

JOURNAL OF THE SENATE [January 28, 1982]

STATE OF WISCONSIN

**Senate Journal**

**Eighty-Fifth Regular Session**

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THURSDAY, January 28, 1982.

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 David Burton of West Arbor Free Methodist Church, Madison.

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

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INTRODUCTION OF RESOLUTIONS

**Senate Resolution 16**

Relating to a legislative council study of the forestation state tax.

By Senators Lorge, Opitz, McCallum and Hanaway, by request of the Outagamie County Board of Supervisors.

Read and referred to committee on Agriculture and Natural Resources.

**Senate Resolution 17**

Relating to requesting the Wisconsin delegation to prepare, introduce and support legislation authorizing the collection of tolls on the national interstate system of highways.

By Senators Cullen, Van Sistine, Roshell, Braun, Kreul, Maurer, Strohl and Bidwell.

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

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 729**

Relating to penalties for molesting or taking animal traps or their contents.

By Senators Chilsen and Harnisch.

To committee on Agriculture and Natural Resources.

**Senate Bill 730**

Relating to including real estate appraisals as a qualifying improvement under the construction lien law.

By Senator Chilsen; cosponsored by Representatives Robinson and McEwen, by request of Robert M. Mayer, Wausau.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 731**

Relating to the creation of a uniform unclaimed property act, granting rule-making authority, affecting appropriations and providing penalties.

By Senators George, Engeleiter, Thompson, Goyke, Maurer, Strohl, Van Sistine, Braun, Berger, Flynn, Chilsen, Adelman, Offner, Harnisch, Bidwell, Kreul, Harsdorf, Lorman, Cullen, Roshell, Moody, Krueger, Opitz, Lasee, Frank and Risser, by request of Commission of Uniform State Laws and Charles P. Smith, State Treasurer.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 732**

Relating to staggering the terms of members of the board on aging and long-term care.

By Senator Berger; cosponsored by Representative Rogers.

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

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**Senate Bill 733**

Relating to required disability insurance coverage of services to terminally ill persons and their families.

By Senators Cullen, Braun, Thompson and George; cosponsored by Representatives D. Travis, Miller, Duren, Plous, Flintrop, Tuczynski, Otte and Coggs.

To committee on Insurance and Utilities.

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PETITIONS AND COMMUNICATIONS

Wisconsin Educational Television  
and Radio Networks

January 26, 1982

To the Honorable the Senate:

Chapter 20 Laws of 1981, Section 690m. 39.11(17m) of the statutes states the Educational Communications Board shall:

Maintain annual records of its expenditures for programming purposes by type of programming and by source of revenue. By December 1, 1981, and annually thereafter, the Educational Communications Board shall report to the Governor and the Legislature all of the board's sources of revenue by source and amount.

Since the year to be reported is not specified, the ECB interprets the intent to mean the previous fiscal year. Therefore, in accordance with Section 690m. 39.11(17m) the audited financial statements for the fiscal year ending June 30, 1981 for the Wisconsin Educational Television Network and the Wisconsin Educational Radio Network operated by the Educational Communications Board are hereby submitted.

Sincerely,

ANTON J. MOE

Executive Director

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SENATE CLEARINGHOUSE ORDERS

**Clearinghouse Rule 81-110**

AN ORDER to amend ch. Ind 18 (title), Part I (title), 18.01 (intro.), 18.001 (1) and (2), 18.002, 18.01, 18.02, Part II (title), 18.10, Part III (title) and Part IV (title); to repeal and recreate Ind 18.20, 18.21, 18.30, 18.31, Appendix A, Appendix B and Appendix C; and to create 18.11, 18.22, 18.32, 18.33, Appendix D and Appendix E, relating to renewable energy financial incentives.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, January 27, 1982.

Referred to committee on Energy, January 28, 1982.

**Clearinghouse Rule 81-250**

AN ORDER to repeal Adm 30.05 (6) to (8), (10) (a) 3 and 5 and (14), 30.06 (4) (a), (c) and (e) and 30.08 (3); to amend Adm 30.02 (1) and (2) and 30.05 (2), (3) and (5); and to repeal and recreate Adm 30.06 (3), relating to payroll deductions for charitable purposes.

Submitted by Department of Administration.

Report received from agency, January 27, 1982.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, January 28, 1982.

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MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

**Senate Bill 151**

**Senate Bill 263**

Adopted and asks concurrence in:

**Assembly Joint Resolution 29**

Passed and asks concurrence in:

**Assembly Bill 252**

**Assembly Bill 473**

**Assembly Bill 607**

**Assembly Bill 750**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 29**

Relating to the deletion from the constitution of unnecessary Latin terms, and removing an obsolete limitation from the impeachment procedure (2nd consideration).

By Representatives Jackamonis, Barry, Hasenohrl, Potter, Crawford, Wagner, Lee, Wood, Radtke, Loftus, Lewison, Laatsch, Plous, Kirby, Metz, D. Travis, Rutkowski and Knox, co-sponsored by Senators Offner, Goyke, Hanaway and Roshell.

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

**Assembly Bill 252**

Relating to waiver of notice in probate procedures.

By Representatives Robertson, Panzer, Hopkins, Wood, Rooney, Prosser, Stitt, Swoboda, Crawford, Hauke, Wagner and Schmidt.

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

**Assembly Bill 473**

Relating to persons eligible to act as a bingo caller or to participate in the management or operation of a bingo occasion.

By Representative Lee, by request of Donald W. Runnells.

Read first time and referred to committee on State and Local Affairs and Taxation.

**Assembly Bill 607**

Relating to disclosure of identity of patients in mental health institutions to police and allowing psychologists to testify at certain commitment proceedings.

By Representatives Becker, Crawford, Wood, Donoghue and Thompson, co-sponsored by Senators Cullen and Offner.

Read first time and referred to committee on Human Services.

**Assembly Bill 750**

Relating to the licensing of barbers and cosmetologists.

By Representatives Metz, Vanderperren, Dorff, Roberts, Everson and Schneiders, co-sponsored by Senator Van Sistine.

Read first time and referred to committee on Human Services.

By request of Senator Bablitch, with unanimous consent, **Senate Bills 569** and **572** were referred to committee on Senate Organization.

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LEAVE OF ABSENCE

By request of Senator Bidwell, with unanimous consent, he was granted a leave of absence from 11:00 A.M. to 11:30 A.M.

By request of Senator Cullen, with unanimous consent, he was granted a leave of absence from 11:00 A.M. to 11:30 A.M.

By request of Senator Bablitch, with unanimous consent, he was granted a leave of absence at 2:45 P.M. for the balance of the day.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Bill 728** was considered at this time.

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CALENDAR OF JANUARY 28

**Senate Bill 728**

Relating to including social security payments in income for purposes of computing the homestead credit and farmland preservation credit, and for income computation purposes under the property tax deferral program.

Read a second time.

Senate amendment 1 offered by Senator Kleczka.

The question was: Adoption of senate amendment 1?

Adopted.

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 728**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- 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.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

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By request of Senator Bablitch, with unanimous consent, all action on **Senate Bill 728** was ordered immediately messaged.

**Senate Bill 101**

Relating to possession of firearms or ammunition by persons convicted of felonies and providing penalties.

Read a second time.

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

By request of Senator Hanaway, with unanimous consent, **Senate Bill 101** was referred to committee on Senate Organization.

**Senate Bill 204**

Relating to employment discrimination.

Read a second time.

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

Adopted.

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

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

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

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

Ayes -- Senators Chilsen, Engeleiter, Hanaway, Harsdorf, Lasee, McCallum, Opitz, Roshell and Theno -- 9.

Noes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lorge, Lorman, Maurer, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 24.

Absent or not voting -- None.

So the motion did not prevail.

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

Adopted.

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

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**Senator Braun moved rejection of senate amendment 3 to senate substitute amendment 1.**

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

**By request of Senator Braun, with unanimous consent, senate amendment 3 to senate substitute amendment 1 was placed after senate amendment 9 to senate substitute amendment 1.**

**By request of Senator Braun, with unanimous consent, senate amendment 4 to senate substitute amendment 1 was placed after senate amendment 3 to senate substitute amendment 1.**

**Senate amendment 5 to senate substitute amendment 1 offered by Senator Opitz.**

**The question was: Adoption of senate amendment 5 to senate substitute amendment 1?**

**Senator Braun moved rejection of senate amendment 5 to senate substitute amendment 1.**

**The question was: Rejection of senate amendment 5 to senate substitute amendment 1?**

**By request of Senator Opitz, with unanimous consent, senate amendment 5 to senate substitute amendment 1 was returned to the author.**

**Senate amendment 6 to senate substitute amendment 1 offered by Senator Opitz.**

**The question was: Adoption of senate amendment 6 to senate substitute amendment 1?**

**Senator Braun moved rejection of senate amendment 6 to senate substitute amendment 1.**

**The question was: Rejection of senate amendment 6 to senate substitute amendment 1?**

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

**Ayes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Moody, Offner, Risser, Strohl, Theno, Thompson and Van Sistine -- 19.**

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**Noes -- Senators Chilsen, Engeleiter, Harsdorf, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Opitz and Roshell -- 12.  
Absent or not voting -- Senators Bidwell and Cullen -- 2.**

**So the motion prevailed.**

**Senate amendment 7 to senate substitute amendment 1 offered by Senators Roshell, Maurer and Lorman.**

**The question was: Adoption of senate amendment 7 to senate substitute amendment 1?**

**Senator Braun moved rejection of senate amendment 7 to senate substitute amendment 1.**

**The question was: Rejection of senate amendment 7 to senate substitute amendment 1?**

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

**Ayes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, Frank, George, Goyke, Kleczka, Moody, Risser, Strohl, Theno, Thompson and Van Sistine -- 15.**

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

**Absent or not voting -- Senators Bidwell and Cullen -- 2.**

**So the motion did not prevail.**

**The question was: Adoption of senate amendment 7 to senate substitute amendment 1?**

**Senator Braun asked unanimous consent that senate amendment 7 to senate substitute amendment 1 be placed after senate amendment 4 to senate substitute amendment 1.**

**Senator Roshell objected.**

**The question was: Adoption of senate amendment 7 to senate substitute amendment 1?**

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

**Ayes -- Senators Bablitch, Chilsen, Engeleiter, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Opitz, Roshell and Theno -- 17.**

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Noes -- Senators Adelman, Berger, Braun, Flynn, Frank, George, Goyke, Kleczka, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 14.

Absent or not voting -- Senators Bidwell and Cullen -- 2.

So the amendment was adopted.

Senator Bablitch moved reconsideration of the vote by which senate amendment 7 to senate substitute amendment 1 was adopted.

By request of Senator Bablitch, with unanimous consent, the motion for reconsideration was placed at the foot of the calendar.

**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.

The question was: Adoption of senate substitute amendment 1?

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

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

Adopted.

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

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 316**

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Harnisch, Harsdorf, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Opitz, Roshell, Strohl, Theno and Thompson -- 27.

Noes -- Senators Hanaway, Johnston, Lorman, Offner, Risser and Van Sistine -- 6.

Absent or not voting -- None.

So the bill passed.

**Senate Bill 407**

Relating to establishing a homeownership mortgage loan program in the department of development, granting rule-making authority and making appropriations.

Read a second time.

The question was: Indefinite postponement of **Senate Bill 407**?

By request of Senator Cullen, with unanimous consent, **Senate Bill 407** was referred to committee on Aging, Business and Financial Institutions and Transportation.

**Senate Bill 603**

Relating to insurance coverage of chiropractic services.

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 603**

Read a third time.

The ayes and noes were required and the vote was: ayes, 10; noes, 23; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Bidwell, Braun, Cullen, Flynn, Frank, Goyke, Kreul, Moody and Thompson -- 10.

Noes -- Senators Adelman, Bablitch, Chilsen, Engeleiter, George, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Risser, Roshell, Strohl, Theno and Van Sistine -- 23.

Absent or not voting -- None.

So the bill failed to pass.

Senator Kleczka moved reconsideration of the vote by which **Senate Bill 603** failed to pass.

Senator Kleczka asked unanimous consent that the motion to reconsider the vote by which **Senate Bill 603** failed to pass be laid on the table.

Senator Offner objected.

Senator Kleczka moved the the motion to reconsider the vote by which **Senate Bill 603** failed to pass be laid on the table.

The question was: Shall the motion to reconsider the vote by which **Senate Bill 603** failed to pass be laid on the table?

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

Ayes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Kreul, McCallum and Thompson -- 14.

Noes -- Senators Adelman, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Krueger, Lasee, Lorge, Lorman, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Reconsideration of the vote by which **Senate Bill 603** failed to pass?

By request of Senator Kleczka, with unanimous consent, he withdrew his motion to reconsider the vote by which **Senate Bill 603** failed to pass.

**Senate Bill 604**

Relating to revising the schedules of controlled substances.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Adopted.

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 604**

Read a third time and passed.

**Senate Bill 621**

Relating to restitution and other payments as a condition of probation.

Read a second time.

The question was: Adoption of senate amendment 1?

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

The question was: Adoption of senate amendment 3?

Adopted.

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Senate amendment 4 offered by Senator George.

The question was: Adoption of senate amendment 4?

Adopted.

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 621**

Read a third time and passed.

**Senate Bill 698**

An act to authorize and direct expenditure of \$2,500 from moneys appropriated to the department of natural resources for payment of a claim against the state made by Head of the Lakes Electric Cooperative.

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.

**Senate Bill 698**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- 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.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

**Senate Bill 204**

Relating to employment discrimination.

Read.

Senate amendment 8 to senate substitute amendment 1 offered by Senators Krueger and Braun.

The question was: Adoption of senate amendment 8 to senate substitute amendment 1?

Adopted.

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Senate amendment 9 to senate substitute amendment 1 offered by Senator Hanaway.

The question was: Adoption of senate amendment 9 to senate substitute amendment 1?

Adopted.

The question was rejection of senate amendment 3 to senate substitute amendment 1?

By request of Senator Braun, with unanimous consent, senate amendment 3 to senate substitute amendment 1 was laid on the table.

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?

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

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Roshell and Theno -- 21.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, George, Moody, Risser, Strohl, Thompson and Van Sistine -- 12.

Absent or not voting -- None.

So the amendment was adopted.

The question was: Reconsideration of the vote by which senate amendment 7 to senate substitute amendment 1 was adopted?

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, Braun, Cullen, Flynn, Frank, George, Goyke, Kleczka, Moody, Risser, Strohl, Thompson and Van Sistine -- 15.

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

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 1?  
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 204**

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Krueger, Lorman, McCallum, Maurer, Moody, Offner, Risser, Strohl, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Bidwell, Kreul, Lasee, Lorge, Opitz and Roshell -- 6.

Absent or not voting -- None.

So the bill passed.

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

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, February 2.

12:19 P.M.