

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

WEDNESDAY, October 21, 1987

The senate met.

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

The senate stood for the prayer which was offered by Father Michael Klarer, Associate Pastor of St. Thomas Aquinas Catholic Church, Madison.

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

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

Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Absent — None.

Absent with leave — None.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 47

Relating to the life and public service of Philleo Nash.

By Senator Helbach; cosponsored by Representative Schneider.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 401

An act to direct expenditure of \$75,000 from the general fund for payment of a claim against the state made by Robert L. Borum.

By Senator George; cosponsored by Representative M. Coggs.

Read first time and referred to joint committee on Finance.

Senate Bill 402

An act to direct expenditure of \$109,898 from the general fund for payment of a claim against the state by Johnson Controls, Inc.

By Senator George; cosponsored by Representative Schneider, by request of the State Claims Board.

Read first time and referred to joint committee on Finance.

Senate Bill 403

An act to direct expenditure of \$1,575,923.89 from the general fund in payment of a claim against the state by the city of Superior.

By Senator George; cosponsored by Representative Schneider, by request of the State Claims Board.

Read first time and referred to joint committee on Finance.

Senate Bill 404

Relating to liens of veterinarians.

By Senators Roshell, Van Sistine, Kreul, Lorman and Rude; cosponsored by Representatives Wineke, Shoemaker, Huelsman, Goetsch and Schultz.

To committee on Judiciary and Consumer Affairs.

Senate Bill 405

Relating to authorizing a solid waste management board to collect a fee for the disposal of solid waste to fund waste reduction and recovery activities.

By Senators Chvala, Risser, Davis, Lee and Helbach; cosponsored by Representatives Black, Wineke, Welch, Young, Krug, Hasenohrl, Robinson, Shoemaker, Goetsch, Magnuson, Bock, Robson, Becker, Berndt, Travis, Johnsrud and Gruszynski.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 406

Relating to the disposal of yard waste.

By Senators Chvala and Davis; cosponsored by Representatives Black, Wineke, Welch, Young, Hasenohrl, Holschbach, Shoemaker, Goetsch, Magnuson, Robson, Travis and Johnsrud.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 407

Relating to alcohol, drugs, assessment, treatment, education, drug-related homicide, granting rule-making

JOURNAL OF THE SENATE [October 21, 1987]

authority, making appropriations and providing penalties.

By request of Governor Tommy G. Thompson.

Introduction:

Ayes, 7 -- Senators Adelman, Feingold, Chvala, Lee, Lorman, Stitt and Buettner;

Noes, 0 -- None.

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

Senate Bill 408

Relating to extended juvenile court jurisdiction.

By request of Governor Tommy G. Thompson.

Introduction:

Ayes, 7 -- Senators Adelman, Feingold, Chvala, Lee, Lorman, Stitt and Buettner;

Noes, 0 -- None.

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

LYNN ADELMAN
Chair

The committee on Transportation, Tourism and Conservation reports and recommends:

Senate Bill 359

Relating to the financing of major highway projects and transportation administrative facilities and making an appropriation.

Passage:

Ayes, 7 -- Senators Kincaid, Moen, Roshell, Andrea, Kreul, Rude and Weeden;

Noes, 0 -- None.

Senate Bill 364

Relating to funding for state parks and recreation areas and making an appropriation.

Passage:

Ayes, 6 -- Senators Kincaid, Moen, Roshell, Andrea, Kreul and Rude;

Noes, 0 -- None.

Assembly Bill 410

Relating to use of flashing red warning lights on school buses.

Concurrence:

Ayes, 7 -- Senators Kincaid, Moen, Roshell, Andrea, Kreul, Rude and Weeden;

Noes, 0 -- None.

LLOYD H. KINCAID
Chair

The committee on Housing, Government Operations and Cultural Affairs reports and recommends:

Senate Bill 317

Relating to representation of annuitants in the Wisconsin retirement system on the retirement research committee, employe trust funds board and the state investment board.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Plewa, Ulichny, Van Sistine, Buettner and Cowles;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Plewa, Ulichny, Van Sistine, Buettner and Cowles;

Noes, 0 -- None.

JOHN PLEWA
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 87

Relating to admissibility of evidence of compromise of a claim.

Passage:

Ayes, 7 -- Senators Adelman, Feingold, Chvala, Lee, Lorman, Stitt and Buettner;

Noes, 0 -- None.

Senate Bill 90

Relating to destruction or transfer of district attorney records.

Passage:

Ayes, 7 -- Senators Adelman, Feingold, Chvala, Lee, Lorman, Stitt and Buettner;

Noes, 0 -- None.

Senate Bill 108

Relating to summary probate procedures.

Introduction and adoption of senate amendment 1:

Ayes, 7 -- Senators Adelman, Feingold, Chvala, Lee, Lorman, Stitt and Buettner;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Adelman, Feingold, Chvala, Lee, Lorman, Stitt and Buettner;

Noes, 0 -- None.

Senate Bill 183

Relating to treatment of guarantees of loans made for political purposes.

Adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Lee and Buettner;

Noes, 2 -- Senators Lorman and Stitt.

Passage as amended:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Lee and Buettner;

Noes, 2 -- Senators Lorman and Stitt.

Senate Bill 329

Relating to restricting the sale of fireworks.

Passage:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Lee and Buettner;

Noes, 2 -- Senators Lorman and Stitt.

Senate Bill 379

Relating to municipal court procedure, temporary reserve municipal judges and providing penalties.

Passage:

Ayes, 7 -- Senators Adelman, Feingold, Chvala,
Lee, Lorman, Stitt and Buettner;
Noes, 0 -- None.

Assembly Bill 140

Relating to survivorship and guardianship rights to motor fuel dealerships.

Introduction and adoption of senate amendment 1:
Ayes, 5 -- Senators Adelman, Feingold, Chvala,
Lee and Buettner;
Noes, 2 -- Senators Lorman and Stitt.
Concurrence as amended:
Ayes, 5 -- Senators Adelman, Feingold, Chvala,
Lee and Buettner;
Noes, 2 -- Senators Lorman and Stitt.

LYNN ADELMAN
Chair

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

Senate Bill 322

Relating to furnishing alcohol beverages in hotel rooms.

Introduction and adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid,
Plewa, Te Winkle, Chilsen and Kreul;
Noes, 0 -- None.
Passage as amended:
Ayes, 6 -- Senators Van Sistine, Roshell, Kincaid,
Plewa, Te Winkle and Kreul;
Noes, 1 -- Senator Chilsen.

Assembly Joint Resolution 47

Relating to commending the Wisconsin Veterans Home on its 100th anniversary.

Concurrence:
Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid,
Plewa, Te Winkle, Chilsen and Kreul;
Noes, 0 -- None.

Assembly Bill 132

Relating to the hours during which businesses with licenses for the sale of alcohol beverages for consumption on the premises may remain open and may sell alcohol beverages.

Concurrence:
Ayes, 6 -- Senators Van Sistine, Roshell, Kincaid,
Plewa, Te Winkle and Kreul;
Noes, 1 -- Senator Chilsen.

Assembly Bill 450

Relating to transfer of restaurant permits in certain circumstances.

Concurrence:
Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid,
Plewa, Te Winkle, Chilsen and Kreul;
Noes, 0 -- None.

JEROME VAN SISTINE
Chair

The committee on Agriculture, Health and Human Services reports and recommends:

Senate Bill 297

Relating to access to health care records of nursing home private pay patients.

Passage:
Ayes, 6 -- Senators Moen, Jauch, Feingold, Te
Winkle, Lorman and Rude;
Noes, 0 -- None.

Senate Bill 357

Relating to the creation of a board on health care information and of an office of health care information in the subunit of the department of health and social services having responsibility for health, granting rule-making authority, providing penalties and making appropriations.

Introduction and adoption of senate amendment 1:
Ayes, 6 -- Senators Moen, Jauch, Feingold, Te
Winkle, Lorman and Rude;
Noes, 0 -- None.
Introduction and adoption of senate amendment 2:
Ayes, 6 -- Senators Moen, Jauch, Feingold, Te
Winkle, Lorman and Rude;
Noes, 0 -- None.
Introduction and adoption of senate amendment 3:
Ayes, 6 -- Senators Moen, Jauch, Feingold, Te
Winkle, Lorman and Rude;
Noes, 0 -- None.
Introduction and adoption of senate amendment 4:
Ayes, 6 -- Senators Moen, Jauch, Feingold, Te
Winkle, Lorman and Rude;
Noes, 0 -- None.
Passage as amended:
Ayes, 6 -- Senators Moen, Jauch, Feingold, Te
Winkle, Lorman and Rude;
Noes, 0 -- None.

RODNEY C. MOEN
Chair

The joint committee on Finance reports and recommends:

Senate Bill 71

Relating to intoxicated snowmobiling, intoxicated operation of all-terrain vehicles, implied consent, samples and tests related to intoxicants, granting rule-making authority and providing and revising penalties.

Introduction and adoption of senate amendment 1 to senate substitute amendment 2:

Ayes, 14 -- Senators George, Norquist, Helbach,
Chvala, Andrea and Davis, Representatives
Schneider, Kunicki, Travis, Coggs, Bell,
Holperin, Prosser and Panzer;
Noes, 0 -- None.

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

Ayes, 13 -- Senators George, Norquist, Helbach,
Chvala, Andrea and Davis, Representatives
Schneider, Travis, Coggs, Bell, Holperin,
Prosser and Panzer;

JOURNAL OF THE SENATE [October 21, 1987]

Noes, 0 -- None.

Introduction and adoption of senate substitute amendment 2 as amended:

Ayes, 12 -- Senators George, Norquist, Helbach, Chvala, Andrea and Davis, Representatives Schneider, Kunicki, Bell, Holperin, Prosser and Panzer;

Noes, 2 -- Representatives Travis and Coggs.

Passage as amended:

Ayes, 12 -- Senators George, Norquist, Helbach, Chvala, Andrea and Davis, Representatives Schneider, Kunicki, Bell, Holperin, Prosser and Panzer;

Noes, 2 -- Representatives Travis and Coggs.

Senate Bill 235

Relating to providing family leave and medical leave to employes in this state and providing a penalty.

Introduction and adoption of senate amendment 1:

Ayes, 14 -- Senators George, Norquist, Helbach, Chvala, Andrea and Davis, Representatives Schneider, Kunicki, Travis, Coggs, Bell, Holperin, Prosser and Panzer;

Noes, 0 -- None.

Passage as amended:

Ayes, 11 -- Senators George, Norquist, Helbach, Chvala and Andrea, Representatives Schneider, Kunicki, Travis, Coggs, Bell and Holperin;

Noes, 3 -- Senator Davis, Representatives Prosser and Panzer.

Senate Bill 263

Relating to providing family leave to employes in this state for pregnancy or for the birth or adoption of a child and providing a penalty.

Passage:

Ayes, 11 -- Senators George, Norquist, Helbach, Chvala and Andrea, Representatives Schneider, Travis, Bell, Holperin, Prosser and Panzer;

Noes, 2 -- Senators Stitt and Davis.

GARY R. GEORGE

Senate Chair

State of Wisconsin
Claims Board

October 15, 1987

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on October 5, 1987.

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 October 5, 1987 upon the following claims:

Claimant	Amount
Mr. & Mrs. Milton Anderson	\$ 1,190.28
Estate of Edward Kramer	10,624.20
Estate of Dorothy Jones	2,244.67

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

Thomas Hathway	\$ 728.70
Richard Bonser	11.55
Martin Thode	1,655.15
Estate of Kathryn Amundson	2,588.35
Fliptrack Learning Systems	239.40
Theodore Stenzel	40.00
Gerald Cravillion	6,070.00
Block's Auto	1,895.00
John Hagan	50.00
Sharon Hawland	20.00
Donald Keen	43.00
Cheryl Abbott	50.00
Secura Insurance	171.79
Rogers Woods	67.23

THE BOARD FINDS:

1. Milton and Marcella Anderson of Green Bay claim \$1,190.28 for refund of Wisconsin taxes paid on retirement benefits for the years 1979, 1980 and 1981. Claimants allege that the Department of Revenue office in Green Bay has reviewed their tax returns since 1979, but did not advise claimants that the retirement benefit was not taxable until 1987. A claim for refund must be filed within four years from the date the tax was due pursuant to s. 71.10(10)(bn), Wis. Stats. 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. (Member Schneider dissenting).

2. The Estate of Edward Kramer claims \$10,624.20 for refund of an overpayment of Wisconsin inheritance tax plus interest from November, 1983, through March, 1987. On January 9, 1984, the Department of Revenue issued its Certificate Determining Inheritance tax according to the tax return filed in November, 1983. However, due to a clerical error in reporting the value of a stock, the taxable estate had been overstated by

\$120,000.00. The error was discovered in March, 1987, when it became known that the correct value of the stock was \$21,000.00. Pursuant to s. 72.30(4), Wis. Stats., a claim for refund must be filed within six months of the original determination of tax. 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.

3. The Estate of Dorothy Jones claims \$2,244.67 for refund of an overpayment of Wisconsin inheritance tax. In October, 1986, the Department of Revenue issued a Certificate Determining Inheritance Tax according to the tax return filed on April 30, 1986. On April 24, 1987, an amendment was filed to exclude the value of an automobile from the taxable estate, to correct computations of distributive shares of the tax liability and to change the value of a land contract. On May 13, 1987, the Department of Revenue denied the claim for refund because the amended return was not filed within six months after the date of the original determination of tax pursuant to s. 72.30(4), Wis. Stats. 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.

4. Thomas Hathaway of Madison claims \$728.70 for repairs to his vehicle allegedly damaged by a falling tree limb while the vehicle was parked at the corner of Wisconsin Avenue and East Mifflin Streets on the Capitol square on July 29, 1987. Claimant is a state employe and was working in the Capitol when this incident 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.

5. Richard Bonser of Madison claims \$11.55 for replacement of his shirt allegedly damaged on July 10, 1987, at the state Justice building where he is employed. The shirt was damaged by paint and paint remover when claimant brushed against an elevator door that had been stripped for repainting. 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.

6. Martin Thode of Augusta claims \$1,655.15 for refund of use tax paid during the years of 1982, 1983 and 1984. As a result of a Department of Revenue field audit, claimant was assessed an additional 1% use tax on purchases after May 1, 1982, the date when the Wisconsin sales and use tax rate was increased from 4% to 5%. Claimant contends the purchases were part of a contract entered into prior to May 1, 1982, therefore, subject to the 4% rate. Claimant did not provide the field

auditor with the documentation to substantiate that the contract was signed prior to May 1, 1982, and the Department of Revenue issued the field audit report on March 13, 1986. Claimant did not appeal the assessment within 60 days and the field audit became final and conclusive pursuant to s. 77.59(2), Wis. Stats. It is the Board's opinion that the claimant was misled by an April 24, 1987, letter from Deputy Secretary John Torgerson, giving the impression that the Department of Revenue would support his claim before the Claims Board; however, the Board finds that this action does not change its finding of insufficient showing of negligence on the part of the state, its officers, agents or employes and, therefore, 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. The Estate of Kathryn Amundson claims \$2,588.35 for overpayment of Wisconsin inheritance tax. On March 4, 1986, the Department of Revenue issued its Certificate Determining Inheritance Tax according to the tax return filed on February 17, 1986. On May 22, 1986, the estate filed an amended return to include 1,573 shares of stock previously omitted from the taxable estate. Additional tax and interest were paid and the Department of Revenue issued an amended certificate on June 4, 1986. On January 13, 1987, the estate filed a second amended return to correct discrepancies in reporting stock holdings. On March 5, 1987, the Department of Revenue denied the claim for refund because the amended return was not filed within six months after the date of the original determination of tax pursuant to s. 72.30(4), Wis. Stats. 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.

8. Fliptrack Learning Systems of Glen Ellyn, Illinois, claims \$239.40 for replacement of two computer programs shipped to the Department of Industry, Labor and Human Relations in October, 1986, for a 30-day evaluation. Although the Department of Industry, Labor and Human Relations returned the package to claimant, no proof of delivery is available and claimant alleges they never received the package. 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 Industry, Labor and Human Relations appropriation s. 20.445(1)(n), Stats.

9. Theodore Stenzel of Oxford claims \$40 for replacement of two pair of trousers allegedly damaged by a spring that poked through his office chair at the Department of Industry, Labor and Human Relations during May and June, 1987. According to the precedent set by the Board on August 17, 1987, 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.

10. Gerald Cravillion of Luxenburg claims \$6,070.00 for replacement of his septic system allegedly damaged by the construction on Highway 54 between Luxemburg and Kewaunee during the summer of 1981. Claimant alleges the construction damaged his septic line. 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.

11. Block's Auto of Merrill claims \$1,895.00 for damages allegedly caused by the Department of Transportation's failure to record the mileage on the certificate of title for a 1981 Chevette. On February 23, 1987, claimant bought the Chevette with mileage stating 52,731 through the Central Wisconsin Auto Auction. Claimant received a title for the vehicle without an odometer reading. On March 21, 1987, claimant sold the vehicle to Marlene Koth. When Ms. Koth received the vehicle title in April, 1987, with an odometer reading of 65,000, she returned the vehicle to claimant for refund. 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.

12. John Hagan of Edina, Minnesota, claims \$50.00 for the uninsured amount to repair his car windshield allegedly damaged by a rock thrown from a passing vehicle while he was driving on the I-94 detour on June 2, 1987. Claimant received \$199.11 from his insurance company for the replacement of his car windshield. 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. Sharon Howland of Milwaukee claims \$20.00 for the loss of money allegedly stolen from her purse which she placed under her office desk at the Department of Natural Resources state office building in Milwaukee. Claimant believes the money was taken from her purse between 11:45 a.m. and 4:30 p.m. on July 14, 1987. 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.

14. Donald Keen of Juda claims \$43.00 for replacement of a tire for his hay chopper, allegedly damaged when the hay chopper ran over a deer antler on June 16, 1987. 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.

15. Cheryl Abbott of Kansasville claims \$50.00 for the uninsured damages to her vehicle allegedly incurred on May 6, 1987, while the vehicle was parked at the Southern Wisconsin Center where she is employed. Witnesses observed a resident of the Center hitting the windshield of claimant's car, causing it to break. Claimant received \$171.79 from her insurance company for the damage. 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 and Social Services appropriation s. 20.435(2)(gk), Stats.

16. Secura Insurance Company of Appleton claims \$171.79 subrogation damages. Claimant's insured, Cheryl Abbott, submitted a claim to the insurance company for damages to her car allegedly caused by a resident of the Southern Wisconsin Center on May 6, 1987. The insurance company reimbursed its insured \$171.79 for the damages. Consistent with the long-standing policy of this Board concerning subrogation claims, 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.

17. Roger Woods of Little Suamico claims \$67.23 for damages allegedly incurred to his car on May 17, 1987, while the vehicle was parked in the lot at the Green Bay Correctional Institution where claimant is employed. When claimant returned to his car after work, he discovered the driver's side back window was broken. There were no witnesses to the incident causing the damages. 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.

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

Mr. & Mrs. Milton Anderson
Estate of Edward Kramer
Estate of Dorothy Jones
Thomas Hathaway
Richard Bonser
Martin Thode
Estate of Kathryn Amundson
Theodore Stenzel
Gerald Cravillion
Block's Auto
John Hagan
Sharon Howland
Donald Keen
Secura Insurance
Roger Woods

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

Fliptrack Learning Systems	\$ 239.40
Cheryl Abbott	50.00

Dated at Madison, Wisconsin this 13th day of October, 1987.

GARY R. GEORGE
Senate Finance Committee
MARLIN D. SCHNEIDER
Assembly Finance Committee
RAYMOND P. TAFFORA
Representative of Governor
EDWARD D. MAIN
Representative of Secretary of Administration
WILLIAM H. WILKER
Representative of Attorney General

RULING OF THE CHAIR

The Senator from the 19th District, Senator Ellis, has raised the point of order that in accordance with Section 26, Article IV of the Wisconsin Constitution, Assembly Bill 462 requires a three-fourths majority vote for concurrence.

The Chair has had an opportunity to study the contents of Assembly Bill 462 as it relates to the special vote requirement.

The Chair would refer the membership to an earlier ruling on this subject as it related to the passage of Senate Bill 100 (the Executive Budget Bill). At that time the Chair ruled that the extraordinary vote requirement of Section 26, Article IV of the Wisconsin Constitution applied when increased benefits are provided to persons who have been granted benefits or have left employment covered by the system and are eligible for benefits at a future date. (See Ruling of the Chair, page 241, Journal of the Senate, June 18, 1987.)

Assembly Bill 462 contains the following provisions:

1. Normal retirement age is set at age 62 for general employes
2. Benefit reduction for retirement prior to age 62 is reduced from 4.8% per year to 2.4% for a ten year period (this would make it easier for employes to retire early as they would not lose as much in benefits)
3. Early retirement window. The bill provides a three-year window for early retirement (rule of 62/23 and 55/25). Each year of service over 23 to 25 minimum reduces retirement age by one year
4. Multiplier for protective service is brought into conformity with Federal Age Discrimination Law
5. Accelerated recognition of long-term capital gains
6. Temporary increase in interest assumption to offset benefit improvements.
7. A 2% reduction in interest credited to employes accounts (from 5% to 3%)
8. Vesting rights revised. New employes are vested after 5 years of service instead of immediate vesting.
9. Provides health insurance plan for annuitants who do not have a group health plan.

10. Provides for a reduction in employer contributions.

The changes related to the accelerated recognition of long-term capital gains are the only changes in the bill that could possibly cause a three-fourths vote requirement. As part of the accelerated recognition of long-term capital gains, 600 million dollars is transferred from the transaction amortization account to either the fixed annuity reserve or the fixed employer accumulation reserve. In addition, the distribution formula of the Fixed Retirement Investment Trust is amended to provide an amount equal to the current income, plus 10% of the transaction amortization account. Currently the formula provides for an amount equal to the current income, plus 7%.

The Chair points out that these changes alone do not provide for an increase in benefits to current annuitants, although current law provides a vehicle for a portion of these funds to be used by the Employee Trust Fund Board to provide dividend payments to annuitants. The Chair is of the opinion that Assembly Bill 462 in and of itself does not increase benefits for current annuitants or participants of the retirement fund who are no longer employed. Therefore, the Chair is of the opinion that Assembly Bill 462 does not require the extraordinary majority as required by Article IV, Section 26, of the Wisconsin Constitution. A simple majority only is required. The point of order is not well taken.

Assembly Bill 462

Relating to the Wisconsin retirement system, allowing retired public employes to purchase state group health insurance coverage, fixed retirement investment trusts, transferring funds and making an appropriation.

Read.

Senator Strohl asked unanimous consent that **Assembly Bill 462** be laid on the table.

Senator Davis objected.

Senator Davis appealed the ruling of the chair.

Senator Strohl moved that **Assembly Bill 462** be laid on the table.

Senator Ellis raised the point of order that the motion of Senator Strohl was not timely.

The Chair took the point of order under advisement.

FRED A. RISSER
President of the Senate

CALENDAR OF OCTOBER 21, 1987

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

BAY, DENIS E., of Sturgeon Bay, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 1993.

Read.

SILL, ELMER C., of Waupaca, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 1991.
Read.

VASARELLA, CAROLE, of Cedarburg, as a member of the Veterans Affairs Board, to serve for the term ending May 1, 1993.
Read.

VON HADEN, TERRY, of Madison, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1991.
Read.

The question was: Shall the appointments be confirmed?

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

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

So the appointments were confirmed.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

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

October 20, 1987

Assembly Joint Resolution 69

Passed and asks concurrence in:

Assembly Bill 70

Assembly Bill 172

Assembly Bill 281

Assembly Bill 340

Assembly Bill 342

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 69

Relating to memorializing congress to support an appropriation for air conditioning the William S. Middleton VA Hospital.

By committee on Veterans and Military Affairs.

Read first time and referred to committee on Labor, Business, Insurance, Veterans and Military Affairs.

Assembly Bill 70

Relating to abuse of children and providing a penalty.

By Representatives Medinger, Roberts, Becker, Barca, Magnuson, Fergus, Fortis, Boyle, Linton, Zweck and Paulson, cosponsored by Senators Rude, Andrea, Roshell and Lasee, by request of Judge Dennis Montabon.

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

Assembly Bill 172

Relating to regulation of piers and boathouses.

By Representatives Holperin, Vergeront, Linton, Vanderperren, Volk, Zweck, Barca, S. Coggs, Notestein, Prosser, Schultz, Rosenzweig, Buettner, Ladwig, Farrow, Nelsen, McEssy, Goetsch, Radtke and Huelsman, cosponsored by Senators Kincaid and Roshell.

Read first time and referred to committee on Transportation, Tourism and Conservation.

Assembly Bill 281

Relating to illegally providing alcohol beverages to an underage person and creating a penalty.

By Representatives Magnuson, Merkt, Medinger, Krusick, Barrett, Buettner, Radtke and Vergeront, cosponsored by Senators Chvala, Chilsen and Lee, by request of State Council on Alcohol and Other Drug Abuse.

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

Assembly Bill 340

Relating to tampering with household products and providing penalties.

By Representative Schneider.

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

Assembly Bill 342

Relating to parole.

By Representatives Tesmer, Hauke and Grobschmidt, cosponsored by Senator Plewa.

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

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

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

Assembly Joint Resolution 73

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 73

Relating to the life and public service of Everett E. Bolle.

By Representatives Swoboda, Vanderperren, Bolle, Holschbach, Looby, Tregoning, McEssy, Thompson and all members of the assembly.

Read.

Considered privileged and taken up.

Concurred in by unanimous rising vote.

CALENDAR OF OCTOBER 21, 1987

Senate Bill 7

Relating to requiring motor vehicle operators and passengers to wear safety belts, granting rule-making authority, requesting a study and providing a penalty.

The question was: Concurrence of assembly amendment 4?

By request of Senator Lasee, with unanimous consent, the senate recessed until 10:54 A.M.

10:29 A.M.

RECESS

10:54 A.M.

The senate reconvened.

Senator rude moved non-concurrence of assembly amendment 4.

The question was: Non-concurrence of assembly amendment 4?

By request of Senator Czarnezki, with unanimous consent, assembly amendment 4 was placed after assembly amendment 24.

The question was: Concurrence of assembly amendment 8?

Concurred in.

The question was: Concurrence of assembly amendment 9?

Concurred in.

The question was: Concurrence of assembly amendment 10?

Senator Kincaid moved non-concurrence of assembly amendment 10.

The question was: Non-concurrence of assembly amendment 10?

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

Ayes — Senators Andrea, Cowles, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt and Te Winkle — 12.

Noes — Senators Adelman, Buettner, Chilsen, Chvala, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Lee, Norquist, Plewa, Risser, Strohl, Ulichny, Van Sistine and Weeden — 21.

Absent or not voting — None.

So the motion did not prevail.

Senate amendment 1 to assembly amendment 10 offered by Senator Chilsen.

The question was: Adoption of senate amendment 1 to assembly amendment 10?

Senator Czarnezki moved rejection of senate amendment 1 to assembly amendment 10.

The question was: Rejection of senate amendment 1 to assembly amendment 10?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Chvala, Czarnezki, Davis, Feingold, George, Helbach, Jauch, Lee, Norquist, Plewa, Risser, Strohl, Ulichny and Van Sistine — 15.

Noes — Senators Andrea, Buettner, Chilsen, Cowles, Ellis, Engeleiter, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt, Te Winkle and Weeden — 18.

Absent or not voting — None.

So the motion did not prevail.

The question was: Adoption of senate amendment 1 to assembly amendment 10?

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

Ayes — Senators Buettner, Chilsen, Cowles, Ellis, Engeleiter, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt, Te Winkle and Weeden — 17.

Noes — Senators Adelman, Andrea, Chvala, Czarnezki, Davis, Feingold, George, Helbach, Jauch, Lee, Norquist, Plewa, Risser, Strohl, Ulichny and Van Sistine — 16.

Absent or not voting — None.

So the amendment was adopted.

The question was: Concurrence of assembly amendment 10?

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

Ayes — Senators Andrea, Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Helbach, Jauch, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt and Weeden — 19.

JOURNAL OF THE SENATE [October 21, 1987]

Noes — Senators Adelman, Chvala, Czarnezki, Feingold, George, Kincaid, Lee, Norquist, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 14.
Absent or not voting — None.

So the amendment was concurred in as amended.

The question was: Concurrence of assembly amendment 11?
Concurred in.

The question was: Concurrence of assembly amendment 12?
Concurred in.

The question was: Concurrence of assembly amendment 17?

Senator Rude moved non-concurrence of assembly amendment 17.

The question was: Non-concurrence of assembly amendment 17?

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

Ayes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt, Te Winkle and Weeden — 17.

Noes — Senators Adelman, Andrea, Chvala, Czarnezki, Engeleiter, Feingold, George, Helbach, Jauch, Lee, Norquist, Plewa, Risser, Strohl, Ulichny and Van Sistine — 16.

Absent or not voting — None.

So the amendment was non-concurred in.

The question was: Concurrence of assembly amendment 18?

By request of Senator Czarnezki, with unanimous consent, assembly amendment 18 was placed after assembly amendment 4.

The question was: Concurrence of assembly amendment 19?

Senator Kincaid moved that **Senate Bill 7** be referred to committee on Transportation, Tourism and Conservation.

The question was: Shall **Senate Bill 7** be referred to committee on Transportation, Tourism and Conservation?

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

Ayes — Senators Andrea, Cowles, Ellis, Engeleiter, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt and Te Winkle — 14.

Noes — Senators Adelman, Buettner, Chilsen, Chvala, Czarnezki, Davis, Feingold, George, Harsdorf, Helbach, Jauch, Lee, Norquist, Plewa, Risser, Strohl, Ulichny, Van Sistine and Weeden — 19.

Absent or not voting — None.

So the motion did not prevail.

The question was: Concurrence of assembly amendment 19?
Concurred in.

Senate amendment 1 to assembly amendment 24 offered by Senator Czarnezki.

The question was: Adoption of senate amendment 1 to assembly amendment 24?

Senator Chilsen moved non-concurrence of assembly amendment 24.

The question was: Non-concurrence of assembly amendment 24?

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

Ayes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Norquist, Plewa, Roshell, Rude, Stitt, Te Winkle, Ulichny, Van Sistine and Weeden — 25.

Noes — Senators Adelman, Andrea, Chvala, Czarnezki, Feingold, Jauch, Risser and Strohl — 8.
Absent or not voting — None.

So the amendment was non-concurred in.

The question was: Non-concurrence of assembly amendment 4?

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

Ayes — Senators Adelman, Chvala, Czarnezki, Davis, Feingold, Jauch, Lee, Lorman, Norquist, Risser, Rude, Strohl, Ulichny and Weeden — 14.

Noes — Senators Andrea, Buettner, Chilsen, Cowles, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leean, Moen, Plewa, Roshell, Stitt, Te Winkle and Van Sistine — 19.

Absent or not voting — None.

So the amendment failed to be non-concurred in.

The question was: Concurrence of assembly amendment 4?
Concurred in.

The question was: Concurrence of assembly amendment 18?

Senator Te Winkle moved non-concurrence of assembly amendment 18.

The question was: Non-concurrence of assembly amendment 18?
Non-concurred in.

Senate Bill 187

Relating to the Silent Cross Memorial Highway and designating and marking certain highway routes as the Wisconsin Veterans Memorial Highway.

Read.

The question was: Concurrence of assembly substitute amendment 1?

Concurred in.

Assembly Bill 34

Relating to designating the ice age national scenic trail as a state scenic trail and making an appropriation.

Read.

The question was: Concurrence of assembly amendment 1 to senate amendment 1?

Concurred in.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

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

Assembly Bill 640

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 640

Relating to presence of underage persons in centers for the performing arts which are licensed to sell alcohol beverages.

By Representatives Holschbach, Bolle, Looby, Zweck, Zeuske, Fortis, Bock, Farrow, Musser, Grobschmidt, Gruszynski, Huelsman, Linton, Barca, Notestein, Williams, Schmidt, Zeuske, Turba, Neubauer, Robinson and Tregoning, cosponsored by Senators Te Winkle, Van Sistine, Kreul and Buettner.

Read first time and referred to committee on Labor, Business, Insurance, Veterans and Military Affairs.

CALENDAR OF OCTOBER 21, 1987

Senate Joint Resolution 37

Relating to requesting the legislative council to study the need for regulation of persons who provide services which are the same as, or similar to, services provided by licensed psychologists.

Read.

Adopted.

Senate Bill 137

Relating to permitting vending facilities operated by or for the benefit of visually impaired persons to be located on property of a controlled-access highway.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 137** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 137** 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 Strohl, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 137

Read a third time and passed.

Senate Bill 159

Relating to publications eligible to publish legal notices.

Read a second time.

Senate substitute amendment 1 offered by Senators Andrea and Strohl.

The question was: Adoption of senate substitute amendment 1?

Senator Plewa moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

By request of Senator Plewa, with unanimous consent, **Senate Bill 159** was placed after **Senate Bill 326**.

Senate Bill 186

Relating to collective bargaining units consisting of supervisors.

Read a second time.

Senate amendment 2 offered by Senator Norquist.

The question was: Adoption of senate amendment 2?

Senator Czarnecki moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?
The motion prevailed.

Ordered to a third reading.

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

Senate Bill 186

Read a third time.

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

Ayes — Senators Adelman, Andrea, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 17.

Noes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Lcean, Lorman, Norquist, Roshell, Rude, Stitt and Weeden — 16.

Absent or not voting — None.

So the bill passed.

Senate Bill 219

Relating to county and municipal disposition of firearms.

Read a second time.

Ordered to a third reading.

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

Senate Bill 219

Read a third time and passed.

Senate Bill 223

Relating to an income and franchise tax exemption for compensation for well contamination and excluding that compensation from income in computing the homestead and farmland preservation credits.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 223** was referred to joint committee on Finance.

Senate Bill 251

Relating to election of the chairperson of the public service commission by the members of the public service commission.

Read a second time.

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

Senate amendment 2 offered by Senator Stitt.

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

Ordered to a third reading.

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

Senate Bill 251

Read a third time.

Senator Kreul moved indefinite postponement of **Senate Bill 251**.

The question was: Shall the bill be indefinitely postponed?

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

Ayes — Senators Chilsen, Cowles, Davis, Ellis, Harsdorf, Kreul, Lasee, Lorman, Norquist, Stitt and Ulichny — 11.

Noes — Senators Adelman, Andrea, Buettner, Chvala, Czarnezki, Engeleiter, Feingold, George, Helbach, Jauch, Kincaid, Lee, Lekan, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Van Sistine and Weeden — 22.

Absent or not voting — None.

So the motion did not prevail.

The question was: Shall the bill pass? Passed.

Senate Bill 283

Relating to the certification and regulation of respiratory care practitioners by the medical examining board, creating a respiratory care practitioners examining council and granting rule-making authority.

Read a second time.

Senate amendment 1 offered by Senator Jauch.

The question was: Adoption of senate amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 283** was referred to joint committee on Finance.

Senate Bill 306

Relating to counties' share of the real estate transfer fee.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 306** was referred to joint committee on Finance.

Senate Bill 315

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

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?

Senator Adelman 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, 12; noes, 21; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Buettner, Chvala, Czarnezki, Davis, Ellis, Engeleiter, Feingold, Helbach, Lee, Norquist and Risser — 12.

Noes — Senators Andrea, Chilsen, Cowles, George, Harsdorf, Jauch, Kincaid, Kreul, Lasee, Lekan, Lorman, Moen, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 21.

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.

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

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

Adopted.

By request of Senator Stitt, with unanimous consent, **Senate Bill 315** was placed at the foot of the calendar.

Senate Bill 316

Relating to parking permits on mobile homes not located in licensed mobile home parks.

Read a second time.

Ordered to a third reading.

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

Senate Bill 316

Read a third time and passed.

Senate Bill 326

Relating to parking reserved for vehicles used by physically disabled persons, providing for enforcement councils and liability for violations reported by members of enforcement councils.

Read a second time.

Senate amendment 1 offered by Senators Davis and Czarnecki.

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

Ordered to a third reading.

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

Senate Bill 326

Read a third time and passed.

Senate Bill 159

Relating to publications eligible to publish legal notices.

Read a second time.

The question was: Rejection of senate substitute amendment 1?

Senator Andrea asked unanimous consent that **Senate Bill 159** be laid on the table.

Senator Rude objected.

Senator Andrea moved that **Senate Bill 159** be laid on the table.

The question was: Shall the bill be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Chilsen, Chvala, Cowles, Davis, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Risser, Roshell, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 18.

Noes — Senators Adelman, Buettner, Czarnecki, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Lee, Norquist, Plewa, Rude and Stitt — 15.

Absent or not voting — None.

So the motion prevailed.

Assembly Bill 136

Relating to deferred prosecution programs and operating a motor vehicle while under the influence of alcohol or drugs or both.

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.

Assembly Bill 136

Read a third time and concurred in as amended.

Assembly Bill 163

Relating to water heater thermostat settings.

Read a second time.

Senate substitute amendment 1 offered by Senators Lorman, Leean and Roshell.

The question was: Adoption of senate substitute amendment 1?

Senator Chvala moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chvala, Czarnecki, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 21.

Noes — Senators Chilsen, Cowles, Davis, Engeleiter, Kreul, Lasee, Leean, Lorman, Roshell, Stitt and Weeden — 11.

Absent or not voting — Senator Ellis — 1.

So the motion prevailed.

Senate amendment 1 offered by Senators Lorman, Roshell and Leean.

The question was: Adoption of senate amendment 1?

Senator Chvala 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, 21; noes, 11; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chvala, Czarnecki, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 21.

Noes — Senators Chilsen, Cowles, Davis, Kreul, Lasee, Leean, Lorman, Roshell, Rude, Stitt and Weeden — 11.

Absent or not voting — Senator Ellis — 1.

So the motion prevailed.

Senate amendment 2 offered by Senator Leean.

The question was: Adoption of senate amendment 2?

Senator Chvala moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Buettner, Chvala, Czarnezki, Engeleiter, Feingold, George, Helbach, Jauch, Lee, Moen, Norquist, Plewa, Risser, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 19.

Noes — Senators Andrea, Chilsen, Cowles, Davis, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Roshell, Stitt and Weeden — 13.

Absent or not voting — Senator Ellis — 1.

So the motion prevailed.

Senate amendment 3 offered by Senator Chilsen.

The question was: Adoption of senate amendment 3?

Senator Chvala moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Chvala, Czarnezki, Davis, Feingold, George, Helbach, Jauch, Lee, Moen, Norquist, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 18.

Noes — Senators Buettner, Chilsen, Cowles, Ellis, Engeleiter, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Roshell, Rude, Stitt and Weeden — 15.

Absent or not voting — None.

So the motion prevailed.

Ordered to a third reading.

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

Assembly Bill 163

Read a third time.

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

Ayes — Senators Adelman, Andrea, Buettner, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Lee, Moen, Norquist, Plewa, Risser, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 19.

Noes — Senators Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Roshell, Stitt and Weeden — 14.

Absent or not voting — None.

So the bill was concurred in.

Assembly Bill 188

Relating to extending the coverage of the motor vehicle warranty law to leased motor vehicles.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 188

Read a third time and concurred in.

Assembly Bill 225

Relating to allowing retired public employes to purchase state group health insurance coverage and making an appropriation.

Read a second time.

By request of Senator George, with unanimous consent, **Assembly Bill 225** was referred to joint committee on Finance.

Assembly Bill 335

Relating to subjects of collective bargaining under the state employment labor relations act.

Read a second time.

Senate amendment 1 offered by Senator Cowles.

The question was: Adoption of senate amendment 1?

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

Ayes — Senators Adelman, Andrea, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 18.

Noes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leean, Lorman, Roshell, Rude, Stitt and Weeden — 15.

Absent or not voting — None.

So the motion prevailed.

The question was: Concurrence of **Assembly Bill 335**?

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

Ayes — Senators Adelman, Andrea, Buettner, Chvala, Czarnezki, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 23.

Noes — Senators Chilsen, Cowles, Davis, Kreul, Lasee, Leean, Lorman, Rude, Stitt and Weeden — 10.

Absent or not voting — None.

So the bill was concurred in.

Senator Norquist in the chair.

2:30 P.M.

Assembly Bill 362

Relating to making various changes in the farm mediation and arbitration program.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 362

Read a third time and concurred in.

Assembly Bill 401

Relating to review of judge substitution requests in civil proceedings.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 410

Read a third time and concurred in.

Senator Helbach in the chair.

2:35 P.M.

Assembly Bill 470

Relating to the salary of the state public defender.

Read a second time.

Senate amendment 1 offered by Senator Risser.

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

Senate amendment 2 offered by Senator Stitt.

The question was: Adoption of senate amendment 2?

By request of Senator Stitt, with unanimous consent, senate amendment 2 was returned to the author.

Ordered to a third reading.

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

Assembly Bill 470

Read a third time.

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

Ayes — Senators Adelman, Andrea, Chilsen, Chvala, Czarnezki, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Lee, Lorman, Moen, Norquist, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 21.

Noes — Senators Buettner, Cowles, Davis, Ellis, Engeleiter, Kreul, Lasee, Lcean, Roshell, Rude, Stitt and Weeden — 12.

Absent or not voting — None.

So the bill was concurred in as amended.

Senate Bill 315

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

Read a second time.

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

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

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

Adopted.

Senate amendment 2 to senate amendment 3 to senate substitute amendment 1 offered by Senator Stitt.

The question was: Adoption of senate amendment 2 to senate amendment 3 to senate substitute amendment 1?

Adopted.

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 Strohl, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 315

Read a third time and passed.

Senator Ellis moved reconsideration of the vote by which **Assembly Bill 335** was concurred in.

The question was: Reconsideration of the vote by which **Assembly Bill 335** was concurred in?

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

Ayes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Lcean, Lorman, Rude, Stitt and Weeden — 14.

Noes — Senators Adelman, Andrea, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 19.

Absent or not voting — None.

So the motion did not prevail.

Senator Strohl moved reconsideration of the vote by which **Senate Bill 186** passed.

The question was: Reconsideration of the vote by which **Senate Bill 186** passed?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Lee, Lcean, Lorman, Norquist, Roshell, Rude, Stitt, Te Winkle and Weeden — 18.

Noes — Senators Adelman, Andrea, Chvala, Czarnetzki, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Strohl, Ulichny and Van Sistine — 15.

Absent or not voting — None.

So the motion prevailed.

The question was: Shall the bill pass?

By request of Senator Czarnetzki, with unanimous consent, **Senate Bill 186** was laid on the table.

The president of the Senate in the chair.

3:03 P.M.

By request of Senator Czarnetzki, with unanimous consent, the senate requests a Committee of Conference on **Senate Bill 7**.

The Chair appointed Senators Czarnetzki, Risser and Weeden as conferees to the Committee of Conference.

The question was: Shall the conferees be confirmed? Confirmed.

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

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

3:05 P.M.

RECESS

3:10 P.M.

The senate reconvened.

By request of Senator Strohl, with unanimous consent, the rules were suspended and the Supplemental Calendar of Wednesday, October 21 was taken up.

Senate Bill 357

Relating to the creation of a board on health care information and of an office of health care information in the subunit of the department of health and social services having responsibility for health, granting rule-making authority, providing penalties and making appropriations.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 357** was referred to joint committee on Finance.

Senate Bill 359

Relating to the financing of major highway projects and transportation administrative facilities and making an appropriation.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 359** was referred to joint committee on Finance.

Senate Bill 364

Relating to funding for state parks and recreation areas and making an appropriation.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 364** was referred to joint committee on Finance.

By request of Senator Norquist, with unanimous consent, the senate adjourned in honor of the 88th birthday of former Senator Everett Bidwell tomorrow.

Upon motion of Senator Strohl the senate adjourned until 10:00 A.M. Thursday, October 22.

3:13 P.M.