

Eighty-Seventh Regular Session

WEDNESDAY, March 13, 1985

The chief clerk makes the following entries under the above date.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 28

Ratifying an amendment to the constitution of the United States pertaining to the effective date for congressional pay changes.

By Senators Harsdorf and Rude; cosponsored by Representatives Zeuske, Ladwig, Prosser and Radtke.

Read and referred to committee on Education and Government Operations.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 98

Relating to creating a property tax exemption for vending machines.

By Senator Strohl; cosponsored by Representative Ladwig, by request of James Matheson.

To Joint Survey committee on Tax Exemptions.

Senate Bill 99

Relating to possession of a firearm by a person who has a previous felony conviction.

By Senators Van Sistine, Ellis, Otte and Moen; cosponsored by Representatives Radtke, Vanderperren, Holschbach, Bolle, R. Thompson, Panzer, Volk, Bradley and Goetsch.

To committee on Judiciary and Consumer Affairs.

Senate Bill 100

Relating to authorizing counties to create and fund certain advocacy organizations.

By Senator Helbach.

To committee on Agriculture, Health and Human Services.

Senate Bill 101

Relating to allowing hearsay statements at preliminary examinations.

By Senators Chilsen, Theno, Ulichny and Andrea; cosponsored by Representatives Goetsch, Musser and Magnuson.

To committee on Judiciary and Consumer Affairs.

Senate Bill 102

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

By Senators Chilsen, Moen, Roshell and Kincaid; cosponsored by Representatives Kasten, Welch, Van Gorden, Matty, Holperin, Goetsch, Zeuske, Swoboda, Volk, Hubler, Robinson and Larson.

To Joint Survey committee on Tax Exemptions.

Senate Bill 103

Relating to designating milk as the state beverage.

By Senators Harsdorf, Davis and Chilsen; cosponsored by Representatives T. Thompson, Porter, Margaret Lewis, Magnuson, Merkt, Hasenohrl, Matty, Paulson, Manske, Welch, Van Gorden, Musser and Zeuske, by request of Wisconsin Holstein Association, Wisconsin Holstein Association's Junior Members, Wisconsin Guernsey Breeders Association, Wisconsin Junior Guernsey Breeders Association, Wisconsin Brown Swiss Association, Wisconsin Junior Brown Swiss Association, Wisconsin Jersey Breeders Association, Wisconsin Junior Jersey Breeders Association, Wisconsin Ayrshire Breeders Association, Wisconsin Milking Shorthorn Association, Wisconsin Red and White Holstein Breeders Association, Wisconsin Dairy Goat Association, American Dairy Association of Wisconsin, World Dairy Expo and the Wisconsin Federation of Cooperatives.

To committee on Agriculture, Health and Human Services.

Senate Bill 104

Relating to income and franchise tax deductions for sales of farmland to beginning farmers.

By Senators Harsdorf, Rude, Engeleiter, Chilsen and Lasee; cosponsored by Representatives Margaret Lewis, Tregoning, T. Thompson, Van Gorden, Porter, Merkt, Coleman, Welch and Paulson.

To Joint Survey committee on Tax Exemptions.

Senate Bill 105

Relating to student membership on the board of regents of the university of Wisconsin system.

By Senator Harsdorf; cosponsored by Representatives M. Coggs and Buettner.

To committee on Education and Government Operations.

Senate Bill 106

Relating to including additional information on property tax bills.

By Senator Kincaid.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

Senate Bill 107

Relating to legislative redistricting and creation of a reapportionment commission.

By Senators Kincaid, Hanaway, Van Sistine and Chilsen; cosponsored by Representative Musser.

To committee on Education and Government Operations.

Senate Bill 108

Relating to state aid for the collegiate transfer program at Nicolet college and technical institute and making an appropriation.

By Senator Kincaid; cosponsored by Representatives Holperin, Volk and Ourada.

To committee on Education and Government Operations.

Senate Bill 109

Relating to increasing the limits on city public works contracts awarded without bidding.

By Senators Roshell, Andrea, Kincaid, Leean and Stitt; cosponsored by Representatives Robinson, Schneiders, Tregoning, J. Young and Magnuson.

To committee on Urban Affairs, Utilities and Elections.

Senate Bill 110

Relating to absconding without paying rent and providing a penalty.

By Senators Roshell, Kreul, Moen, Andrea, Kincaid, Theno and Leean; cosponsored by Representatives Holperin, Prosser, Porter, J. Young, Ladwig, Swoboda, Lepak, Magnuson, Vanderperren and T. Thompson.

To committee on Judiciary and Consumer Affairs.

Senate Bill 111

Relating to stopping payment on check and providing a penalty.

By Senators Roshell and Moen; cosponsored by Representatives Magnuson, Porter, J. Young and Lepak.

To committee on Judiciary and Consumer Affairs.

Senate Bill 112

Relating to prohibiting underage persons from carrying false identification and increasing penalties.

By Senators Roshell, Moen, Andrea, Van Sistine, Otte, Davis, Kreul and Lorman; cosponsored by Representatives Hephner, Shoemaker, Buettner, Foti, Goetsch, Lepak, Magnuson, Weeden, Prosser and Wood.

To committee on Judiciary and Consumer Affairs.

Senate Bill 113

Relating to revision of the laws governing cooperative associations.

By Senators Moen, Otte, Feingold, Harsdorf, Norquist, Chilsen, Van Sistine, Chvala, Czarnecki, Kincaid, Theno, Rude, Kreul, Risser, Leean, Roshell, Helbach, Lorman and Lasee; cosponsored by Representatives Shoemaker, Seery, Vanderperren, Swoboda, T. Thompson, Mark Lewis, Turba, Clements, Goetsch, Brist, Hasenohrl, Volk, Merkt, Radtke, Matty, Medinger, Potter, Paulson, Gronemus, Holperin, Hubler, Robinson, Zeuske, Bolle, Berndt, Schultz, Wineke, Black, Tregoning, Looby, R. Thompson, Musser and Panzer.

To committee on Agriculture, Health and Human Services.

COMMITTEE REPORTS

The committee on Transportation reports and recommends:

Senate Bill 17

Relating to authorizing a board of harbor commissioners to acquire, charter and operate vessels for use in foreign and domestic commerce.

Passage:

Ayes, 6 -- Senators Otte, Moen, Andrea, Roshell, Theno and Kreul;

Noes, 0 -- None.

CARL OTTE
Chair

The committee on Labor, Business, Veterans Affairs and Insurance reports and recommends:

Assembly Bill 21

Relating to authorizing the issuance of an intoxicating liquor wholesaler's permit to certain breweries.

Concurrence:

Ayes, 6 -- Senators Van Sistine, Roshell, Otte, Plewa, Kreul and Leean;

Noes, 0 -- None.

Senate Bill 12

Relating to the division of the real estate transfer fee.

Passage:

Ayes, 6 -- Senators Van Sistine, Roshell, Otte, Plewa, Kreul and Leean;

Noes, 0 -- None.

Senate Bill 76

Relating to various changes in the unemployment compensation law, providing for a study, granting rule-making authority and making appropriations.

Passage:

Ayes, 4 -- Senators Van Sistine, Roshell, Otte and Plewa;

Noes, 2 -- Senators Kreul and Leean.

JEROME VAN SISTINE
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Claims Board

March 7, 1985

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on March 1, 1985.

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

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STATE OF WISCONSIN
CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on March 1, 1985 upon the following claims:

Claimant	Amount
Michael Bartels	\$ 7,892.40
James & Marilyn Ratliff	5,000.00
Biotronics Associates, Inc.	5,126.86*

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

Clarence Schemenauer	\$6,021.25
James Desens	175.35
Bryan Cleveland	805.29
Marshall Field	5,910.00
Ted Rydell	211.56
Mark Sternad	72.95
Ernest & Margaret Mabie	1,885.00
Norris Sandy	50.50
Town of Anderson	1,552.04
Eckardt Corp.	4,219.87
Steven Short	59,503.77
Renee Foiles	
Mary Brennell	
Lester Rada	

THE BOARD FINDS:

1. Michael Bartels of Boscobel claims \$7,892.40 for deer damage to his corn and other crops in Crawford County which allegedly occurred from May to October, 1984. Statutory authority for state aid for deer damages on agricultural lands was repealed in 1980. Section 29.598, Stats., establishes a county-administered wildlife damage and abatement program. State aids are available for administering such voluntary programs if a county chooses to participate. Crawford County did not participate in that program during 1984 but has elected to participate in 1985. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

2. James and Marilyn Ratliff of Racine claim \$5,000.00 for damages relating to the drowning of their daughter at the Whitewater Lake Beach in the Southern Unit Kettle Moraine State Forest on July 17, 1982. Claimants allege the state was negligent in not controlling the large number of people at the beach. The Board finds that the evidence does not show any causal negligence on the part of any officers, agents or employees of the state and as tragic as this death was, in the absence of such negligence, the Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

3. Biotronics Associates, Inc. of Wauwatosa claims \$5,126.86, the amount of a franchise tax assessment plus interest, paid as a result of a field audit conducted by the

Department of Revenue for the tax years 1979 through 1982. Claimant was advised that if it disagreed with the audit findings, it could file a written objection to the Department of Revenue's Appellate Bureau within 60 days, pursuant to s. 71.12(1), Stats. Claimant did not file an appeal within 60 days and the assessment became final on May 8, 1984. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees 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.

4. Clarence Schemenauer of Hartford claims \$6,021.25 for moving expenses pursuant to Chapter 32, Stats., to relocate his business and farm operation as a result of the acquisition of his land by the Department of Transportation in 1976. Claimant did not file a claim for the expenses within the statutory two year time limit prescribed by Chapter 32, Stats. The Board concludes the 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. James Desens of Algoma claims \$175.35 for damages to his automobile on July 11, 1984, allegedly caused when a State Patrol Trooper pushed his disabled automobile off the roadway shoulder into the ditch on Highway K in Kewaunee County. The Trooper was attempting to push the claimant's automobile off the road into a private driveway when it went into the ditch. 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 Transportation appropriation s. 20.395(5)(dq).

6. Bryan Cleveland of Hazelhurst claims \$805.29 for medical expenses incurred as a result of an injury he sustained at his dormitory on the University of Wisconsin-Madison campus on November 3, 1984. Claimant, responding to a fire alarm, attempted to swing himself over a railing and jump to the lower floor. Claimant lost his balance and fell injuring his head. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees 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. Marshall Field Company of Chicago, Illinois, claims \$5,910.00 as an alleged overpayment of the Wisconsin Consumer Credit Notification fee paid to the Banking Commission pursuant to s. 426.201, Stats., for the years 1974 through 1981. Claimant allegedly over-reported the amount financed on which it based its calculations of the fee. 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 Banking Commission appropriation s. 20.124(1)(g), Stats.

8. Ted Rydell of Shawano claims \$211.56 for repaired of his living room window allegedly damaged by a helicopter flying in the area of his home on

approximately April 29, 1984, after the tornado damage in Shawano and Menomonie Counties. Claimant was reimbursed \$111.56 for the damages from his insurance company. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agent 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.

9. Mark Sternad of Milwaukee claims \$72.95 for replacement cost of his eyeglasses which were lost on October 29, 1984, while he was engaged in fish management activities on Lake Michigan, as an employe of the Department of Natural Resources. The Board concludes the claim should be paid on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s.20.370(1)(mu), Stats.

10. Ernest and Margaret Mabie of North Freedom claim \$1,885.00 for alleged deer damage to their property in Sauk County for the years 1981 through 1983. Section 29.598, Stats., establishes a county-administered wildlife damage and abatement program. Sauk County has elected to administer such a program; however, loss of ornamental flowers and shrubs would not be covered by the program. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

11. Norris Sandy of Ferryville claims \$50.50 for damage to his tractor tire and miscellaneous expenses incurred when his tractor ran over a deer antler on July 23, 1984. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

12. Town of Anderson, Burnett County, claims \$1,552.04 for flood damage to the Town roads which occurred in June, 1984, allegedly due to the washout of the Grettum Dam in the Fish Lake Wildlife area. The Board concludes the claim should be paid in the reduced amount of \$1,000.00 based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370(1)(mu), Stats.

13. Robert Eckardt of Eckardt Corporation, Merrill, claims \$4,219.87 for damages resulting from the suspension of his grade A dairy farm permit by the Department of Agriculture, Trade and Consumer Protection from August 1983 through May 1984. The permit was suspended on July 8, 1983, for violation of bacteriological standards, under authority of ss. AG 80.05(5) and 80.06(1), Wis. Adm. Code. Claimant filed an application for reinstatement of his permit with the Department of Agriculture on July 12, 1983. There is no evidence that the Department of Agriculture took samples within one week of the receipt of claimant's reinstatement application, as required by s. Ag 80.17(5), Wis. Adm. Code. Claimant obtained samples indicating

the milk supply contained fewer bacteria than the allowable standard. The Board recommends the claim be paid in the reduced amount of \$2,949.90 for the difference between the grade A and grade B milk price for the periods of August 15, 1983 to March 15, 1984, and April 15, 1984 to April 26, 1984, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Agriculture, Trade and Consumer Protection appropriation s. 20.115(8)(a), Stats.

14. Steven Short, Renee Foiles, Mary Brennell and Lester Rada claim \$59,503.77 for attorney fees under s. 775.11(1), Stats., incurred in defense of charges filed against them under ss. 940.29(4) and 946.12(1), Stats., on May 3, 1983, as employes of the Northern Wisconsin Center. On November 10, 1983, Lester Rada was acquitted on one felony charge of patient abuse and one count of misconduct in public office. On December 13, 1983, upon motion of the State, the Chippewa County Circuit Court ordered all charges against the other three claimants dismissed with prejudice. The Wisconsin State Employees Union has paid \$43,238.53 of the attorney fees on behalf of the claimants. The Board concludes the 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 dissents)

THE BOARD CONCLUDES:

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

- Michael Bartels
- James & Marilyn Ratliff
- Biotronics Associates, Inc.
- Clarence Schemenauer
- Bryan Cleveland
- Ted Rydell
- Ernest & Margaret Mabie
- Norris Sandy
- Steven Short
- Renee Foiles
- Mary Brennell
- Lester Rada

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

James Desens	\$ 175.35
Marshall Field Company	1,000.00
Mark Sternad	72.95
Town of Anderson	1,000.00

THE BOARD RECOMMENDS:

1. Payment of \$2,949.90 be made to Eckhardt Corporation for the difference between the grade A and grade B milk price for the period of August 15, 1983 to March 15, 1984, and from April 15, 1984 to April 26, 1984, when claimant's grade A permit was reinstated.

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GARY R. GEORGE
Senate Finance Committee
MARLIN D. SCHNEIDER
Assembly Finance Committee
JUAN B. COLAS
Representative of Governor
EDWARD D. MAIN
Representative of Secretary
of Administration
WILLIAM H. WILKER
Representative of Attorney
General

Children's Trust Fund
February 19, 1985

To the Honorable, the Senate:

Attached is a list and brief description of the initial child abuse prevention projects funded by the Child Abuse & Neglect Prevention Board. The list, along with the plan for awarding these grants (RFP) is being submitted in accordance with Board duties under S 48.982(2)(a) and (c).

The Board handled the issue of equitable geographic distribution of grants (as required in the above statute) by determining that the two highest-ranking proposals in each of the six DHSS (DCS) regions would receive an award. The remaining grantees (7) were selected according to their at-large rank order. As you will see, this process resulted in a good spread of projects in both rural and urban areas throughout the state.

Having completed the first major task of awarding grants, the Board is now focusing on raising additional money from the private sector so as to be able to fund more prevention projects in the future. (Grant requests totaling over \$1 million far exceeded the \$264,000 available through the Board for such projects.) Private contributions have been minimal, in large part because we have not actively pursued them. However, the Board has received the endorsement of the Wisconsin Jaycee Women who voted to select the Children's Trust Fund as their priority fundraising project for the next two years. Additional support such as this will be sought in our fundraising efforts. At this point, we are attempting to develop a solid plan for fundraising.

The third work area of the Board is public education on the need for prevention. We are currently working on the development of one or two prevention designs that we believe offer the greatest likelihood of reducing the problem of child abuse in a community. These models will be incorporated in the grant application process. Additional educational efforts are being planned in cooperation with the fundraising campaign.

The work of the Board is progressing smoothly, and we look forward to the continuing challenge of trying to prevent child abuse and neglect in Wisconsin.

ELAINE M. OLSON
Director

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 8, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RICHARD E. GALECKI of Greendale as the Commissioner of Banking pursuant to the statute governing, to serve a term to expire March 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Aging, Banking, Commercial Credit and Taxation.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 7, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DAISY CUBIAS of Milwaukee to the Optometry Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1988.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 7, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NANCY J. COFFEY of Shorewood to the Hearing Aid Dealers and Fitters Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1988.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 7, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LESTER C. BILLER to the Architects, Professional Engineers, Designers and

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Land Surveyors Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1986.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Education and Government Operations.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 7, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KAREN F. BARNEY of Madison to the Architects, Professional Engineers, Designers and Land Surveyors Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Education and Government Operations.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 7, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FRANCES MARY KERSCHER of Manitowoc to the Pharmacy Internship Board pursuant to the statute governing, to serve a term to expire July 1, 1986.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-203

AN ORDER to amend PI 3.07 (11) (c) and (d), relating to school psychologists and school counselors eligibility to obtain school administrator certification.

Submitted by Department of Public Instruction.

Report received from agency, March 7, 1985.

Referred to committee on Education and Government Operations, March 13, 1985.

Clearinghouse Rule 84-202

AN ORDER to create ch. ILHR 105, relating to the relationship of motor carriers and contract operators.

Submitted by Department of Industry, Labor & Human Relations.

Report received from agency, March 7, 1985.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, March 13, 1985.

Clearinghouse Rule 84-222

AN ORDER to amend NR 2.155 (1); to repeal and recreate NR 2.14 (6) and 150.09; and to create NR 2.085, relating to hearings involving environmental impact statements.

Submitted by Department of Natural Resources.

Report received from agency, March 11, 1985.

Referred to committee on Energy and Environmental Resources, March 13, 1985.

Clearinghouse Rule 84-243

AN ORDER to repeal Ind 77.03 (3), 77.11 (2), (3) and (4), 77.12 and 77.17; to renumber Ind 77.02 (2); to amend Ind 77.01 (2), (5) and (6), 77.03 (1), 77.10 (4) and (8), 77.14 (2) and 77.15 (2); to repeal and recreate Ind 77.02 (1), 77.05 (3) and (4), 77.06, 77.07 (2), 77.09, 77.10 (5) and 77.13; and to create Ind 77.02 (2), (3) and (4), 77.03 (2) and 77.15 (4), relating to private employment agents.

Submitted by Department of Industry, Labor & Human Relations.

Report received from agency, March 12, 1985.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, March 13, 1985.

Clearinghouse Rule 84-253

AN ORDER to repeal HSS 201.28 (13), relating to the treatment of the earned income tax credit in determining AFDC eligibility and grant size.

Submitted by Department of Health and Social Services.

Report received from agency, March 8, 1985.

Referred to committee on Agriculture, Health and Human Services, March 13, 1985.

The committee on Energy and Environmental Resources reports and recommends:

Clearinghouse Rule 84-191

AN ORDER to renumber NR 180.13 (6) (e); to amend NR 157.03 (1) (intro.), 180.05 (1) (a) and (b) and 180.13 (6) (d) and (8); and to create NR 157.03 (1) (f) (note), 157.05 (2) (note), 180.06 (3), 180.13 (6) (e) and 180.13 (7) (d), relating to review and approval times for PCB handling and storage plans, solid waste site plans and solid waste site operating licenses.

Submitted by Department of Natural Resources.

No action taken.

JOE STROHL
Chair

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 21

1. Page 2, line 3: substitute "86.195" for "85.195".

Senate Bill 38

1. Page 2, line 10: delete "in unsewered" and substitute "in unsewered".

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NOTE: This correction is made to accurately reflect the drafting record for Senate Bill 38 which shows "in unsewered" as stricken text.