

JOURNAL OF THE SENATE [February 4, 1982]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

THURSDAY, February 4, 1982.

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 J. Stephen Bremer, pastor of Luther Memorial Lutheran Church, Madison.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 746

Relating to various changes pertaining to the licensure of barbers by the barbers examining board.

By Senator Braun; cosponsored by Representative Behnke.

To committee on Human Services.

Senate Bill 747

Relating to payment and deposit of sales tax collections.

By Senators Opitz, McCallum, Chilsen and Lasee; cosponsored by Representatives Thompson, Potter, Donoghue, Conradt, Lewison, Stitt, Alberts, Plous, Harer, Nelsen and Hopkins, by request of Governor's Conference on Small Business.

To committee on State and Local Affairs and Taxation.

Senate Bill 748

Relating to the penalty for incorrect sales and use tax returns.

By Senators Opitz, McCallum, Chilsen, Roshell and Lasee; cosponsored by Representatives Thompson, Potter, Donoghue, Ladwig, Conradt, Lewison, Stitt, Robertson, Alberts, Harer, Panzer, Hopkins and R. Travis by request of Governor's Conference on Small Business.

To committee on State and Local Affairs and Taxation.

Senate Bill 749

Relating to the sales tax on service charges and labor charges.

By Senators Opitz, McCallum, Chilsen, Roshell and Lasee; cosponsored by Representatives Thompson, Porter, Potter, Donoghue, Stitt, Alberts and Harer, by request of Governor's Conference on Small Business.

To Joint Survey committee on Tax Exemptions.

Senate Bill 750

Relating to a sales tax exemption for sales of businesses by persons holding a seller's permit.

By Senators Opitz, McCallum, Chilsen, Roshell and Lasee; cosponsored by Representatives Thompson, Potter, Donoghue, Stitt, Robertson, Alberts, Knox, Harer, Panzer and Hopkins, by request of Governor's Conference on Small Business.

To committee on State and Local Affairs and Taxation.

Senate Bill 751

Relating to requiring submission of a revenue bill before a budget bill is submitted and passage of a revenue bill before a budget bill is passed.

By Senators Opitz, McCallum, Chilsen, Roshell and Lasee; cosponsored by Representatives Thompson, Porter, Laatsch, Potter, Donoghue, Ladwig, Conradt, Lewison, Stitt, Robertson, Alberts, Knox, Harer, Schneiders, Panzer, Ellis, Luckhardt and Hopkins, by request of Governor's Conference on Small Business.

To committee on State and Local Affairs and Taxation.

Senate Bill 752

Relating to replacing the inheritance tax with an estate tax, creating a system for the administration of the estate tax, exempting gifts to lineal issue from the gift tax and providing a penalty.

By Senators Opitz, Chilsen, Engeleiter and Lasee; cosponsored by Representatives Thompson, Luckhardt, Goodrich, Shoemaker, Young, Donoghue, Hopkins, DeLong, Klicka, Ladwig, Stitt, Schneiders, Matty, Radtke and R. Travis, by request of Governor's Conference on Small Business.

To Joint Survey committee on Tax Exemptions.

Senate Bill 753

Relating to authorizing the sale or exchange of certain land in northern highland state forest.

By Senator Van Sistine; cosponsored by Representative Kincaid.
To committee on Agriculture and Natural Resources.

Senate Bill 754

Relating to recovering general relief payments.

By Senator Lorge.
To committee on Human Services.

Senate Bill 755

Relating to search warrants.

By Senators Roshell and Kreul; cosponsored by Representatives Shoemaker, McEwen, Ladwig, Prosser, Matty and Nelsen, by request of Wisconsin Chiefs of Police Assoc., Inc., Wisconsin Professional Police Assoc., Wisconsin Sheriffs and Deputy Sheriffs Assoc., and Attorney General Bronson LaFollette.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 19

Relating to a continuing increase in the membership of the senate committee on insurance and utilities.

Introduction:

Ayes, 4 -- Senators Risser, Bablitch, Chilsen and Hanaway;
Noes, 0 -- None.

Read and referred to committee on Senate Organization.

FRED A. RISSER

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Chair

The committee on Agriculture and Natural Resources reports and recommends for introduction:

Senate Bill 756

Relating to revising penalties for various fish and game laws.

Introduction:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;
Noes, 0 -- None.

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

THOMAS W. HARNISCH
Chair

The committee on Agriculture and Natural Resources reports and recommends:

Senate Bill 123

Relating to scientific collectors permits, to trespass on fox or mink farms and to transfer of the ownership of land on which a dam exists (suggested as remedial legislation by the department of natural resources).

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage:

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

Noes, 0 -- None.

Senate Bill 414

Relating to removal of wharves, piers, structures and obstructions in navigable waters.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage:

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

Noes, 0 -- None.

Assembly Bill 22

Relating to agricultural statistics.

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Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Concurrence:

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

Noes, 0 -- None.

Senate Bill 3

Relating to conveying certain submerged lands to the city of Sheboygan.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

Passage:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

Senate Bill 497

Relating to allowing counties to contract with municipalities for on-site sewage disposal inspections.

Passage:

Ayes, 4 -- Senators Harnisch, Strohl, Krueger and Opitz;

Noes, 0 -- None.

Assembly Bill 581

Relating to notification of proposed town highway changes.

Concurrence:

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

Noes, 0 -- None.

Senate Bill 72

Relating to abolishing the board of soil and water conservation districts and transferring its functions to the department of agriculture, trade and consumer protection, abolishing the agricultural lands preservation board and transferring its functions to the land conservation board, creating a land conservation board, abolishing soil and water conservation districts, creating county land conservation committees and programs, granting rule-making authority and making appropriations.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

Passage:

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Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;
Noes, 0 -- None.

THOMAS W. HARNISCH
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

ONKKA, PASTOR ROBERT A., of Baldwin, as member of the Judicial Commission, to succeed Francis Hurst, to serve for the term ending August 1, 1984.

Confirmation:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

Senate Bill 551

Relating to notice and local regulation of condominium conversions, protection of older and handicapped persons affected by condominium conversions, notice to condominium unit purchasers and condominium construction warranties.

Introduction and adoption of senate substitute amendment 2:

Ayes, 3 -- Senators Adelman, Braun and George;
Noes, 1 -- Senator Johnston.

Passage:

Ayes, 3 -- Senators Adelman, Braun and George;
Noes, 1 -- Senator Johnston.

Senate Bill 622

Relating to presentence investigations.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

Passage:

Ayes, 3 -- Senators Adelman, Braun and George;
Noes, 1 -- Senator Johnston.

Senate Bill 630

Relating to the definition of sexual intercourse.

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

Senate Bill 681

Relating to conservation easements.

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

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Senate Joint Resolution 4

To amend section 10 of article V of the constitution, relating to the governor's authority to veto appropriation bills in part (2nd consideration).

Adoption:

Ayes, 2 -- Senators Braun and Johnston;

Noes, 2 -- Senators Adelman and George.

Without Recommendation

Assembly Bill 242

Relating to providing penalties for use of a dangerous weapon.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Concurrence:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Assembly Bill 295

Relating to obtaining criminal identification data.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Concurrence:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

The committee on Agriculture and Natural Resources reports and recommends:

Senate Resolution 18

Memorializing U.S. Department of Agriculture Secretary Block to urge the ordering of, and the President of the United States to order, an investigation of cheese imports.

Adoption:

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

Noes, 0 -- None.

THOMAS W. HARNISCH

Chair

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The committee on Education and State Institutions reports and recommends:

Senate Bill 331

Relating to state aid to school districts which pay tuition for pupils enrolled outside the school district.

Passage:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;
Noes, 0 -- None.

Senate Bill 555

Relating to creating a council on and establishing staff training programs for gifted and talented pupils, making appropriations and granting rule-making authority.

Adoption of senate substitute amendment 2:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;
Noes, 0 -- None.

Passage:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;
Noes, 0 -- None.

Senate Bill 602

Relating to the employment of school district administrators, school district business managers and school principals.

Passage:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;
Noes, 0 -- None.

Assembly Bill 384

Relating to the method of selecting school board members in city school districts.

Concurrence:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;
Noes, 0 -- None.

GARY R. GOYKE
Chair

The joint committee on Audit reports and recommends:

Senate Bill 659

Relating to miscellaneous changes to the municipal industrial revenue bonding law.

Adoption of senate substitute amendment 1:

Ayes, 7 -- Senators George, Berger and Lasee, Representatives
Ulichny, Gerlach, Nelsen and Quackenbush;

Noes, 0 -- None.

Passage:

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Ayes, 7 -- Senators George, Berger and Lasee, Representatives Ulichny, Gerlach, Nelsen and Quackenbush;
Noes, 0 -- None.

GARY R. GEORGE
Co-Chair

BARBARA L. ULICHNY
Co-Chair

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

McCALLUM, LAURIE RIACH, of Fond du Lac, as member of the Personnel Commission, to succeed Gordon Brehm, to serve for the term ending March 1, 1984.

Confirmation:

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;
Noes, 0 -- None.

PHILLIPS, JAMES W., of Madison, as a member of the Personnel Commission, to succeed Charlotte Higbee, to serve for the term ending March 1, 1983.

Confirmation:

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;
Noes, 0 -- None.

HARPER, NAILA E., of Madison, as a member of the Personnel Board, to succeed Eunice Gibson, to serve for the term ending May 1, 1986.

Confirmation:

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;
Noes, 0 -- None.

Senate Bill 323

Relating to granting public employes who are protective occupation participants retirement credit for prior service in that category.

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

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;
Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;
Noes, 0 -- None.

Passage:

Ayes, 3 -- Senators Van Sistine, Frank and Kreul;

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Noes, 1 -- Senator Cullen.

Assembly Bill 26

Relating to permitting payment of rent for premises used in connection with the conduct of bingo.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 32

Relating to special state awards and making an appropriation.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 253

Relating to utilization of unemployment compensation and employment training benefits received by county jail prisoners.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 298

Relating to deferred compensation plans for public employes, granting rule-making authority and making an appropriation.

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

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

Noes, 0 -- None.

Adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 364

Relating to prohibiting investment of public funds in stocks and obligations of labor law violators.

Concurrence:

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

Noes, 0 -- None.

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Assembly Bill 373

Relating to the procedure for legislative approval of state employe collective bargaining agreements.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 374

Relating to action by the joint committee on employment relations on position assignments to the executive salary groups.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 541

Relating to the minimum base pay for national guard members on active duty.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 239

Relating to requiring automatic sprinkler systems in all newly constructed places of employment and public buildings.

Concurrence:

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

Noes, 0 -- None.

JEROME VAN SISTINE

Chair

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 3, 1982

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

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Senate Bill	Chapter No.	Date Approved
728 -----	110 -----	February 3, 1982

Sincerely,
LEE SHERMAN DREYFUS
Governor

CALENDAR OF FEBRUARY 4

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

AMUNDSON, JANICE, D.V.M., of Arena, as a member of the Veterinary Examining Board, to succeed Dr. Robert Steinkraus, Jr., to serve for the term ending July 1, 1985.
Read.

BRAMSCHREIBER, THOMAS, of Bangor, as a member of the Pesticide Advisory Council, to succeed Dennis Danielson, to serve for the term ending July 1, 1982.
Read.

FALK, WILLIAM, of Neenah, as a member of the Air Resource Allocation Council, to serve for the term ending July 1, 1983.
Read.

GRAVES, ROBERT, of Spring Green, as a member of the Air Resource Allocation Council, to serve for the term ending July 1, 1983.
Read.

GROSKOPP, MYRON D., of Stevens Point, as a member of the Pesticide Advisory Council, to succeed Patrick Buckley, to serve for the term ending July 1, 1983.
Read.

LARSEN, JUDITH A., of Cedarburg, as a member of the Conservation Work Projects Board, to serve for the term ending May 1, 1985.
Read.

LARSON, JAMES, of Waupaca, as a member of the Air Resource Allocation Council, to serve for the term ending July 1, 1983.
Read.

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PIERSON, ROSS, of Baldwin, as a member of the Agricultural Lands Preservation Board, to succeed Richard Scullion, to serve for the term ending July 1, 1985.

Read.

SAEMANN, JOHN, of Florence, as a member of the Conservation Work Project Board, to succeed Mario Ventura, to serve for the term ending May 1, 1985.

Read.

SOLUM, B. DUANE, of Deer Park, as a member of the Agricultural Lands Preservation Board, to succeed Galen L. Smith, to serve for the term ending July 1, 1985.

Read.

STEARNS, FOREST, of Milwaukee, as a member of the Pesticide Advisory Council, to serve for the term ending July 1, 1984.

Read.

WOELFLE, WALTER, of Waukesha, as a member of the Air Resource Allocation Council, to serve for the term ending July 1, 1983.

Read.

The question was: Shall the appointments be confirmed?

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

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.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 79-12

A RULE to amend NR 25.06 (1) (f), 25.07 (2) (a) (intro.), 25.08 (2) (a) 9 and 25.08 (2) (b) 2, relating to commercial fishing in outlying waters.

Submitted by Department of Natural Resources.

Report received from agency, February 3, 1982.

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Referred to committee on Agriculture and Natural Resources,
February 4, 1982.

Clearinghouse Rule 82-6

AN ORDER to repeal and recreate HS 1.01, relating to parking on
the grounds of the state historical society and state history museum.

Submitted by State Historical Society.

Report received from agency, February 2, 1982.

Referred to committee on Labor, Government, Veterans Affairs
and Tourism, February 4, 1982.

The committee on Agriculture and Natural Resources reports
and recommends:

Clearinghouse Rule 81-171

AN ORDER to create NR 45.16 (15) and 45.17 (13), relating to
waiving admission sticker and camping fees on certain properties not
maintained by the Department of Natural Resources.

No action taken.

Clearinghouse Rule 81-178

AN ORDER to create NR 20.03 (1) (a) 1 and (e) 2, relating to
establishing various length limits on largemouth bass in 10 lakes and
a 34-inch limit on muskellunge in one lake.

No action taken.

Clearinghouse Rule 81-183

AN ORDER to repeal NR 10.01 (1) (b), (c) and (g); to renumber
NR 10.01 (1) (q); to amend NR 10.01 (1) (L) (5); to repeal and
recreate NR 10.01 (1) (L) 2 b 1) and 2) and 6 and 10.12 (5) (d);
and to create NR 10.001 (18) and 10.01 (1) (q) to (s), relating to
the 1981 migratory bird season.

No action taken.

THOMAS W. HARNISCH
Chair

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Assembly Joint Resolution 79

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Passed and asks concurrence in:

Assembly Bill 365
Assembly Bill 479
Assembly Bill 566
Assembly Bill 652
Assembly Bill 684
Assembly Bill 746
Assembly Bill 756
Assembly Bill 817
Assembly Bill 819

Concurred in:

Senate Joint Resolution 52
Senate Bill 19

Concurred in as amended:

Senate Bill 68, assembly amendments 1, 2, 4, 5, 6, 7, 8 and 9

Assembly Bill 126, the Assembly recedes from its position on assembly amendment 1 to senate amendment 1.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 79

Relating to creating the Badger fund to consist of 40% of the net proceeds of any tax on the mining of metalliferous minerals (first consideration).

By Representatives R. Travis, Schneider, Kincaid, Ulichny, Helbach, Czarnezki, Knox, Hopkins and Donoghue.

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

Assembly Bill 365

Relating to membership of bodies that set hospital rates.

By Representatives Gerlach, Lee, Norquist, Wagner, Becker, Loftus and Kirby, co-sponsored by Senators Berger, Harnisch, Braun and Maurer.

Read first time and referred to committee on Human Services.

Assembly Bill 479

Relating to removal of illegally parked vehicles in a private parking facility.

By Representatives Behnke, Tregoning, Andrea, Porter, Hauke, Plous, Tuczynski, Kincaid, Neubauer, Norquist and Dorff, co-sponsored by Senators Cullen, Johnston, Braun and Flynn.

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

Assembly Bill 566

Relating to public informational hearing on proposed town annexation.

By Representatives Shoemaker, Smith, Vanderperren, Young, Schneiders, Kincaid, Donoghue, Paulson, Laatsch, Schmidt, Swoboda, Helbach and Thompson, co-sponsored by Senators Opitz, Harsdorf and Roshell.

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

Assembly Bill 652

Relating to destruction of certain taped recordings of local public meetings.

By Representatives Alberts, Shabaz, Vanderperren, Conratt, Matty, Bradley, Byers, Barczak, Kincaid, Porter, Larson, Donoghue, Harer, Prosser and Luckhardt.

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

Assembly Bill 684

Relating to jurisdiction over outlying waters.

By Representative Swoboda, by request of Richard Dannhauser, President of the Village of Egg Harbor.

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

Assembly Bill 746

Relating to articulated busses.

By Representatives Norquist, Behnke, Ulichny and Menos, co-sponsored by Senator George, by request of Milwaukee County.

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

Assembly Bill 756

Relating to various changes in the code of ethics for state public officials.

By Committee on State Affairs, by request of State Ethics Board.

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

Assembly Bill 817

Relating to instigating fights between animals and increasing penalties.

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By Representatives Plous, Merkt, Vanderperren, Lee, Andrea, Alberts, Swoboda, Smith, Rutkowski, Crawford, Loftus, Kunicki, Medinger, Otte, Quackenbush, Jaronitzky, D. Travis, Tuczynski, Becker, Leopold, Jackamonis, Panzer, Schneider and R. Travis, co-sponsored by Senators Johnston, Berger, Flynn, Engeleiter and Cullen.

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

Assembly Bill 819

Relating to local transportation aids for counties or municipalities due to jurisdictional transfers.

By Representatives Vanderperren, Conradt, Lewison, Hasenohrl, Menos, Bradley, Donoghue, McEssy, Smith, Holschbach, Duren, Dorff, Potter, Porter and Hephner, co-sponsored by Senators Cullen, McCallum and Goyke.

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

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Resolution 18** was considered at this time.

Senate Resolution 18

Memorializing U.S. Department of Agriculture Secretary Block to urge the ordering of, and the President of the United States to order, an investigation of cheese imports.

Read.

Adopted.

CALENDAR OF FEBRUARY 4

Senate Bill 40

Relating to hunting from airplanes and using airplanes for hunting and increasing 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.

Senate Bill 40

Read a third time and passed.

Senate Bill 142

Relating to the penalty for violating a department of agriculture, trade and consumer protection pest control order.

Read a second time.

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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.

Senate Bill 142

Read a third time and passed.

Senate Bill 145

Relating to hunting privileges and a permit for disabled persons and granting rule-making authority.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 145** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 145** was withdrawn from the joint committee on Finance and considered for action at this time.

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 145

Read a third time and passed.

Senate Bill 184

Relating to state and local cooperation in suppressing forest fires and increasing an appropriation.

Read a second time.

Senate amendment 1 offered by Senator Lasee.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 184** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 184** 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 amendment 1?

Senator Harnisch moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The motion prevailed.

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 184

Read a third time.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Absent -- Senator Lasee -- 1.

Absent with leave -- Senator Opitz -- 1.

So the bill passed.

Senate Bill 255

Relating to repealing the state forestry tax, funding state forestry programs out of the general fund and making appropriations.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 255** was referred to joint committee on Finance.

Senate Bill 352

Relating to deposit procedures in natural resources forfeiture actions.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 352** was placed after **Senate Bill 652**.

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 Kleczka, with unanimous consent, **Senate Bill 360** was referred to joint committee on Finance.

Senate Bill 382

Relating to increasing the assessment rate on potatoes and changing the districts under the potato industry act, adding members to the potato industry board and granting rule-making authority.

Read a second time.

Senate amendment 1 offered by Senators Bablitch, Harnisch and Chilsen.

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The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 382** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 382** 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 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 382

Read a third time and passed.

Senate Bill 461

Relating to determining the navigability of farm drainage ditches and the applicability of flood plain and shoreland zoning to land adjacent to farm drainage ditches.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 461** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 461** was withdrawn from the joint committee on Finance and considered for action at this time.

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 461

Read a third time and passed.

Senate Bill 462

Relating to permits to remove materials from waters of the state.

Read a second time.

Senator Strohl moved indefinite postponement of **Senate Bill 462**.

The question was: Shall **Senate Bill 462** be indefinitely postponed?

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

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

Noes -- Senators Bidwell, Chilsen, Engeleiter, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Risser, Roshell, Theno, Thompson and Van Sistine -- 24.

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 462

Read a third time and passed.

Senate Bill 550

Relating to extending coverage of the renewable energy resource system incentive program.

Read a second time.

The question was: Shall **Senate Bill 550** be indefinitely postponed?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 550** was referred to joint committee on Finance.

Senate Bill 569

Relating to determination of consent under the sexual assault law.

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 569

Read a third time and passed.

Senate Bill 572

Relating to spousal sexual assault.

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 572

Read a third time and passed.

Senate Bill 577

Relating to membership on the conservation work projects board (suggested as remedial legislation by the conservation work projects 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.

Senate Bill 577

Read a third time and passed.

Senate Bill 695

Relating to electric utility rates for certain purposes.

Read a second time.

The question was: Adoption of senate substitute 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 695

Read a third time and passed.

Senate Bill 352

Relating to deposit procedures in natural resources forfeiture actions.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 352** was referred to joint committee on Finance.

Assembly Joint Resolution 52

Memorializing congress, the president, the U.S. department of energy and the U.S. nuclear regulatory commission to grant Wisconsin final decision-making authority on the siting of a regional or national radioactive waste depository in this state and to ensure that all actions taken by the U.S. department of energy with regard to siting a regional or national radioactive depository in this state shall be done in an open fashion with full access by representatives of state and local government and members of the public.

Read.

By request of Senator Theno, with unanimous consent, he was made a co-author of **Assembly Joint Resolution 52**.

The question was: Shall the joint resolution be concurred in?

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

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.

So the joint resolution was concurred in.

Assembly Bill 52

Relating to transportation of deer.

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 52

Read a third time and concurred in.

Assembly Bill 112

Relating to declaring agricultural uses not to be nuisances.

Read a second time.

Senate amendment 1 offered by Senators Harsdorf, Lasee and Krueger.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

Assembly Bill 112

Read a third time.

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

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.

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So the bill was concurred in as amended.

Assembly Bill 127

Relating to restricting possession of a firearm by a person previously convicted of a crime and providing a penalty.

Read a second time.

Senate amendment 1 offered by Senator Theno.

Senate substitute amendment 1 offered by Senators Flynn and Hanaway.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Moody, with unanimous consent, he was made a co-author of **Assembly Bill 127**.

By request of Senator Bablitch, with unanimous consent, he was made a co-author of **Assembly Bill 127**.

By request of Senator Flynn, with unanimous consent, **Assembly Bill 127** was placed at the foot of the calendar.

Assembly Bill 132

Relating to discrimination in the purchase of milk, revising penalties and increasing an appropriation.

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 132

Read a third time and concurred in.

Assembly Bill 394

Relating to construction of boathouses on navigable waters.

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 394

Read a third time and concurred in.

Assembly Bill 509

Relating to excepting from implied warranty of merchantability and fitness for certain sales of livestock.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 509

Read a third time and concurred in.

Assembly Bill 573

Relating to assessment for private sewage system maintenance.

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 573

Read a third time and concurred in.

Assembly Bill 654

Relating to the definition of 'inland trout waters'.

Read a second time.

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.

Assembly Bill 654

Read a third time and concurred in as amended.

Assembly Bill 127

Relating to restricting possession of a firearm by a person previously convicted of a crime and providing a penalty.

Read a second time.

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

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

LEAVE OF ABSENCE

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

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

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Senator Cullen moved rejection of senate amendment 1 to senate substitute amendment 1?

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

The motion did not prevail.

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

The amendment was not adopted.

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

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

Senator Adelman 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 motion prevailed.

Senator Cullen moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

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, Engeleiter, Frank, George, Harsdorf, Kleczka, Lorman, McCallum, Moody, Offner, Opitz, Roshell, Strohl and Van Sistine -- 17.

Noes -- Senators Bablitch, Bidwell, Chilsen, Flynn, Goyke, Hanaway, Harnisch, Johnston, Kreul, Lasee, Lorge, Maurer, Risser, Theno and Thompson -- 15.

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

So the motion prevailed.

The question was: Adoption of senate amendment 1?

Senator Cullen moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

Senator Chilsen moved that **Assembly Bill 127** be referred to committee on Judiciary and Consumer Affairs.

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The question was: Shall the bill be referred to committee on Judiciary and Consumer Affairs.

The ayes and noes were demanded and the vote was: ayes, 5; noes, 27; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Risser and Theno -- 5.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Roshell, Strohl, Thompson and Van Sistine -- 27.

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

So the motion did not prevail.

The question was: Rejection of senate amendment 1?

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

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

Noes -- Senators Risser and Theno -- 2.

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

So the motion prevailed.

Senate amendment 2 offered by Senators Thompson and Theno.

The question was: Adoption of senate amendment 2?

Senate amendment 1 to senate amendment 2 offered by Senator Flynn.

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

Adopted.

The question was: Adoption of senate amendment 2?

Senator Braun 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, 24; noes, 8; absent or not voting, 1; as follows:

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Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Engeleiter, Frank, George, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorman, McCallum, Maurer, Moody, Opitz, Roshell, Strohl and Van Sistine -- 24.

Noes -- Senators Chilsen, Flynn, Goyke, Lorge, Offner, Risser, Theno and Thompson -- 8.

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

So the motion prevailed.

Ordered to a third reading.

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

Assembly Bill 127

Read a third time.

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

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

Noes -- Senators Risser and Thompson -- 2.

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

So the bill was concurred in.

LEAVE OF ABSENCE

By request of Senator McCallum, with unanimous consent, he was granted a leave of absence for Tuesday, February 9, 1982.

By request of Senator Opitz, with unanimous consent, the journal showed that he would have voted "aye" for passage of **Senate Bill 187**.

By request of Senator Bablitch, with unanimous consent, the Senate returned to the third and fourth orders of business.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 757

Relating to reducing the FTE positions authorized for the department of transportation.

By Senators Cullen, Kleczka, Roshell, Kreul, Berger, Chilsen and Opitz; cosponsored by Representatives Kincaid, Johnson, Smith, Metz, Ulichny, Lee, Stitt, Flintrop, Plous, Crawford, Panzer and Tuczynski.

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

Senate Bill 758

Relating to a property tax exemption for temporary structures used to provide shade for ginseng plants.

By Senator Chilsen; cosponsored by Representative McEwen.
To Joint Survey committee on Tax Exemptions.

Senate Bill 759

Relating to abolishing the offices of the commissioners of banking, credit unions and savings and loan, creating the office of commissioner of financial institutions and the financial institutions review board, making appropriations, granting rule-making authority and providing penalties.

By Senators Cullen and Berger; cosponsored by Representatives Norquist and Prosser, by request of Governor Lee Sherman Dreyfus.

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

Senate Bill 760

Relating to denying exemptions for property taxes, inheritance taxes and sales taxes for organizations that discriminate on the basis of race.

By Senators Braun, Moody, George, Offner, Bablitch, Flynn, Adelman, Berger, Strohl, Hanaway and Thompson; cosponsored by Representatives Coggs, Clarenbach, Leopold, Becker, Czarnecki, Norquist, Plewa, Looby, Potter, Hasenohrl, Kunicki, Crawford, Tesmer, Murray, Loftus, Shoemaker, Meaux, Gerlach, Behnke, Wood, Tuczynski, Ulichny, Schneider, Miller, Plous, Nelsen, Radtke, Larson, Berndt, Wagner, Neubauer, Metz, Munts and Andrea.

To Joint Survey committee on Tax Exemptions.

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Senate Bill 761

Relating to leaves for qualified inmates.

By Senators Braun and Thompson; cosponsored by Representatives Becker, Wood, Munts and Miller.

To committee on Human Services.

COMMITTEE REPORTS

The committee on Human Services reports and recommends for introduction:

Senate Bill 762

Relating to expanding the situations in which public funds may be used for abortions.

By request of Protect Abortion Rights, Inc.

Introduction:

Ayes, 3 -- Senators Thompson, Strohl and Theno;

Noes, 0 -- None.

Read first time and referred to committee on Human Services.

CARL W. THOMPSON

Chair

The joint committee on Finance reports and recommends:

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.

Adoption of senate amendment 1 to senate substitute amendment 2:

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 2 to senate substitute amendment 2:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz and Wood.

Noes, 1 -- Representative Ellis.

Introduction and adoption of senate amendment 3 to senate substitute amendment 2:

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

Noes, 0 -- None.

Introduction and adoption of senate amendment 4 to senate substitute amendment 2:

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

Noes, 0 -- None.

Introduction and adoption of senate amendment 5 to senate substitute amendment 2:

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 2:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz, and Ellis;

Noes, 1 -- Representative Wood.

Passage:

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Otte, Roberts, Kirby, Metz, and Ellis;

Noes, 2 -- Representatives Norquist and Wood.

Senate Bill 693

Relating to the tax on liquor manufactured in this state by pollution control facilities from brewing wastes.

Introduction and adoption of 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.

Passage:

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

Noes, 0 -- None.

GERALD D. KLECZKA
Senate Chair

MOTIONS

By request of Senator Cullen, with unanimous consent, **Assembly Joint Resolution 79** was withdrawn from committee on State and Local Affairs and Taxation and referred to committee on Senate Organization.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Joint Resolution 79** by Senator Risser.

Senate amendments 1, 2 and 3 to **Assembly Bill 239** by Senator Berger.

Senate substitute amendment 1 to **Senate Bill 437** by Senator Goyke.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, February 4.

12:22 P.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 728

Correctly enrolled and presented to the Governor on February 2, 1981.