

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

THURSDAY, February 18, 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, George, Goyke, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 3].

Absent -- Senators Frank and Harnisch -- 2.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend John R. Thomas of Christ Presbyterian Church, Madison.

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

COMMITTEE REPORTS

The joint committee on Finance reports and recommends for introduction:

Senate Bill 783

Relating to the tax on liquor manufactured in this state by pollution control facilities from brewing wastes and to a floor tax on intoxicating liquors, a surtax added in 1982 and 1983 to the corporate income and franchise taxes, depreciation on leased property, redefining the internal revenue code for the purpose of computing the income taxes of individuals, trusts and estates, the definition of 'internal revenue

JOURNAL OF THE SENATE [February 18, 1982]

code' as it relates to powers of appointment, employe benefit plans and extensions for filing inheritance taxes, the definition of 'internal revenue code' for insurers, regulated investment companies and real estate investment trusts, the sales tax on telephone and telegraph services, computing depreciation on utility property for purposes of the corporate income and franchise taxes, a county sales and use tax, the cigarette tax, transfer of moneys or positions between certain appropriations made to state agencies, state compensation and fringe benefit supplements, various changes to the 1979-81 and 1981-83 authorized state building programs, payment of interest on moneys temporarily reallocated, limiting the compensation of a nonrepresented state classified employe who, in lieu of layoff, is demoted or exercises displacement rights, limiting compensation of a nonrepresented state classified employe restored, after layoff, to a position with a lower pay range, cumulative pay adjustments for certain nonrepresented state classified employes, a salary freeze for certain state employes, work hour and pay reductions for nonrepresented state employes, work-related programs for recipients of aid to families with dependent children, the expenditure of federal child welfare funds, making permanent the 2nd opinion program in medical assistance, kidney disease aids, the reimbursement rates for handicapped education special transportation and health treatment aidable costs, decreasing the primary guaranteed valuation for 1982-83 school aids and delaying part of the June 1982 aid payment until July 1982, the renewable energy resource system incentive program, granting rule-making authority, providing penalties and decreasing and making appropriations.

By request of Governor Lee Sherman Dreyfus.

Introduction:

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

Read first time and referred to joint committee on Finance.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 784

Relating to eligibility requirements for student tuition grants administered by the higher educational aids board.

By Senator Goyke.

To committee on Education and State Institutions.

Senate Bill 785

Relating to computation of depreciation and basis for purposes of the income and franchise taxes.

By Senators Braun and Berger; cosponsored by Representatives Norquist, Becker, Kunicki and Munts.

To committee on State and Local Affairs and Taxation.

COMMITTEE REPORTS

The committee on Senate Organization, acting under Senate Rule 20(1), reports and recommends the following nomination to committee for appointment by the senate:

To the senate committee on Insurance and Utilities, pursuant to Senate Resolution 19, Senator Lorman.

FRED A. RISSER

Chair

Read.

Adopted.

The committee on State and Local Affairs and Taxation reports and recommends:

Senate Bill 581

Relating to various matters concerning the preservation and restoration of historic buildings and properties, creating a historic building code council and granting rule-making authority.

Adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Adelman, Berger, Hanaway, Lasee and Moody;

Noes, 1 -- Senator Van Sistine.

Passage:

JOURNAL OF THE SENATE [February 18, 1982]

Ayes, 5 -- Senators Adelman, Berger, Hanaway, Lasee and
Moody;
Noes, 1 -- Senator Van Sistine.

JAMES P. MOODY
Chair

The committee on Aging, Business and Financial Institutions and
Transportation reports and recommends:

Senate Bill 229

Relating to creating the Chequamegon Bay region transportation
commission.

Introduction and adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

Passage:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

TIM CULLEN
Chair

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

Assembly Bill 32

Relating to special state awards and making an appropriation.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Concurrence:

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

Noes, 0 -- None.

JEROME VAN SISTINE
Chair

The committee on Education and State Institutions reports and
recommends:

Assembly Bill 248

Relating to a school board's obligation to provide transportation
for pupils attending private school.

Adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;

Noes, 0 -- None.

Concurrence:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;

Noes, 0 -- None.

GARY R. GOYKE

Chair

The committee on Energy reports and recommends:

Senate Joint Resolution 49

Relating to proclaiming April 18 to 24, 1982, Ground Zero Week.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Strohl, Harnisch, Berger and Lorman;

Noes, 0 -- None.

Adoption:

Ayes, 4 -- Senators Strohl, Harnisch, Berger and Lorman;

Noes, 0 -- None.

JOE STROHL

Chair

Committee of Conference

on

Assembly Bill 324

The members of the Committee of Conference on **Assembly Bill 324** report and recommend, That, by the adoption of this report:

1. Assembly amendments 1, 2 and 3 to senate amendment 1: The assembly recedes from its position on assembly amendments 1, 2 and 3 to senate amendment 1.

2. Senate amendment 1: The senate recedes from its position on senate amendment 1.

3. Conference amendment: The senate and the assembly adopt and concur in conference amendment 1 (LRBa3298/3), which is attached to and made a part of this report.

WARREN BRAUN

Co-Chair

DAVID BERGER

EVERETT BIDWELL

DISMAS BECKER

Co-chair

JOHN MEDINGER

RANDALL KNOX

CALENDAR OF FEBRUARY 18

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: Shall the Committee of Conference report be adopted?

The ayes and noes were required and the vote was: ayes, 27; noes, 4; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Goyke, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno and Van Sistine -- 27.

Noes -- Senators George, Krueger, Lorge and Thompson -- 4.

Absent or not voting -- Senators Frank and Harnisch -- 2.

So the Committee of Conference report was adopted.

AYRES, OWEN, of Eau Claire, as Secretary for the Department of Transportation, to succeed Lowell Jackson, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Shall the appointment be confirmed?

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 appointment was confirmed.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-244

A RULE to repeal Adm 1.02 (1) (a) and (2) and 1.05 (2) and (3); to renumber and amend Adm 1.05 (1) (c) to (e) and 1.06; to amend Adm 1.04 and 1.05 (1) (intro.) and (a); to repeal and recreate Adm 1.01 and 1.05 (1) (b); and to create Adm 1.05 (1) (c) and (g) and 1.06 to 1.10, relating to parking on property for which the Department of Administration is the managing authority.

Submitted by Department of Administration.

Report received from agency, February 16, 1982.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, February 18, 1982.

The committee on Agriculture and Natural Resources reports and recommends:

Clearinghouse Rule 81-197

AN ORDER to create subch. I (title) of ch. NR 128 and NR 128.35 to 128.52, relating to state grant assistance for municipalities for the elimination of combined sewer overflow to the waters of the state under the combined sewer overflow abatement program.

No action taken.

Clearinghouse Rule 81-224

AN ORDER to amend NR 10.001 (11) and 10.12 (3) (d) (intro.); to repeal and recreate NR 10.01 (3) (e) 2 a, c and d, 10.07 (1) (g) 2 and 10.09 (1) (c); and to create NR 10.14 (8), relating to 1982 hunting and trapping regulations.

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 passed and asks concurrence in:

Assembly Bill 71
Assembly Bill 238
Assembly Bill 266

Assembly Bill 498
Assembly Bill 718
Assembly Bill 753
Assembly Bill 829
Assembly Bill 929
Assembly Bill 989
Assembly Bill 869
Assembly Bill 877
Assembly Bill 886
Assembly Bill 890

Concurred in as amended:

Assembly Bill 112, senate amendment 1
Assembly Bill 654, senate amendment 1

Amended and concurred in as amended:

Senate Bill 374, assembly amendment 2
Senate Bill 401, assembly substitute amendment 1
Senate Bill 519, assembly amendments 1 and 8

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 71

Relating to increasing the number of bingo occasions an organization may conduct, raising the limit on the amount which may be awarded as a prize in certain circumstances and miscellaneous other changes in laws regulating bingo games.

By Representatives Medinger, Hopkins, Kunicki, Hasenohrl, Lewison, Roberts, Plewa and Leopold, co-sponsored by Senators Offner and Van Sistine.

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

Assembly Bill 238

Relating to creating a dairy promotion council; creating a dairy promotion program and a commodity promotion program, granting rule-making authority and making appropriations.

By Representatives Hephner, Bradley, Vanderperren, Potter, Duren, Paulson, Shoemaker, Everson, Wagner, Larson, Byers, Porter, Ladwig, McEwen, Harer, Luckhardt and McEssy, co-sponsored by Senators Harnisch and Kreul.

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

Assembly Bill 266

Relating to duties of and remedies for maintenance of residential premises and retaliatory conduct and defenses to eviction in residential tenancies.

By Representative Leopold, co-sponsored by Senator Flynn.

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

Assembly Bill 498

Relating to restrictions on certain fermented malt beverage and intoxicating liquor licensees' contributions to trade associations and the sale of fermented malt beverages by brewers and bottlers.

By Representatives Dorff, Behnke and Potter.

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

Assembly Bill 718

Relating to various changes in the statutes pertaining to vocational, technical and adult education and granting rule-making authority.

By Representative Potter, by request of the Vocational, Technical and Adult Education Board.

Read first time and referred to committee on Education and State Institutions.

Assembly Bill 753

Relating to appointment of a deputy town clerk and deputy town treasurer.

By Representative Shoemaker.

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

Assembly Bill 829

Relating to the definition of the term "municipality" for the purposes of the statutes pertaining to library services.

By Representatives Metz, Rogers, Smith, Coggs, Otte, Becker, Plous, Ulichny, Crawford and Kincaid, co-sponsored by Senators Braun, Chilsen, McCallum and Lorge.

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

Assembly Bill 929

Relating to designating the trilobite as Wisconsin's state fossil.

By Representatives Czarnecki and Ulichny, by request of Mr. Mark Shurilla, Milwaukee, WI.

Read first time and referred to committee on Labor, Government, Veterans Affairs and Tourism.

Assembly Bill 989

Relating to consent adoptions.

By Representative Leopold.

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

Assembly Bill 869

Relating to review of denial of access to a state trunk highway.

By Representatives Helbach, Hasenohrl, Shoemaker, Donoghue, Robinson, Harer, Duren, Smith, Goodrich, Ladwig, Medinger, Potter and Wagner, co-sponsored by Senators Roshell, Van Sistine and Goyke.

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

Assembly Bill 877

Relating to the supervision of bartenders.

By Representatives Alberts, Dorff and Matty.

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

Assembly Bill 886

Relating to permitting a municipality to transfer a retail beer or liquor license to the spouse of a retired or disabled licensee.

By Representative Behnke.

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

Assembly Bill 890

Relating to snowmobile regulation and the snowmobile aid program.

By Representatives Kincaid, Smith, Behnke, Swoboda, Shoemaker, Ladwig, Jaronitzky, Hasenohrl, Fischer, Larson, Matty and Robinson, co-sponsored by Senator Krueger.

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

CALENDAR OF FEBRUARY 18

Senate Bill 189

Relating to qualifications for issuance and use of a special restricted operator's license.

Read.

The question was: Concurrence of assembly amendment 1?
Concurred in.

Senate Bill 332

Relating to the right of an employe to copy personnel records and creating a penalty.

Read.

The question was: Concurrence of assembly amendment 1?
Concurred in.

The question was: Concurrence of assembly amendment 3?

Senator Cullen moved non-concurrence of assembly amendment 3.

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

By request of Senator Cullen, with unanimous consent, he withdrew his motion for non-concurrence of assembly amendment 3.

By request of Senator Opitz, with unanimous consent, **Senate Bill 332** was placed after **Senate Bill 700**.

Senate Bill 122

Relating to municipal and county levies, the home improvement tax credit, excise tax investigators and administration of the property tax (suggested as remedial legislation by the department of revenue).

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 122

Read a third time and passed.

Senate Bill 132

Relating to a state income tax credit for home improvements and making an appropriation.

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 132

Read a third time.

By request of Senator Berger, with unanimous consent, **Senate Bill 132** was referred to joint committee on Finance.

JOURNAL OF THE SENATE [February 18, 1982]

Senate Bill 210

Relating to increasing the maximum length of vehicles and providing a penalty.

Read a second time.

By request of Senator Flynn, with unanimous consent, **Senate Bill 210** was referred to the joint committee on Finance.

By request of Senator Flynn, with unanimous consent, **Senate Bill 210** 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 Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 210

Read a third time.

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

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

Noes -- Senator Risser -- 1.

Absent or not voting -- Senators Harsdorf and Krueger -- 2.

So the bill passed.

Senate Bill 222

Relating to drug paraphernalia citations and disposition for certain juvenile offenses, making appropriations and providing penalties.

Read a second time.

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

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

JOURNAL OF THE SENATE [February 18, 1982]

Ayes -- Senators Berger, George, Kleczka, Lasee, McCallum, Opitz, Risser and Theno -- 8.

Noes -- Senators Adelman, Bablitch, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lorge, Lorman, Maurer, Moody, Offner, Roshell, Strohl, Thompson and Van Sistine -- 25.

Absent or not voting -- None.

So the motion did not prevail.

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 Goyke 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 did not prevail.

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

By request of Senator Goyke, with unanimous consent **Senate Bill 222** was placed after **Senate Bill 554**.

Senate Bill 478

Relating to the deadlines for filing claims for the homestead tax credit.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 478** was referred to joint committee on Finance.

Senate Bill 548

Relating to CS devices, making appropriations and providing penalties.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 548** was referred to joint committee on Finance.

JOURNAL OF THE SENATE [February 18, 1982]

Senate Bill 554

Relating to handicapped parking in private parking lots and creating a penalty.

Read a second time.

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?

Senator Braun 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 ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Lorge, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 18.

Noes -- Senators Bidwell, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorman, McCallum, Moody, Offner and Opitz -- 13.

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

So the motion prevailed.

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 554

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.

JOURNAL OF THE SENATE [February 18, 1982]

So the bill passed.

Senate Bill 222

Relating to drug paraphernalia citations and disposition for certain juvenile offenses, making appropriations and providing penalties.

Read a second time.

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

By request of Senator Goyke, with unanimous consent, **Senate Bill 222** was placed after **Senate Bill 332**.

Senate Bill 570

Relating to the definition of sexual contact.

Read a second time.

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

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

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

Senate amendment 2 to senate substitute amendment 1 offered by Senators Adelman and Engeleiter.

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

Senator George 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, 15; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Braun, Cullen, Frank, George, Goyke, Harnisch, Kleczka, Krueger, Lorge, Moody, Offner, Opitz, Risser and Thompson -- 15.

Noes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Engeleiter, Flynn, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorman, McCallum, Maurer, Roshell, Strohl, Theno and Van Sistine -- 18.

Absent or not voting -- None.

JOURNAL OF THE SENATE [February 18, 1982]

So the motion did not prevail.

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

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

Ayes -- Senators Adelman, Bidwell, Chilsen, Engeleiter, Flynn, Frank, Hanaway, Harnisch, Johnston, Kreul, Lorman, Maurer, Theno and Van Sistine -- 14.

Noes -- Senators Bablitch, Berger, Braun, Cullen, George, Goyke, Kleczka, Krueger, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl and Thompson -- 18.

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

So the amendment failed to be adopted.

Senator Bablitch moved reconsideration of the vote by which senate amendment 2 to senate substitute amendment 1 failed to be adopted.

Senate amendment 3 to senate substitute amendment 1 offered by Senators Engeleiter and Adelman.

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

Senator George 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 Engeleiter, with unanimous consent, senate amendment 3 to senate substitute amendment 1 was returned to the author.

The question was: Reconsideration of the vote by which senate amendment 2 to senate substitute amendment 1 failed to be adopted?

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

Ayes -- Senators Adelman, Bablitch, Bidwell, Braun, Cullen, Engeleiter, Flynn, Hanaway, Harnisch, Johnston, Kreul, Lorman, Maurer, Moody, Strohl and Theno -- 16.

Noes -- Senators Berger, Chilsen, Frank, George, Goyke, Harsdorf, Kleczka, Krueger, Lasee, Lorge, McCallum, Offner, Opitz, Risser, Roshell, Thompson and Van Sistine -- 17.

JOURNAL OF THE SENATE [February 18, 1982]

Absent or not voting -- None.

So the motion did not prevail.

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 Adelman asked unanimous consent that **Senate Bill 570 be placed after **Senate Bill 222**.**

Senator George objected.

By request of Senator Bablitch, with unanimous consent, senate amendment 4 to senate substitute amendment 1 was returned to the author.

Senate amendment 5 to senate substitute amendment 1 offered by Senator Bablitch.

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

Senator George moved that senate amendment 5 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 5 to senate substitute amendment 1 be laid on the table?

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

Ayes -- Senators Berger, George, Kleczka, Krueger, Lasee, Lorge, McCallum, Offner, Opitz, Risser and Thompson -- 11.

Noes -- Senators Adelman, Bablitch, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Lorman, Maurer, Moody, Roshell, Strohl, Theno and Van Sistine -- 22.

Absent or not voting -- None.

So the motion did not prevail.

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

Senator George moved rejection of senate amendment 5 to senate substitute amendment 1.

JOURNAL OF THE SENATE [February 18, 1982]

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

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

Ayes -- Senators Berger, Braun, George, Goyke, Kleczka, Krueger, Lasee, Lorge, McCallum, Offner, Opitz, Risser and Thompson -- 13.

Noes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Engleiter, Flynn, Frank, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Lorman, Maurer, Moody, Roshell, Strohl, Theno and Van Sistine -- 20.

Absent or not voting -- None.

So the motion did not prevail.

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

Adopted.

Senate amendment 6 to senate substitute amendment 1 offered by Senator George.

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

Senator Bablitch raised the point of order that senate amendment 6 to senate substitute amendment 1 was not germane.

The chair took the point of order under advisement.

Senate Bill 578

Relating to requiring the department of health and social services to carry out an immunization program to eliminate mumps (suggested as remedial legislation by the department of health and social 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 578

Read a third time and passed.

Senate Bill 600

Relating to miscellaneous trade practices changes.

Read a second time.

JOURNAL OF THE SENATE [February 18, 1982]

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

11:55 A.M.

RECESS

3:00 P.M.

The senate reconvened.

QUORUM CALL

Senator Flynn 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:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, George, Goyke, Hanaway, Harsdorf, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, Moody, Opitz, Risser, Roshell, Strohl, Theno and Van Sistine -- 24.

Noes -- None.

Absent or not voting -- Senators Adelman, Braun, Frank, Harnisch, Johnston, McCallum, Maurer, Offner and Thompson -- 9.

LEAVE OF ABSENCE

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

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

Senate Bill 600

Relating to miscellaneous trade practices changes.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Bidwell moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

JOURNAL OF THE SENATE [February 18, 1982]

Senator Chilsen moved indefinite postponement of **Senate Bill 600**.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 18; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, Maurer and Opitz -- 13.

Noes -- Senators Adelman, Berger, Braun, Cullen, Engeleiter, Flynn, George, Goyke, Hanaway, Kleczka, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 18.

Absent or not voting -- Senators Frank and McCallum -- 2.

So the motion did not prevail.

The question was: Rejection of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 20; absent or not voting, 2; as follows:

Ayes -- Senators Bidwell, Chilsen, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lorge, Lorman, Maurer and Opitz -- 11.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Engeleiter, Flynn, George, Goyke, Hanaway, Kleczka, Lasee, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 20.

Absent or not voting -- Senators Frank and McCallum -- 2.

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 600

Read a third time and passed.

Senate Bill 677

Relating to the survival of a power of attorney after the death or incapacity of the principal.

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.

JOURNAL OF THE SENATE [February 18, 1982]

Senate Bill 677

Read a third time and passed.

Senate Bill 700

Relating to authorizing banks to establish branches under certain circumstances and to acquire real estate used for remote paying and receiving facilities.

Read a second time.

Senate amendment 1 to senate amendment 1 offered by Senator Offner.

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

Adopted.

The question was: Adoption of senate amendment 1?

Senator Goyke moved rejection of senate amendment 1.

The question was: Rejection of senate 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 Chilsen, Engeleiter, Flynn, George, Goyke, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Opitz, Roshell and Theno -- 15.

Noes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Harnisch, Kleczka, Lorman, Maurer, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 16.

Absent or not voting -- Senators Frank and McCallum -- 2.

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

By request of Senator Cullen, with unanimous consent, senate amendment 2 was placed after senate amendment 3.

Senate amendment 3 offered by Senator Goyke.

The question was: Adoption of senate amendment 3?

Adopted.

By request of Senator Cullen, with unanimous consent, senate amendment 2 was laid on the table.

JOURNAL OF THE SENATE [February 18, 1982]

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 700

Read a third time and passed.

Senate Bill 332

Relating to the right of an employe to copy personnel records and creating a penalty.

Read.

Senate amendment 1 to assembly amendment 3 offered by Senator Opitz.

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

Adopted.

The question was: Concurrence of assembly amendment 3?

Concurred in as amended.

Senate Bill 222

Relating to drug paraphernalia citations and disposition for certain juvenile offenses, making appropriations and providing penalties.

Read a second time.

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

Adopted.

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

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 Goyke.

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

Senator Kleczka raised the point of order that senate amendment 4 was improperly drafted.

The chair took the point of order under advisement.

Assembly Joint Resolution 35

Relating to removal of obsolete provisions regarding transitions from territory to statehood, transitions in offices, legislative districting and elections, the school fund and masculine and feminine gender terminology (2nd consideration).

Read a second time.

Ordered to a third reading.

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

Assembly Joint Resolution 35

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

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

Noes -- None.

Absent or not voting -- Senators Frank and McCallum -- 2.

So the resolution was concurred in.

Assembly Bill 173

Relating to marriage licenses and duties of county clerks.

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 173

Read a third time and concurred in.

Assembly Bill 354

Relating to tax sales, tax certificates and tax foreclosures of real property.

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 354

Read a third time and concurred in.

Assembly Bill 444

Relating to the penalty for failure of local public officials to disclose economic interests (suggested as remedial legislation by the ethics board).

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 444

Read a third time and concurred in.

Assembly Bill 737

Relating to proceedings before the court of appeals.

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 737

Read a third time and concurred in.

Assembly Bill 1029

Relating to the compensation plan for nonrepresented classified state employees.

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 1029

Read a third time.

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

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

Noes -- Senator Kreul -- 1.

Absent or not voting -- Senators Frank and McCallum -- 2.

So the bill was concurred in.

RULING OF THE CHAIR

Senate Bill 222

Relating to drug paraphernalia citations and disposition for certain juvenile offenses, making appropriations and providing penalties.

Read.

The chair ruled the point of order raised by Senator Kleczka well taken.

By request of Senator Goyke, with unanimous consent, senate amendment 4 to senate substitute amendment 1 was returned to the author.

The question was: Adoption of senate substitute amendment 1?

Senate amendment 5 to senate substitute amendment 1 offered by Senator Berger.

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

Senator Goyke moved rejection of senate amendment 5 to senate substitute amendment 1.

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

The motion prevailed.

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 222

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, Maurer, Moody, Offner, Roshell, Strohl, Theno, Thompson and Van Sistine -- 29.

Noes -- Senators Opitz and Risser -- 2.

JOURNAL OF THE SENATE [February 18, 1982]

Absent or not voting -- Senators Frank and McCallum -- 2.
So the bill passed.

RULING OF THE CHAIR

Senate Bill 570

Relating to the definition of sexual contact.

Read.

The chair ruled the point of order raised by Senator Bablitch not well taken.

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

Adopted.

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 570

Read a third time and passed.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 22

Relating to committee referral of bills pertaining only incidentally to a matter of concern to a joint survey committee.

Introduction:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Chilsen and Hanaway;

Noes, 0 -- None.

FRED A. RISSER

Chair

1537

JOURNAL OF THE SENATE [February 18, 1982]

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Resolution 22** was considered at this time.

Senate Resolution 22

Relating to committee referral of bills pertaining only incidentally to a matter of concern to a joint survey committee.

Read.

The question was: Shall the resolution be adopted?

The ayes and noes were required and the vote was: ayes, 28; noes, 0; absent or not voting, 5; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, George, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, Moody, Offner, Opitz, Risser, Roshell, Strohl, Thompson and Van Sistine -- 28.

Noes -- None.

Absent or not voting -- Senators Frank, Goyke, McCallum, Maurer and Theno -- 5.

So the resolution was adopted.

Senator Bablitch asked unanimous consent that all action be ordered immediately messaged.

Senator Thompson objected.

By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged with the exception of **Assembly Bill 354**.

Senator Thompson moved reconsideration of the vote by which **Assembly Bill 354** was concurred in.

By request of Senator Bablitch, with unanimous consent, reconsideration of the vote by which **Assembly Bill 354** was concurred in was laid on the table.

MOTIONS

By request of Senator Hanaway, with unanimous consent, **Assembly Bill 527** was taken from the table.

By request of Senator Hanaway, with unanimous consent, he withdrew his motion for reconsideration of the vote by which **Assembly Bill 527** was concurred in.

By request of Senator Bablitch, with unanimous consent, all action on **Assembly Bill 527** was ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 614** by Senator Braun.

Senate substitute amendment 1 to **Senate Bill 716** by Senator Offner, by request of Director of State Courts Office.

Senate substitute amendment 1 to **Senate Bill 744** by Senators George, Engeleiter, Frank, Roshell, Berger, Van Sistine, Braun and Chilsen, by request of Representatives Plewa, Becker and Meaux.

Senate amendments 2 and 3 to **Senate Bill 548** by Senator Johnston.

Senate amendment 4 to **Senate Bill 548** by Senator Adelman.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, February 23.

4:50 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 664, senate substitute amendment 1

1. Page 3, line 20: substitute "3" for "three".
2. Page 4, line 4: after "SECTION" insert "11m.".
3. Page 4, line 19: substitute "3" for "three".

Senate Bill 317, senate substitute amendment 1

1. Page 1, line 1: substitute "relinquishing" for "relinquishing".

Senate Bill 234

1. Page 2, line 21: substitute "kept at" for "kept a".

JOURNAL OF THE SENATE [February 18, 1982]

Senate Bill 548, senate amendment 1

1. Page 1, line 3: substitute "emit" for "omit".

Senate Bill 660

1. Page 105, line 25: substitute "or" for "of".

Senate Bill 716

1. Page 2, line 4: before "(22)" insert "108.02".

Engrossed Assembly Bill 62

1. Page 5, line 1: substitute "SECTION 4m." for "SECTION 6m.".