

STATE OF WISCONSIN

Senate Journal

Eighty-Sixth Regular Session

TUESDAY, February 14, 1984

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

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

Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor John Hall of Victory Baptist Church, Madison.

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

Shoemaker, Medinger, Roberts, Smith, Potter, Turba, Luckhardt, Rude, Larson, Schultz, Lewis, Stower, Brist and Donoghue.

To committee on Agriculture and Rural Affairs.

Senate Bill 611

Relating to the Wisconsin conservation corps program and changing certain appropriations for the Wisconsin conservation corps program from annual to biennial appropriations.

By Senator Strohl; cosponsored by Representatives Stower and Holperin.

To committee on Energy and Environmental Resources.

Senate Bill 612

Relating to ballot distribution and time for return of ballots at the general election.

By Senators Theno, Harsdorf, Kincaid and Kreul; cosponsored by Representatives Wineke, Van Gorden, Schultz, Stower, Kasten, Jaronitzky, Stewart, Radtke and Buettner.

To committee on Urban Affairs and Governmental Operations.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 608

Relating to priority for certain persons 70 years of age and older in the issuance of hunter's choice deer hunting permits and expanding a penalty provision.

By Senator Czarnezki; cosponsored by Representative Hauke, by request of Clarence Ward, Greenfield, WI.

To committee on Energy and Environmental Resources.

Senate Bill 609

Relating to participation by pharmacists in cooperative association and health maintenance organization health care plans.

By Senators Otte, Feingold and George; cosponsored by Representative Williams.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 610

Relating to revision of the laws governing cooperatives.

By Senators Moen, Norquist, Czarnezki, Thompson, Otte, Kincaid, Van Sistine, Feingold, Theno, Kreul, Chilsen and Risser, cosponsored by Representatives

COMMITTEE REPORTS

The committee on Agriculture and Rural Affairs reports and recommends:

Senate Bill 572

Relating to repealing a condition on the sale of oleomargarine.

Passage:

Ayes, 4 -- Senators Moen, Feingold, Kincaid and Theno;

Noes, 1 -- Senator Opitz.

RODNEY C. MOEN
Chair

The committee on Tourism and Revenue reports and recommends:

Senate Bill 511

Relating to exempting raffle tickets from the sales tax.

Passage:

Ayes, 3 -- Senators Kincaid, Van Sistine and Chilsen;

Noes, 0 -- None.

LLOYD H. KINCAID
Chair

REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS

Appendix to Senate Bill 444

Public Policy Involved

Prior to 1974, Article IV, Section 26 of the State Constitution prohibited the legislature from increasing benefits for public employees who had already terminated service--except for teachers. This section of the Constitution was amended by referenda and vote of the people in April, 1974. Shortly thereafter, the legislature enacted a supplemental benefit payable to all retirees of the three state-administered funds who had been retired for at least one calendar year by January 1, 1974.

This supplement was designed to offset some or all of the inflationary erosion of annuity purchasing power before 1974. The supplements were calculated as 4% x years of retired status x the original annuity or \$250, whichever is less. That supplement was payable from State GPR and had original costs of about \$10 million. These supplements are still being paid, but the costs have now declined to less than \$7 million annually. It is generally agreed that this legislation did offset most of the inflation that occurred before 1974.

Although the former State Teachers Retirement System has had a fairly long record of dividend increases, this was not true for the former Wisconsin Retirement Fund (WRF) or the former Milwaukee Teachers Retirement Fund (MTRF). Dividends are increases in annuities that are funded from asset earnings in the annuity reserves that are greater than the rate assume. The WRF and MTRF had occasional dividend awards before 1980, and all three funds entered on a regular program of dividend increases starting in 1980.

Accordingly, there is some gap in the protection against inflation between 1974 when the supplements became effective, and 1980 when the dividend became a regular process. Therefore, the purpose of Senate Bill 444 is to offset part of the inflation that occurred between the years of 1974 and 1980. This bill provides for an added supplement that is calculated on a similar formula to that established in 1974 -- 4% x five years (20%) x the original annuity or \$250, whichever is less.

Cost projections reflect that this bill would require about \$7.15 million annually from state GPR sources--subject thereafter to continued appropriations by the legislature. These costs would be in addition to the existing costs for the 1974 supplement which is just under \$7 million annually. The costs for the new additional supplement could be varied by changing the percent (20%) or by establishing some maximum for the additional supplement.

Nearly every session the legislature provides for some improvement in the public retirement system. These improvements nearly always apply only to those who are still actively employed, and are seldom, if ever, applied to those already retired. On the other hand, the 1974 supplemental act reflects a legislative philosophy to protect the purchasing power of annuities against

inflation, and Senate Bill 444 attempts to fill a gap in the existing protection between that 1974 law and the current dividend process.

CARL OTTE

Co-Chair

VERNON HOLSCHBACH

Co-Chair

Read and referred to committee on Aging, Financial Institutions and State Institutions.

State of Wisconsin
Claims Board

February 9, 1984

Don Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on January 30, 1984.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,
EDWARD D. MAIN
Secretary

STATE OF WISCONSIN
CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on January 30, 1984, upon the following claims:

Claimant	Amount
Claire Lendborg	\$833.39
Paul Ladwig	1,208.40
Daniel Hannula	10,333.70
City of Delafield	357,418.00

In addition, the following claims were considered and decided without hearings:

Claudette Christie	\$ 76.80
Roswita Schuhmacher	7,876.00
Judge Christ Seraphim	3,487.59
Peter Abrams	131.88

Eric Tetzlaff	61.00
Louis Gaastra	51.00
Dr. Roger Van Der Vorste	607.22
Kenneth Gumness	50.93
Shirley Westerlund	43.47
James Teal	66.00
Christopher Northrup	8.23
Wellington Davis, Jr.	159.60

THE BOARD FINDS:

1. Claire Lendborg of Madison claims \$833.39 for damages incurred on July 1, 1983, when a branch from a dead tree, allegedly located on state property, fell onto her property. The Board concludes the claim should be paid in the reduced amount of \$200 based on equitable principles. The Board further concludes under the authority of s. 16.007(6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(3)(bx), Stats.

2. Paul Ladwig of Princeton claims \$1,208.40 for the cost of an appraisal of his property in Grant County incurred when the Department of Transportation negotiated with him for the purchase of the property. Compensation for the appraisal fee was denied by the Department of Transportation because a narrative appraisal of the property was never provided, pursuant to s.32.05(2)(b), Stats. The Board concludes this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member Wilker not participating).

3. Daniel Hannula of Superior claims \$10,333.70 for attorneys fees for services he provided to represent the State of Wisconsin in an eminent domain award by the Department of Transportation that was being appealed by the landowners. On November 27, 1981, claimant entered into a contract to represent the State in the litigation, providing for an amount of \$3000.00. The contract was not updated as required by its terms when the need for additional legal services became necessary. At the conclusion of the trial, claimant's legal fees exceeded the amount of the contract by \$10,33.70, and the Department of Transportation alleges that such services were both necessary and reasonable. The Board recommends that this claim be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(3)(cq), Stats. (Member Davis Gordon not participating).

4. City of Delafield claims \$357,418.00 for payment from the Wisconsin Fund of 60% of the cost of constructing sewer laterals beneath public rights-of-way between the sewer mains and private lot lines. During the early stages of the grant program, the Department of Natural Resources incorrectly advised the City that sewerage laterals would be eligible for grant funds. Pursuant to s. 144.24, Stats., and Chapter NR 128, Wisconsin Administrative Code, laterals underlying public rights of way are not eligible for grants. The Board concludes there has been an insufficient showing

of negligence on the part of the state, its officers, agents, or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

5. Claudette Christie of Milwaukee claims \$76.80 for one day of wages when she was subpoenaed to appear as a witness in a nursing home investigation by the Department of Regulation and Licensing. Claimant received the subpoena only one day before the hearing. The Board concludes this claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Regulation & Licensing appropriation s. 20.165(2)(g), Stats.

6. Roswita Schuhmacher of Sun Prairie claims \$7,876.00 for reimbursement of the costs associated with replacing a failing septic system in 1983. Section 144.245(5), Stats., authorizes payment of state grant funds for rehabilitation or replacement of a sewage system if a grant application is submitted by the government unit responsible for the regulation of the private sewage system, within 12 months after an order to upgrade a failing septic system has been issued. The Dane County Department of Environmental Health advised the state that claimant did not complete necessary repairs within the time limits under s. 144.245(5)(a), Stats. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents, or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

7. Judge Christ Seraphim of Milwaukee claims \$3,487.99 for attorney fees and expenses incurred for legal representation in litigation to challenge the constitutionality of Chapter 38, Laws of 1979. Prior to 1979, the State of Wisconsin appropriated deferred compensation benefits earned by judges under the Milwaukee County Employees Retirement System. Sums equivalent to the deferred compensation benefits were deducted from the judge's salary as a sitting Appeals Court Judge from January, 1980 to August, 1980, pursuant to Chapter 38, Laws of 1979. The Claimant, along with six other judges, commenced an action in Dane County Circuit Court and the Honorable W. L. Jackman, declared Chapter 38, Laws of 1979, as unconstitutional. The State appealed and the decision was reversed. The judges sought review and the Supreme Court found Chapter 38, Laws of 1979, unconstitutional. The Board recommends that this claim be paid in the reduced amount of \$2,943.86, representing a reduction in the attorney fees to the maximum of \$50 per hour, based on equitable principles.

8. Peter Abrams of Madison claims \$131.88 for damages to his bicycle, book bag and clothes incurred on September 8, 1983, when he was riding his bicycle in the area of Charter Street and Linden Drive where a paint striping machine being used by the University of Wisconsin-Madison Paint Shop malfunctioned and spilled paint on the road. Claimant's bicycle slid on the paint covered surface causing him to fall from the bike.

The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Administration Risk Management appropriation s. 20.865(1)(fm), Stats.

9. Eric Tetzlaff of Madison claims \$30 for lost class time, \$6 for the cost of a parking ticket and \$25 for the cost of washing and waxing his automobile, incurred when paint splashed onto his automobile while he was driving in the area of Charter Street and Linden Drive on September 8, 1983, where a paint stiping machine being used by the University of Wisconsin-Paint Shop malfunctioned and spilled paint on the road. The Board recommends payment of the claim in the reduced amount of #31, excluding compensation for lost class time, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Administration Risk Management appropriation s. 20.865(1)(fm), Stats.

10. Louis Gaastra of Racine claims \$51.00 for a medical bill incurred in September, 1982, as a result of a referral by a physician who performed a medical examination to determine claimant's eligibility for Social Security Disability Insurance. The Department of Health & Social Services reimburses clients for the consultative examinations only but determined that in this case the claimant apparently felt pressure not to refuse advice of the physician whose examination could affect his Social Security Disability. The board concludes this claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

11. Dr. Roger Van Der Vorste of Marshfield claims \$607.22 for the cost to repair his portable dental X-ray machine which was damaged on February 8, 1983 during an X-ray survey performed by a radiation consultant for the Wisconsin Division of Health, Department of Health & Social Services. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Administration Risk Management appropriation s. 20.285(1)(fm), Stats.

12. Kenneth Gumness of Chippewa Falls claims \$50.93 for the replacement cost of a reflector lens on his automobile allegedly damaged at the Northern Wisconsin Center on September 28, 1983, although there is no evidence of how the damage actually occurred. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents, or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

13. Shirley Westerlund of Twin Lakes claims \$43.47 for damages to her automobile windshield wipers allegedly caused by a resident of the Center on September 6, 1983, while the vehicle was parked at

Southern Wisconsin Center, where claimant is employed. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(2)(gk), Stats.

14. James Teal of Madison claims \$66 for the cost of transportation from August 2, 1983 through August 31, 1983 incurred when his work hours were changed by the Department of Health & Social Services. Claimant relies on a bus for transportation and due to the work schedule change from 11:00 p.m. to 8:00 a.m. to 8:00 p.m. to 4:00 a.m., claimant was unable to ride a bus. Claimant was advised by the Department of Health & Social Services to take a taxi home. The Board concludes the claim should be paid in the reduced amount of \$51.70, subtracting the amount of bus fare claimant would have paid, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.855(8)(k), Stats.

15. Christopher Northrup of Burlington claims \$8.23 for damages to his motorcycle while it was parked in the lot at the Southern Wisconsin Center on October 25, 1983. A staff member observed as a resident of the Center pushed over the motorcycle, causing the damages. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(2)(gk), Stats.

16. W. H. Davis, Jr. of Chippewa Falls claims \$159.60 for damages to his automobile while parked at the Northern Wisconsin Center on September 1, 1983. A resident of the Center walked on the automobile causing dents and scratches. Claimant has a \$100 deductible automobile insurance policy. The Board concludes the claim should be paid in the reduced amount of \$100, representing the amount of claimant's insurance deductible, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(2)(gk), Stats.

THE BOARD CONCLUDES:

1. The claims of the following claimants should be denied:

- Paul Ladwig
- City of Delafield
- Roswita Schuhmacher
- Kenneth Gumness

2. Payment of the following amounts to the following claims is justified under s. 16.007, Stats.:

Claire Lendborg	\$200.00
Claudette Christie	76.80
Peter Abrams	131.88
Eric Tetzlaff	31.00
Louis Gaastra	51.00
Dr. Roger Van Der Vorste	607.22

Shirley Westerlund	43.47
James Teal	51.70
Christopher Northrup	8.23
Wellington Davis, Jr.	100.00

CALENDAR OF FEBRUARY 14

THE BOARD RECOMMENDS:

1. Payment of \$10,333.70 be made to Daniel Hannula for reimbursement of attorney fees for legal services he provided to the state in an eminent domain award by the Department of Transportation from March, 1982 through September, 1983.

2. Payment of \$2,943.86 be made to Judge Christ Seraphim for reimbursement of attorney fees at the maximum rate of \$50 per hour plus expenses, incurred for representation in litigation to determine the constitutionality of Chapter 38, Laws of 1979.

Dated at Madison, Wisconsin this 9th day of February, 1984.

GERALD D. KLECZKA (Absent)
Senate Finance Committee

MARLIN D. SCHNEIDER
Assembly Finance Committee

DANAE DAVIS GORDON
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of Administration

WILLIAM H. WILKER
Representative of Attorney General

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-187

AN ORDER to create ch. HSS 92, relating to the confidentiality of treatment records maintained by the department, boards or facilities providing services to persons under ch. 51, Stats.

Submitted by Department of Health and Social Services.

Report received from agency, February 10, 1984.

Referred to committee on Health, Education, Corrections and Human Services, February 14, 1984.

The committee on Transportation reports and recommends:

Clearinghouse Rule 82-44

AN ORDER to create ch. Trans 131, relating to the motor vehicle inspection program.

No action taken.

CARL OTTE
Chair

Senate Joint Resolution 1

To renumber section 3 of article X; to amend section 1 of article VIII and section 4 of article X; and to create section 3 (2) of article X and section 17 of article XIV of the constitution, relating to abolishing the use of the property tax for school operations (first consideration).

Read a second time.

Senator Cullen asked unanimous consent that **Senate Joint Resolution 1** be referred to the committee on Health, Education, Corrections and Human Services.

Senator Lee objected.

Senator Cullen moved that **Senate Joint Resolution 1** be referred to the committee on Health, Education, Corrections and Human Services.

The question was: Shall **Senate Joint Resolution 1** be referred to committee on Health, Education, Corrections and Human Services?

The motion prevailed.

Senate Bill 168

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

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 168** was laid on the table.

Senate Bill 306

Relating to the issuance of intoxicating liquor licenses to bowling alleys.

Read a second time.

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

Ordered to a third reading.

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

Senate Bill 306

Read a third time.

Senator Roshell moved indefinite postponement of **Senate Bill 306**.

The question was: Shall the bill be indefinitely postponed?

The motion did not prevail.

The question was: Shall the bill pass?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Cullen, Czarnecki, Ellis, Engeleiter, Feingold, George, Helbach, Kincaid, Kleczka, Kreul, Lasee, Lee, Maurer, Moen, Norquist, Opitz, Otte, Risser, Strohl, Thompson and Van Sistine -- 21.

Noes -- Senators Adelman, Chilsen, Davis, Hanaway, Harsdorf, Johnston, Lorge, Lorman, McCallum, Roshell and Theno -- 11.

Absent or not voting -- None.

So the bill passed.

Senate Bill 325

Relating to various changes to the statutes regulating hearing aid dealers or fitters.

Read a second time.

Ordered to a third reading.

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

Senate Bill 325

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 5; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lorge, Lorman, Maurer, Moen, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators George, Lee, McCallum, Norquist and Opitz -- 5.

Absent or not voting -- None.

So the bill passed.

Senate Bill 354

Relating to studying the costs of reducing emissions of sulfur dioxide and making an appropriation.

Read a second time.

Senator Strohl asked unanimous consent that **Senate Bill 354** be placed after **Senate Bill 398**.

Senator Harsdorf objected.

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

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

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

The question was: Adoption of senate amendment 4? Adopted.

Senate amendment 5 offered by Senator Hanaway.

The question was: Adoption of senate amendment 5? Adopted.

Ordered to a third reading.

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

Senate Bill 354

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 412

Relating to granting bonding authority and revising the 1983-85 state building program for the college of natural resources field station project for the university of Wisconsin-Stevens Point.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 412** was referred to joint committee on Finance.

Senate Bill 480

Relating to requiring the registration of interests in minerals which are separate from the surface of land.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Kleczka, with unanimous consent, **480** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **480** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 480

Read a third time and passed.

Assembly Joint Resolution 82

Relating to efforts by world governmental and religious leaders on behalf of the Baha'i International Community to halt the persecution of followers of the Baha'i faith in Iran.

Read.

Concurred in.

Assembly Bill 273

Relating to licensing actions against motor vehicle factory branches and distributors.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 273

Read a third time and concurred in.

Assembly Bill 350

Relating to display of registration numbers by aircraft, granting rule-making authority and providing a penalty.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 350

Read a third time and concurred in.

Assembly Bill 409

Relating to registration fee for vehicles transporting whey.

Read a second time.

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

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

Ordered to a third reading.

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

Assembly Bill 409

Read a third time.

Senator Norquist moved non-concurrence of **Assembly Bill 409**.

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

The ayes and noes were required and the vote was: ayes, 7; noes, 25; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Czarnecki, George, Kleczka, Lee, Norquist and Risser -- 7.

Noes -- Senators Chilsen, Cullen, Davis, Ellis, Engeleiter, Feingold, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kreul, Lasee, Lorge, Lorman, McCallum, Maurer, Moen, Opitz, Otte, Roshell, Strohl, Theno, Thompson and Van Sistine -- 25.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Shall the bill be concurred in? Concurred in as amended.

Assembly Bill 466

Relating to the purchase of health or dental insurance for unemployed persons.

Read a second time.

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

Ordered to a third reading.

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

Assembly Bill 466

Read a third time and concurred in as amended.

Assembly Bill 504

Relating to eliminating the limitation on the maximum term of contracts entered into by school boards to provide pupil transportation.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 504

Read a third time and concurred in.

Assembly Bill 520

Relating to nonmetallic mining reclamation, authorizing nonmetallic mining reclamation ordinances and providing penalties.

Read a second time.

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

Ordered to a third reading.

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

Assembly Bill 520

Read a third time and concurred in as amended.

Assembly Bill 531

Relating to nonrenewal of a motor vehicle dealership or distributor franchise.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 531

Read a third time and concurred in.

Assembly Bill 532

Relating to motor vehicle dealers sharing facilities or adding a franchise.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 532

Read a third time and concurred in.

Assembly Bill 550

Relating to testing for metabolic disorders and providing special diets to persons diagnosed as suffering from these diseases.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 550

Read a third time and concurred in.

Assembly Bill 560

Relating to notification to the security holder on a motor vehicle title.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Assembly Bill 560

Read a third time and concurred in as amended.

Assembly Bill 689

Relating to exempting public highway rights-of-way from adverse possession claims.

Read a second time.

Senate amendment 1 offered by Senator Harsdorf.

The question was: Adoption of senate amendment 1?

By request of Senator Harsdorf, with unanimous consent, **Assembly Bill 689** was referred to committee on Transportation.

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

By request of Senator Cullen, with unanimous consent, the senate recessed until 3:10 P.M.

11:37 A.M.

RECESS

3:10 P.M.

The senate reconvened.

SPECIAL ORDER

Senate Bill 398

Relating to limiting emissions of sulfur dioxide.

Read a second time.

Senate amendment 5 offered by Senators Norquist and Czarnezki.

Senate substitute amendment 1 offered by Senators Strohl and Ellis.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Strohl and Ellis.

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

Adopted.

Senate amendment 2 to senate substitute amendment 1 offered by Senators Norquist, Czarnezki and Lee.

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

Senator Strohl 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.

Senate amendment 3 to senate substitute amendment 1 offered by Senators Strohl and Theno.

The question was: Adoption of senate amendment 3 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 Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 398

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 31; noes, 1; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Noes -- Senator Opitz -- 1.

Absent or not voting -- None.

So the bill passed.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 2** by Senators Maurer, Hanaway, Kreul, Chilsen and Cullen.

Senate substitute amendment 1 to **Senate Bill 567** by Senator Kleczka.

Senate amendment 1 to **Senate Bill 579** by Senator Theno.

Senate amendments 1, 2, 3 and 4 to **Assembly Bill 513** by Senator Thompson.

By request of Senator Lee, with unanimous consent, the senate adjourned in honor of St. Valentine's Day.

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By request of Senator Chilsen, with unanimous consent, the senate adjourned in honor of the engagement of Senator Lee to Storm Garrison.

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

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, February 16.

3:48 P.M.

Assembly Bill 436, assembly amendment 5

1. Page 1, line 17: after “—be insert “—made”.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 507, senate substitute amendment 1

1. Page 3, line 27: substitute “633.06” for “683.06”.