Goyke, Maurer and Roshell -- 4.

So the motion prevailed.

Senate amendment 3 offered by Senator Chilsen.

The question was: Adoption of senate amendment 3?

Senator Thompson 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, 15; noes, 15; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Harnisch, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 15.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 15.

Absent or not voting -- Senators Goyke, Maurer and Roshell -- 3.

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, 15; noes, 15; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 15.

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

Absent or not voting -- Senators Goyke, Maurer and Roshell -- 3.

So the amendment was not adopted.

Senate amendment 4 offered by Senator Theno.

The question was: Adoption of senate amendment 4?

Senator George moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The motion prevailed.

Senator Chilsen moved that **Assembly Joint Resolution 70** be laid on the table.

The question was: Shall **Senate Joint Resolution 70** be laid on the table?

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

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

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

Absent or not voting -- Senators Goyke and Maurer -- 2.

So the motion did not prevail.

Senator Chilsen moved reconsideration of the vote by which senate amendment 3 failed to be adopted.

The question was: Reconsideration of the vote by which senate amendment 3 failed to be adopted?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 15; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 15.

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

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Absent or not voting -- Senators Goyke, Maurer and Roshell -- 3.

So the motion did not prevail.

The question was: Concurrence?

Senator McCallum moved a

### CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Strohl, Theno, Thompson and Van Sistine -- 30.

Absent -- Senators Maurer and Roshell -- 2.

Absent with leave -- Senator Goyke -- 1.

Senator Bablitch moved that the Call of the Senate be raised.

Senator Chilsen raised the point of order that the motion was not proper.

The chair ruled that pursuant to Senate Rule 85(5) the motion was proper. The point of order not well taken.

The question was: Shall the Call of the Senate be raised?

The motion prevailed.

Senator Chilsen moved non-concurrence of **Assembly Joint Resolution 70**.

The question was: Non-concurrence of **Assembly Joint Resolution 70**?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 18; absent or not voting, 5; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Opitz and Theno -- 10.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, Frank, George, Harnisch, Krueger, Lorge, Lorman, McCallum, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 18.

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Absent or not voting -- Senators Cullen, Goyke, Kleczka, Maurer and Roshell -- 5.

So the motion did not prevail.

The question was: Concurrence?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 8; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, Frank, George, Harnisch, Harsdorf, Kleczka, Krueger, Lorge, Lorman, McCallum, Moody, Offner, Risser, Strohl, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Johnston, Kreul, Lasee and Opitz -- 8.

Absent or not voting -- Senators Cullen, Goyke, Maurer and Roshell -- 4.

So the joint resolution was concurred in.

**Assembly Bill 93**

Relating to the accumulation of interest in irrevocable burial trusts.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 93**

Read a third time and concurred in.

**Assembly Bill 111**

Relating to authorizing the dentistry examining board to sanction a dentist or dental hygienist for incompetence, negligence or overbilling and increasing staff assigned to the dentistry examining board.

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 111**

Read a third time and concurred in.

**Assembly Bill 166**

Relating to cutting, removing and transporting firewood and revising penalties.

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 166**

Read a third time and concurred in.

**Assembly Bill 324**

Relating to the interest rate charged by counties and 1st class cities for overdue and delinquent real property taxes.

Read.

The question was: Non-concurrence of assembly amendment 1 to senate amendment 1?

The motion prevailed.

The question was: Concurrence of assembly amendment 2 to senate amendment 1?

Senator Braun moved non-concurrence of assembly amendment 2 to senate amendment 1.

The question was: Non-concurrence of assembly amendment 2 to senate amendment 1?

The motion prevailed.

The question was: Concurrence of assembly amendment 3 to senate amendment 1?

Senator Braun moved non-concurrence of assembly amendment 3 to senate amendment 1?

The question was: Non-concurrence of assembly amendment 3 to senate amendment 1?

The motion prevailed.

By request of Senator Braun, with unanimous consent, the Senate asked for a Committee of Conference.

**Senate Joint Resolution 33**

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

Read.

The question was: Reconsideration of the vote by which **Senate Joint Resolution 33** was rejected?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

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

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

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

So the motion did not prevail.

**Senate Bill 599**

Relating to the vehicle tower's liability for damages to, and loss of, personal property in vehicles being legally towed, stored or destroyed.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, senate amendment 1 was laid on the table.

Senate amendment 2 offered by Senator Lorge.

The question was: Adoption of senate amendment 2?

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 599**

Read a third time and passed.

The chair appointed as conferees on its part Senators Braun, Berger and Bidwell to **Assembly Bill 324**.

The question was: Shall the conferees be confirmed?

Confirmed.

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MOTIONS

Senator Kleczka asked unanimous consent that the motion for reconsideration of the vote by which **Senate Bill 188** failed to pass be taken from the table.

The question was: Shall the motion for reconsideration of the vote by which **Senate Bill 188** failed to pass be taken from the table?

The motion prevailed.

The question was: Reconsideration of the vote by which **Senate Bill 188** failed to pass?

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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, George, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Risser, Strohl, Theno, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Chilsen, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Roshell -- 13.

Absent or not voting -- None.

So the motion prevailed.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 188** was referred to committee on Senate Organization.

Senator Kreul moved that the rules be suspended and **Assembly Bill 45** be withdrawn from committee on State and Local Affairs and Taxation and be made a Special Order of Business at 10:00 A.M. Thursday, October 29.

The question was: Shall the rules be suspended and **Assembly Bill 45** be withdrawn from committee on State and Local Affairs and Taxation and be made a Special Order of Business at 10:00 A.M., Thursday, October 29?

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

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

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

Absent or not voting -- None.

Less than two-thirds having voted in the affirmative, the motion did not prevail.

Senator Hanaway asked unanimous consent that **Senate Bill 38** be withdrawn from Joint Survey Committee on Tax Exemptions and referred to committee on Senate Organization.

Senator Berger raised the point of order that a bill cannot be withdrawn from a joint survey committee without a committee report.

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The chair took the point of order under advisement.

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

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AMENDMENTS OFFERED

Senate substitute amendment 2 to **Senate Bill 511** by Senator Opitz.

Upon motion of Senator Bablitch the senate adjourned until 9:00 Wednesday, October 28.

6:10 P.M.