



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, February 26, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

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

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 60

Relating to: policy of executive branch consultation with tribal governments.

By Senator George; cosponsored by Representative Musser.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Joint Resolution 61

Relating to: state recognition of the sovereign status of federally recognized American Indian tribes and bands.

By Senator George; cosponsored by Representative Musser.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Joint Resolution 62

Relating to: proclaiming March as Colorectal Cancer Awareness Month.

By Senators Moen, Burke, Schultz, Plache, Kanavas, Hansen, Darling, Wirch, Rosenzweig and Roessler; cosponsored by Representatives Urban, Krug, Pettis, Berceau, Petrowski, Staskunas, Townsend, Wasserman, Olsen, Cogs, Plouff, Hahn, J. Lehman, Turner, Sykora, Bock, Lassa, Ryba, Schneider and Young.

To committee on **Health, Utilities, Veterans and Military Affairs.**

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 464

Relating to: disqualification from commercial motor vehicle operation for railroad crossing violations and providing a penalty.

By Senator Breske; cosponsored by Representative Stone.

To committee on **Insurance, Tourism, and Transportation.**

#### Senate Bill 465

Relating to: the conversion of lands that are entered on the tax roll as forest croplands to lands that are entered on the tax roll as managed forest lands.

By Senator Harsdorf; cosponsored by Representatives Ainsworth, Owens, Musser, Albers, Sykora, Freese, Olsen, Townsend, Pettis, Gunderson and Petrowski.

To committee on **Environmental Resources.**

#### Senate Bill 466

Relating to: creation of the Wisconsin tribal–state council and making an appropriation.

By Senator George; cosponsored by Representative Musser.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 467

Relating to: preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.

By Senator George; cosponsored by Representative Musser.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 468

Relating to: the formula used for calculating the estimated motorboat gas tax payment; establishing a wetlands protection grant program, funding for wetlands mitigation activities and positions, for lake management and river protection grants, and for positions to administer lake, river, and dam financial assistance programs; implementation of the conservation reserve enhancement program; implementation of county land and water resource management plans; granting rule–making authority; and making appropriations.

By Senators Cowles and Risser; cosponsored by Representatives Johnsrud, Albers, Owens, Black, Krawczyk, J. Lehman and Boyle.

To committee on **Environmental Resources.**

**Senate Bill 469**

Relating to: the energy efficiency of equipment used in state building projects and certain other projects constructed for the state and granting rule-making authority.

By Senators Cowles, Burke and Hansen; cosponsored by Representatives Powers, Kaufert, Bock, Black, Plouff, Ryba, Owens, Hahn and Meyerhofer.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 470**

Relating to: licensing of electricians and electrical contractors, regulation of electrical construction, granting rule-making authority, and providing a penalty.

By Senators Baumgart and M. Meyer; cosponsored by Representatives Meyerhofer, Ott, Plouff, Hines, Gronemus, Pettis, J. Lehman and Jeskewitz.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 471**

Relating to: authorizing dairy product wholesalers to furnish freezer cabinets to dairy product retailers.

By Senators Hansen and Moen; cosponsored by Representatives Krawczyk and Ott.

To committee on **Labor and Agriculture.**

**Senate Bill 472**

Relating to: the frequency of local lodge meetings.

By Senator Breske; cosponsored by Representative Montgomery.

To committee on **Insurance, Tourism, and Transportation.**

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**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
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2001 Senate Joint Resolution 37	Enrolled Joint Resolution, 28	N/A
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Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

Senator Robson, with unanimous consent, asked that the Senate recess until 12:32 P.M.

10:15 A.M

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**RECESS**

12:32 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that the Senate return to the second order of business.

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**INTRODUCTION AND REFERENCE OF  
RESOLUTIONS AND JOINT RESOLUTIONS**

**Senate Joint Resolution 63**

Relating to: creating a committee of conference on 2001 Assembly Bill 843 and 2001 Senate Bill 104, the 2001 Campaign Finance Bills.

Considered as privileged and taken up.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 63** be placed at the foot of the 14th order of business on the calendar of February 26, 2002.

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**ADVICE AND CONSENT OF THE SENATE**

Senator Chvala, with unanimous consent, asked that all the appointments be taken up en masse.

BORUP, JENNIFER E., of Huson, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2004.

Read.

BOYKOFF, THOMAS M., of Madison, as a Commissioner of the Tax Appeals Commission, to serve for the term ending March 1, 2007.

Read.

THEORIN, CARL, of Merrill, as a member of the Auctioneers Examining Board, to serve for the term ending May 1, 2004.

Read.

The question was: Confirmation?

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

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-110**

Relating to historic buildings.

Submitted by Department of Commerce.

Report received from Agency, February 22, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, February 26, 2002.

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Bill 24**

Relating to: prohibiting certain state agencies or any city, village, town, or county from using the word “Squaw” in the name of a public place, highway, or geographic feature.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 24**

Read a third time and passed.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 24**.

**Senate Bill 88**

Relating to: receiverships for public nuisance.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 88**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 88**

Read a third time and passed.

**Senate Bill 211**

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

Read a second time.

Senator Cowles moved that **Senate Bill 211** be referred to the joint committee on **Finance**.

The question was: Shall **Senate Bill 211** be referred to the joint committee on **Finance**?

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

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Absent or not voting – None.

Refused to refer to joint committee on Finance.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 211**

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 Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Shibilski and Wirch – 19.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Schultz, Welch and Zien – 14.

Absent or not voting – None.

Passed.

**Senate Bill 253**

Relating to: payment of judgments in traffic cases and in municipal court and the suspension of operating privileges.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 253**

Read a third time and passed.

**Senate Bill 278**

Relating to: positions for the office of the state public defender, requiring quarterly reports, and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 278** be referred to the Joint Committee on **Finance**.

**Senate Bill 316**

Relating to: the income and franchise tax credit that supplements the federal historic rehabilitation tax credit.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 316** be referred to the Joint Committee on **Finance**.

**Senate Bill 336**

Relating to: safety training for all-terrain vehicle and motorboat operation.

Read a second time.

Senator Moen, with unanimous consent, asked that **Senate Bill 336** be placed at the foot of the 12th order of business on the calendar of February 26, 2002.

**Senate Bill 367**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of ss. 10.62 to 10.82 of the statutes for the purpose of correcting conflicts between the listings in ss. 10.62 to 10.82 and the substantive statutes to which those sections refer (Revisor’s Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 367**

Read a third time and passed.

**Senate Bill 368**

Relating to: numbering unnumbered subchapter titles in the statutes (Revisor’s Revision Bill).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 368**

Read a third time and passed.

**Senate Bill 369**

Relating to: amending and revising section 409.109 (1) (intro.) of the statutes for the purpose of reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 369**

Read a third time and passed.

**Senate Bill 402**

Relating to: dog licensing and claims for damage that is caused by dogs in certain populous counties.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 402**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 402**

Read a third time and passed.

**Senate Bill 415**

Relating to: renaming the institute for environmental studies at the University of Wisconsin–Madison.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 415**

Read a third time and passed.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Joint Resolution 80**

Relating to: congratulating the chancellor, faculty, staff, and students of the University of Wisconsin–Stout on the receipt of the Malcolm Baldrige National Quality Award.

Read.

Concurred in.

**Assembly Bill 123**

Relating to: who may be appointed personal representative in informal administration.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 123**

Read a third time and concurred in.

**Assembly Bill 249**

Relating to: the effect of annexation or detachment of territory on a municipality's quota of "Class B" intoxicating liquor licenses.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 249**

Read a third time and concurred in.

**Assembly Bill 496**

Relating to: tuition vouchers for students who sound Taps at military honors funerals.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 496** be referred to the Joint Committee on **Finance**.

**Assembly Bill 519**

Relating to: designating the bridge on I 43 across the Fox River in the city of Green Bay as the Leo Frigo Memorial Bridge.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 519**

Read a third time and concurred in.

**Assembly Bill 584**

Relating to: public utility shared revenue payments and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 584** be referred to the Joint Committee on **Finance**.

Senator Grobschmidt, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 584**.

**Assembly Bill 593**

Relating to: The Type 1 motorcycle, moped, and motor bicycle safety program and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 593** be referred to the Joint Committee on **Finance**.

Senator Roessler, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 768**.

Senator Wirch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 584**.

**Assembly Bill 769**

Relating to: sales tax on motor vehicles purchased after a consumer receives a refund under a new motor vehicle warranty.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 769** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 769** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 769**

Read a third time.

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

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

**Senate Bill 336**

Relating to: safety training for all-terrain vehicle and motorboat operation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 336**?

Adopted.

Senate amendment 2 to **Senate Bill 336** offered by Senator Huelsman.

Senator Baumgart moved rejection of Senate amendment 2 to **Senate Bill 336**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 336**?

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

Ayes – Senators Baumgart, Burke, Chvala, Cowles, Moen, Moore, Plache, Risser, Robson and Schultz – 10.

Noes – Senators Breske, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Panzer, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 23.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 2 to **Senate Bill 336**?

Adopted.

Senate amendment 3 to **Senate Bill 336** offered by Senators Huelsman, M. Meyer, Zien and Shibilski.

Senator Huelsman, with unanimous consent, asked that Senate amendment 3 to **Senate Bill 336** be withdrawn and returned to author.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 336**

Read a third time.

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

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 25.

Noes – Senators Darling, Ellis, S. Fitzgerald, A. Lasee, Panzer, Roessler, Welch and Zien – 8.

Absent or not voting – None.

Passed.

**MOTIONS MAY BE OFFERED**

Senator Chvala, with unanimous consent, asked that the motion for reconsideration of the vote by which **Senate Bill 104** was ordered to a third reading be taken from the table and taken up.

**Senate Bill 104**

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Read.

Senator Ellis, with unanimous consent, asked that his motion for reconsideration of the vote by which **Senate Bill 104** was ordered to a third reading be withdrawn.

**Senate Bill 104**

Read a third time.

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

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 25.

Noes – Senators Darling, S. Fitzgerald, Kanavas, Lazich, Panzer, Roessler, Welch and Zien – 8.

Absent or not voting – None.

Passed.

Senator Chvala, with unanimous consent, asked that the vote by which **Senate Bill 104** passed be reconsidered.

Senator Chvala, with unanimous consent, asked that the motion for reconsideration of the vote by which **Senate Bill 104** was passed be laid on the table.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**Senate Joint Resolution 63**

Relating to: creating a committee of conference on 2001 Assembly Bill 843 and 2001 Senate Bill 104, the 2001 Campaign Finance Bills.

Read.

Senate amendment 1 to **Senate Joint Resolution 63** offered by Senators Ellis and Chvala.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 63**?

The ayes and noes weredemanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 27.

Noes – Senators S. Fitzgerald, Kanavas, Lazich, Roessler, Welch and Zien – 6.

Absent or not voting – None.

Adopted.

The question was: Shall **Senate Joint Resolution 63** be adopted?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 27.

Noes – Senators S. Fitzgerald, Kanavas, Lazich, Roessler, Welch and Zien – 6.

Absent or not voting – None.

Adopted.

Senator Chvala, with unanimous consent, asked that Senators Chvala, Robson and Ellis be appointed as conferees to the committee on conference on **Senate Bill 104**.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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### ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Superior Days.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Casey FitzRandolph who won the gold medal in the 500-meter speed skating event against the defending Olympic champion Hiroyasu Shimizu of Japan and set a new Olympic record of 34.42 in his first heat.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of U.W. Stout on the receiving of the Malcolm Baldrige National Quality Award.

Senators Darling and Rosenzweig, with unanimous consent, asked that when the Senate adjourn, it do so in honor

of Chris Witte for winning an Olympic Gold Medal for speed skating.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her mother, Helen Statkus' 85th birthday.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kip Carpenter of Brookfield, on winning the Bronze medal in the 500-meter speed skating event in the Olympics.

Senator Risser, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the U.S. Olympic Hockey Team and its captain, Chris Chelios, former U.W. Hockey Player who has maintained close ties to the city of Madison and the 26th Senate District.

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### ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, February 28 at 10:00 A.M.

Adjourned.

2:55 P.M.

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### CHIEF CLERK'S REPORT

The Chief Clerk records:

**Senate Joint Resolution 37**

Deposited in the office of the Secretary of State on February 21, 2002.

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### SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Bill 38**

**Senate Bill 116**

**Senate Bill 333**

**Senate Bill 340**

Report correctly enrolled on February 20, 2002.