

JOURNAL OF THE SENATE [October 29, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

THURSDAY, October 29, 1982.

9:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor James A. Knuth, Calvary Lutheran Chapel, Campus Pastor at University of Wisconsin, Missouri Synod, Madison.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 643

Relating to consideration for small businesses in state agency rule making.

By Senators Opitz, Kreul, Harnisch, McCallum, Lasee, Krueger, Bidwell, Hanaway, Chilsen, Bablitch, Flynn, Cullen, Maurer, Strohl and Lorge; cosponsored by Representatives Thompson, Ellis, Stitt, Hauke, Ladwig, Klicka, Duren, Goodrich, Schmidt, Hopkins, Schneiders, Donoghue, Hasenohrl, Shabaz, Wagner, Lewison, Radtke, Laatsch, DeLong, Jaronitzky and Panzer.

To committee on Aging, Business and Financial Institutions and Transportation.

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Senate Bill 644

Relating to authorizing counties to issue rewards for apprehension of certain vandals.

By Senator Goyke, by request of Fond du Lac County Board of Supervisors.

To committee on State and Local Affairs and Taxation.

By request of Senator Bablitch, with unanimous consent, the journal showed that Senators Cullen, Kleczka and Bidwell were absent with leave due to the Committee of Conference on **Senate Bill 558**.

COMMITTEE REPORTS

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

Senate Bill 150

Relating to changes in the regulation of motor carriers and granting rule-making authority.

Introduction of senate substitute amendment 2:

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

Noes, 0 -- None.

TIM CULLEN

Chair

PETITIONS AND COMMUNICATIONS

Department of State

October 26, 1982.

To the Honorable, the Senate

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

VEL PHILLIPS

Secretary of State

Boullion, James D., 14 S. Carroll St., Madison, WI 53703 (608) 257-4664; Jackson Co. Veterans Committee, RFD #1, Hixton, WI 54635; 2-25; Jackson Co. Bank, 8 Main St., Black River Falls, WI 54615 (715) 284-5341; 2-25.

Derouin, James G., 121 S. Pinckney St., Madison WI 53703 (608) 255-8891; Wis. Assn. of Manufacturers and Commerce, 120 Wis. Ave., Madison, WI 53703 (608) 255-2312; 1-26; 101-186.

Dreissen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Wisconsin Assn. of Securities Dealers, c/o Henry

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M. Merrill (Paine, Webber, Jackson & Curtis, Inc.) 111 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 271-0966; 3, 18, 21; 175.

Franke, Harry F., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Voluntary Assn. of Trial Judges, c/o Judge George A. Burns, Jr., Milwaukee County Courthouse, 901 N. 9th St., Milwaukee, WI 53233 (414) 278-4525; 4, 5, 20; 101, 127.

Hewett, David R., 5721 Odana Rd., Madison, WI 53719 (608) 274-1820; The Wisconsin Hospital Assn., 5721 Odana Rd., Madison, WI 53719 (608) 274-1820; 10, 11, 14, 18, 19; 129, 136, 138, 161, 162, 164.

Hiniker, Stephen J., 142 W. Gorham St., Madison, WI 53703 (608) 251-9672; National Audubon Society, 950 Third Ave., New York, NY 10022 (212) 832-3200; 17; 109, 144.

Lima, John, 115 W. Main St., Madison, WI 53703 (608) 256-1206; Wisconsin State Council of Carpenters, 115 W. Main St., Madison, WI 53703 (608) 256-1206; 2, 3, 7, 11-14, 18-25; 108, 115, 121-123, 127, 129, 136, 137, 148-150, 158, 167, 170, 174, 176, 180, 184, 185.

May, Michael P., P.O. Box 927, 1 S. Pinckney St., #410, Madison, WI 53701 (608) 257-9521; Municipal Electric Utilities of Wisconsin, P.O. Box 399, 221 16th St. S., Wisconsin Rapids, WI 54494 (715) 423-6300; 4, 26.

Parys, Ronald G., 206 E. Olin Ave., WI 53713 (608) 251-0368; Jackson County Bank, 8 Main St., Black River Falls, WI 54615 (715) 284-5341; 2-25; Jackson County Veterans Committee, RFD#1 Hixton, WI 54635 (no phone # given); 2-25.

Priebe, Kenneth E., 120 Wisconsin Ave., Madison, WI 53703 (608) 255-2312; Wisconsin Assn. of Manufacturers & Commerce, 120 Wisconsin Ave., Madison, WI 53703 (608) 255-2312; 1-26; 101-186.

Terminations:

Scoon, Darwin, 1075 E. Dayton St., Madison, WI 53703 ,for Wisconsin Society of Professional Engineers, effective October 20, 1981.

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State of Wisconsin
Claims Board

October 27, 1981.

Don Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on October 19, 1981.

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 19, 1981, upon the following claims:

Claimant	Amount
Barron Electric Cooperative	\$285.30
Kenneth Morgan	155.23
Tom Kuehne Landscape Contractors, Inc.	7,712.66
and Fosco Fabricators, Inc.	5,941.46
Kim Baugrud	1,200.00

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

Nancy Busch	\$107.64
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Thomas Buetow	69.99
Terry Hamilton	497.26
Steven Feldman	25.00
Ruth Niemann	500.00
Millard Ratchiff	429.00
Estate of Robert Cooper	674.00
Estate of Eugene Bailer	451.97

THE BOARD FINDS:

1. Barron Electric Cooperative of Barron claims \$285.30 as the replacement cost of an electric line pole allegedly damaged by a Department of Natural Resources crew on May 8, 1981, while the crew was engaged in forest fire suppression activities in Washburn County. The Board finds there has been no conclusive evidence showing that the damage was caused by negligence on the part of the Department of Natural Resources. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

2. Kenneth Morgan, of Milwaukee claims \$155.23 for damages to the windshield of his automobile on April 28, 1981, while it was parked in the lot at the Abode Community Correctional Center, where he is employed. The damage was discovered by an officer at the Center. Claimant alleges that the person or persons causing the damage must have dropped a weight from the third floor weight room, which overlooks the parking lot, at the Center. 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 and 4. Tom Kuehne Landscape Contractors, Inc. and Fosco Fabricators, Inc. claim \$7,712.66 and \$5,941.46 additional expenses incurred in the performance of a contract with the Department of Transportation for two projects involving the signing and overhead sign support structures in Sheboygan County during 1978-79. Kuehne Landscape Contractors, Inc. was the successful prime bidder for the projects and Fosco Fabricators, Inc., was the successful sub-contract bidder to Kuehne. Claimants allege that after their initial submission of drawings, they were advised by the Department of Transportation to run a 5/8" thick backing bar on the entire length of the column structures. Claimants' final submittal drawings indicated such requirement, which the department approved. Claimants request compensation for the extra expenses incurred in completing the project as required by the state. The Department of Transportation alleges they made no changes in the contract

specifications, but only enforced the terms of the contract. Further increased payments were not provided for in the contract. The Board concludes that 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. Kim Baugrud of Racine claims \$1,200.00 for damages to his automobile incurred on February 20, 1981, when his daughter was involved in an automobile accident with a car owned by the University of Wisconsin and operated by an employe of the state. The accident occurred in the University of Wisconsin-Parkside Tallent Hall parking lot. As claimant's daughter was leaving the lot and slowed to stop at an approaching yield sign on the pavement, the state employe was driving toward claimant's automobile; the state employe applied his brakes, but he collided into the left side of claimant's automobile. The Board finds the state driver was primarily at fault in this accident and recommends payment of 80% of claimant's damages. The Board, therefore, concludes the state should in good conscience assume and pay this claim in the reduced amount of \$960.00. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Administration Risk Management appropriation s. 20.865(1)(fm), Stats.

6. Nancy Busch of Union Grove claims \$107.64 for damages to her automobile on September 3, 1980, while it was parked in the lot at the Southern Wisconsin Center, where she is employed. Three state employes observed a resident of the Center run over to claimant's car and beat on it with his fists, causing the damages. Claimant indicates that she had \$100 deductible insurance. The Board concludes the claim should be paid in the reduced amount of \$100, based on equitable principles. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Health and Social Services appropriation s. 20.435(2)(gk), Stats.

7. Thomas Buetow of Union Grove claims \$69.99 for damages to his automobile on June 15, 1981, as he was driving into his parking space in the lot at Atherton Hall, where he is employed. Claimant alleges that when he drove into the parking space, he hit a grate covering hidden by grass, causing a slash in his left front automobile tire. The Department of Health and Social Services indicates that the manhole claimant alleges to have hit is not located in a parking area and is raised eight inches above the ground but is entirely surrounded by curbing with little grass around it. The Board concludes there is no showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the

state is legally liable, nor one which the state should assume and pay based on equitable principles.

8. Terry Hamilton of Racine claims \$497.26 for damages to his automobile on June 30, 1981, while it was parked in the lot at the Abode Community Correctional Center in Milwaukee, where he is employed. When claimant went to his car he found a 45# weight laying on the ground beside his automobile and the roof of the car dented. Claimant alleges that the person or persons causing the damage must have dropped the weight from the third floor weight room, which overlooks the parking lot, at the Center. 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.

9. Steven Feldman of Madison claims \$25.00 for the loss of a bathrobe when he was transferred from one unit to another at the Mendota Mental Health Institute, while a patient at the Institute in January, 1981. Through an error of the Institute's staff, claimant's belongings were not listed as required by Institute policy. The Board concludes this claim should be paid, based on equitable principles. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Health and Social Services appropriation s. 20.435(2)(gk), Stats.

10. Ruth Niemann of Milwaukee claims \$500.00 for damages related to injuries which she allegedly sustained due to a fall on the grounds of the Wisconsin State Fair Park on August 14, 1981. As claimant was exiting the north side of the Women's Building, while it was raining, she alleges she slipped and fell approximately seven to eight steps down incurring neck, shoulder, and leg injuries. Claimant was taken to the hospital by ambulance and released later that same day. Inasmuch as there is no evidence of negligence on the part of the state which may have contributed to the alleged slip and fall, 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. Millard Ratcliff of Waterloo claims \$429.00 for the loss of a hearing aid allegedly due to theft, while he was a patient at the University Hospital in February, 1981. The hearing aid was kept in a jewelry-type box, supplied by the manufacturer, and had been kept in the bedside stand provided by the hospital. The loss was discovered as claimant was gathering his possessions for discharge from the hospital. The Board concludes there is insufficient evidence showing 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. The Estate of Eugene Bailer claims \$451.97 as the refund for an overpayment of Wisconsin Inheritance taxes. In preparing the inheritance tax return, the deceased's spouse was not given a full one-third of the probate estate. The calculation for one-third of the estate was based upon the taxable estate which included \$8,844.87 in insurance paid directly to the spouse as the named beneficiary. This amount should not have been included in the calculations for arriving at one-third of the net probate estate pursuant to statutes for election against the Will. The Department of Revenue indicates, had a timely application for refund of excessive inheritance taxes been made, the refund required would have been granted by that department. The Board concludes that this claim should be paid, based on equitable principles from appropriation s. 20.505(4)(d), Stats.

13. Mary K. Cooper, Personal Representative of the Estate of Robert Cooper, claims \$674.00 as the refund for an overpayment of Wisconsin Inheritance taxes. In preparation for closing the estate it was determined that the distribution of the taxable estate was not done correctly. The Will stated claimant should receive the greater of \$250,000 or one-half of the adjusted gross estate. The \$250,000 was greater and the Will provided that claimant receive the income on the residue for life. The original inheritance tax return did not take into consideration this life interest. The Department of Revenue indicates, had a timely application for refund of excessive inheritance taxes been made, the refund required would have been granted by that department. The Board concludes that this claim should be paid, based on equitable principles from appropriation s. 20.505(4)(d), Stats.

THE BOARD CONCLUDES:

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

**Barron Electric Cooperative
Kenneth Morgan
Tom Kuehne Landscape Contractors, Inc. and
Fosco Fabricators, Inc., (2 claims)
Thomas Buetow
Terry Hamilton
Ruth Niemann
Millard Ratcliff**

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

Kim Baugrud	\$960.00
Nancy Busch	100.00
Steven Feldman	25.00
Estate of Robert Cooper	674.00
Estate of Eugene Bailer	451.97

Dated at Madison, Wisconsin this 27th day of October, 1981.

GERALD D. KLECZKA
Senate Finance Committee

VIRGIL D. ROBERTS
Assembly Finance Committee

LAURIE ANN McCALLUM
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of
Administration

WILLIAM H. WILKER
Representative of Attorney
General

RULING OF THE CHAIR

On Tuesday, October 27, 1981, Senator Hanaway asked unanimous consent to withdraw **Senate Bill 38** from the Joint Survey Committee on Tax Exemptions. Senator Berger raised a point of order that **Senate Bill 38** cannot be withdrawn from the Joint Survey Committee on Tax Exemptions without a committee report. On page 1429, Journal of the Senate, July 9, 1971, an identical point of order was raised by Senator Hollander. At that time, the chair ruled that pursuant to Chapter 13.52(6) of the statutes, no bill introduced, relating to tax exemptions or deductions, could be acted on until a recommendation by the Joint Survey Committee on Tax Exemptions had been received and the point of order was well taken.

Therefore, pursuant to the ruling of July 9, 1971, and Chapter 13.52(6) of the statutes, the chair is of the opinion that **Senate Bill 38** cannot be withdrawn from the Joint Survey Committee on Tax Exemptions and the point of order raised by Senator Berger is well taken.

SENATE CLEARINGHOUSE ORDERS

The committee on Agriculture and Natural Resources reports and recommends:

Senate Clearinghouse Rule 81-57

AN ORDER to repeal and recreate NR 19.11, relating to scientific collectors permits.

No action taken.

Senate Clearinghouse Rule 81-115

AN ORDER to amend NR 45.10 (1); to repeal and recreate NR 45.20; and to create NR 45.17 (3) (2), relating to state parks and forests use regulations.

No action taken.

Clearinghouse Rule 81-111

AN ORDER to repeal and recreate NR 22, relating to Wisconsin-Iowa boundary waters fishing regulations.

No action taken.

Clearinghouse Rule 81-180

A RESOLUTION designating Eau Claire County a 'study area' under s. 232.10, Stats.

[Note: This proposed resolution establishes a solid waste recycling 'study area'. It is submitted to the Legislature for review under s. 232.10, Stats. This resolution is not a proposed administrative rule, but is being processed as a rule in order to establish and preserve a procedural record of s. 232.10 (5).]

No action taken.

Senate Clearinghouse Rule 81-86

AN ORDER to amend Ag. 28.03 (1), (3) and (4) and 28.04 (2); and to create Ag. 28.04 (4), 28.06 and 28.07, relating to the sale of agricultural liming materials.

No action taken.

Clearinghouse Rule 81-65

AN ORDER to amend Ag 5.02 (8) and 5.03 (1) (a) 1 to 8 and (3) (a), relating to uniform premium lists and class requirements for exhibits at county and district fairs.

No action taken.

Clearinghouse Rule 80-181

A RULE to amend and revise Ch. Ag 29 and to make diverse other changes in the rules of the Department of Agriculture, Trade and Consumer Protection, relating to pesticide use and control.

No action taken.

Clearinghouse Rule 80-241

A RULE to renumber Ag 26.01 (2) to (5), (7) and (9) to (12) and 26.04 (1) to (3); to renumber and amend Ag 26.01 (6); to amend Ag Ch. 26 (title), 26.01 (2) and (9), as renumbered, 26.04 (title), (2), (3) and (4) (intro.) and (b), as renumbered, 26.05 (1), (4) and (5), 26.06 and 26.07; to repeal and recreate Ag 26.02 and 26.03; and to create Ag 26.01 (7), 26.08 and 26.09, relating to certified seed potatoes.

No action taken.

Clearinghouse Rule 81-126

AN ORDER to amend NR 299.06 (1), (2), (3) (f), (4), (5), (6) and (7) (a), relating to water quality certification.

No action taken.

Clearinghouse Rule 81-121

AN ORDER to repeal NR 26.15 (57) (a); to renumber NR 20.03 (1) (f) 1 f and 20.07 (2); to amend NR 20.03 (1) (a) 3 and (f) 1 a, d and f 2, 20.04 (3) (a) 14 and (c) 4 d, 20.04 (4) (a) 2 and 5, 20.05 (1), 20.10 (4) (a) (intro.) and 21.11 (1) (n); to repeal and recreate NR 20.02 (1) (c) and 23.02 (3) and (4); and to create NR 20.03 (1) (f) 1 f and 20.07 (2) (b), relating to the 1982 fishing regulations.

No action taken.

Clearinghouse Rule 81-120

AN ORDER to amend NR 30.01 (1) (p), relating to the intensive forest fire control area in Oconto County.

No action taken.

Clearinghouse Rule 81-90

AN ORDER to renumber NR 25.08 (4) (g), (5) and (6); to renumber and amend NR 25.08 (4) (h) and (i); and to create NR 25.08 (5) (intro.), relating to gear restrictions in restricted fishing areas of southern Green Bay.

No action taken.

THOMAS W. HARNISCH
Chair

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Assembly Bill 173
Assembly Bill 212
Assembly Bill 299
Assembly Bill 444
Assembly Bill 465
Assembly Bill 501
Assembly Bill 541
Assembly Bill 590
Assembly Bill 745
Assembly Bill 864

Adopted and asks concurrence in:

Assembly Joint Resolution 35
Assembly Joint Resolution 52

Amended and concurred in as amended:

Senate Bill 214, assembly amendment 1 to assembly amendment 1, assembly amendments 1 and 2

Senate Bill 558, agrees to a Committee of Conference and appoints Representatives Wagner, Munts and Stitt as conferees on its part

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 212

Relating to the authorization of savings and loan associations and credit unions to maintain trust accounts for attorneys and real estate brokers and to provide certain services to members regarding pension savings and deferred income accounts.

By Representatives Potter, Otte, Vanderperren, Shoemaker, Behnke, Tregoning, Matty and Looby, co-sponsored by Senators Cullen, Berger and Harnisch.

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

Assembly Bill 541

Relating to the minimum base pay for national guard members on active duty.

By Representatives Medinger, Andrea, Potter, Lewison, Shoemaker, Flintrop, Crawford, Williams, Jaronitzky, Becker, Cogg, McEwen, Metz, Wagner, Helbach, Miller and Vanderperren, co-sponsored by Senators Thompson and Berger.

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

Assembly Bill 173

Relating to marriage licenses and duties of county clerks.

By Representatives Broydrick, Plewa, Czarnezki and Kunicki, co-sponsored by Senators Moody, George and Berger, by request of Milwaukee County.

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

Assembly Bill 299

Relating to state reimbursement of county expenses for residents of juvenile correctional facilities.

By Legislative Council.

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

Assembly Bill 444

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

By Law Revision Committee.

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

Assembly Bill 465

Relating to a vehicle owner's liability when the vehicle illegally passes a school bus and providing a penalty.

By Representatives Kirby, Gerlach and Rutkowski, co-sponsored by Senator Berger.

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

Assembly Bill 501

Relating to arrests by peace officers of suspected violators in cases of fresh pursuit.

By Representatives Flintrop, Prosser, Jackamonis, Rutkowski, Robinson, McEssy, Knox, Kincaid, Shoemaker, Schmidt, Harer,

Donoghue, Barczak, Goodrich, Otte, Porter, Stitt, Behnke, Everson, Bradley, Klicka, R. Travis and Hopkins, co-sponsored by Senators Goyke, Cullen, Risser and Johnston.

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

Assembly Bill 590

Relating to excepting food product donors from civil liability.

By Representatives Becker, Metz, Coggs, Czarnezki, Goodrich, Nelsen and Williams, co-sponsored by Senator Braun.

Read first time and referred to committee on Human Services.

Assembly Bill 745

Relating to retail theft.

By Representatives Norquist, Shoemaker, D. Travis, Rogers, Jackamonis, Helbach, Vanderperren, Ulichny, Crawford, Gerlach, Roberts, Metz, Smith, Otte, Tuczynski, Czarnezki, Schneiders, Ladwig, Menos, Kincaid, Laatsch, Plewa, Robinson, Wagner, Plous, Panzer, Quackenbush, Hopkins, Flintrop, Schmidt, R. Travis, Potter, Radtke, Leopold, Robertson, Donoghue and Barczak, co-sponsored by Senators Flynn, Kleczka, Strohl, Offner, Chilsen, Berger, Van Sistine, Goyke, Frank, McCallum, Theno, Lorman, Hanaway, Johnston, Engeleiter and Cullen, by request of Attorney General Bronson C. La Follette, Wisconsin Merchants Federation, General Federation of Women's Clubs of America, Wisconsin Chapter-National Hearing Aid Society, Wisconsin Jewelers Association, Wisconsin Sporting Goods Association, Wisconsin Association of School District Administrators, Wisconsin Beer and Liquor Retailers Association, Wisconsin Broadcasters Association, Wisconsin Law Enforcement Officers, Wisconsin Teamsters Joint Council No. 39, Wisconsin Retail Lumbermen's Association, Wisconsin Chamber of Commerce Executives, Wisconsin Congress of Parents and Teachers, Wisconsin Retail Hardware Association, Wisconsin Pharmaceutical Association, Wisconsin Association of School Boards, Wisconsin Newspaper Association, Wisconsin Innkeepers Association, Wisconsin Polygraph Association, Wisconsin Chiefs of Police Association, Inc., Wisconsin Restaurant Association, Wisconsin Automotive Wholesalers Association, Wisconsin Automobile and Truck Dealers Association, Wisconsin Association of Food Dealers, Wisconsin Farm Equipment Association, Wisconsin Feed, Seed and Farm Supply Association, Wisconsin Motorcycle Dealers Association, Wisconsin Bakers Association, Retail Gasoline Dealers Association of Wisconsin, Oil Jobbers of Wisconsin, Independent Insurance Agents of Wisconsin, University of Wisconsin Extension Criminal Justice Institute,

Greater Milwaukee Chapter of the American Society for Industrial Security.

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

Senator Adelman asked unanimous consent that **Assembly Bill 745** be withdrawn from committee on Aging, Business and Financial Institutions and Transportation and referred to committee on Judiciary and Consumer Affairs.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent **Assembly Bill 745** was withdrawn from committee on Aging, Business and Financial Institutions and Transportation and referred to committee on Senate Organization.

Assembly Bill 864

Relating to authorizing the department of transportation to provide additional grant money for Lake Michigan rail car ferry services.

By Representatives Holschbach, Vanderperren, Swoboda, Hephner, Metz, Dilweg, Murray, Kirby, Kunicki, Rogers, Johnson, Larson, McEwen, Byers, Fischer, Loftus, Gerlach, Jackamonis, Wood, Potter, Otte, Norquist and Ellis, co-sponsored by Senators Van Sistine and Lasee.

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

Assembly Joint Resolution 35

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

By Legislative Council.

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

Assembly Joint Resolution 52

Memorializing congress, the president, the U.S. department of energy and the U.S. nuclear regulatory commission to grant Wisconsin final decision-making authority on the siting of a regional or national radioactive waste depository in this state and to ensure that all actions taken by the U.S. department of energy with regard to siting a regional or national radioactive depository in this state shall be done in an open fashion with full access by representatives of state and local government and members of the public.

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By Representatives Kincaid, Metz, Smith, Duren, Shoemaker, Crawford, Ulichny, Lee, Wagner and McEwen, co-sponsored by Senator Krueger.

Read and referred to committee on Energy.

CALENDAR OF OCTOBER 29

Senate Resolution 12

Relating to further consideration of matters pending in the senate.

Read.

Adopted.

Senate Bill 150

Relating to changes in the regulation of motor carriers and granting rule-making authority.

Read a second time.

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

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

The question was: Adoption of senate substitute amendment 2?

Adopted.

By request of Senator Senator Bablitch, with unanimous consent, **Senate Bill 150** was referred to the joint committee on Finance.

By request of Senator Senator Bablitch, with unanimous consent, **Senate Bill 150** 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 Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 150

Read a third time and passed.

Senate Bill 188

Relating to collective bargaining units consisting of supervisors, making an appropriation and providing a penalty.

Read a second time.

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By request of Senator Hanaway, with unanimous consent, **Senate Bill 188** was placed after **Senate Bill 493**.

Senate Bill 374

Relating to authorization to relocate a bank's principal office and to continue to operate the former principal office as a branch under certain circumstances.

Read a second time.

The question was: Adoption of senate amendment 1?

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

Senate amendment 2 offered by Senator Braun.

The question was: Adoption of senate amendment 2?

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

Senate Bill 374

Read a third time and passed.

Senate Bill 493

Relating to compulsory motor vehicle insurance, granting rule-making authority and providing a penalty.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 493** was referred to joint committee on Finance.

Senator Lorge moved that **Senate Bill 493** be withdrawn from joint committee on Finance and considered at this time.

Senator Bablitch raised the point of order that the motion was not properly before us.

The chair took the point of order under advisement.

Senate Bill 188

Relating to collective bargaining units consisting of supervisors, making an appropriation and providing a penalty.

Read a second time.

Senate amendment 5 offered by Senator Hanaway.

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The question was: Adoption of senate amendment 5?

Senator Berger moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?

The motion did not prevail.

The question was: Adoption of senate amendment 5?

Senator Bablitch moved a

CALL OF THE SENATE
on adoption of senate amendment 5

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The question was: Adoption of senate amendment 5?

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

Ayes -- Senators Bidwell, Chilsen, Engeleiter, George, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Roshell and Theno -- 19.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Risser, Strohl, Thompson and Van Sistine -- 14.

Absent or not voting -- None.

So the amendment was adopted.

The question on which the call of the senate was put having been decided the call was raised.

Ordered to a third reading.

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

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Senate Bill 188

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Kleczka, Lorman, Maurer, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Chilsen, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Opitz, Roshell and Theno -- 13.

Absent or not voting -- None.

So the bill passed.

Assembly Bill 272

Relating to implementing the merger of the Wisconsin retirement fund, the state teachers retirement system, the Milwaukee teachers retirement fund and certain other public retirement and disability programs, boards governing those programs, the group insurance board and program, making various changes related to those employe benefit programs, the joint survey committee on retirement systems, retirement research committee and investment board, granting rule-making authority, making an appropriation and providing a penalty.

Read a second time.

By request of Senator Lasee, with unanimous consent, the senate recessed until 11:02 A.M.

10:19 A.M.

RECESS

11:02 A.M.

The senate reconvened.

Read a second time.

Flynn in the chair.

11:03 A.M.

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

Senate amendment 2 offered by Senators Berger and Kleczka.

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The question was: Adoption of senate amendment 2?

Senator Offner 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, 27; noes, 5; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Bablitch, Berger, Goyke, Kleczka and Lorge -- 5.

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

So the motion prevailed.

Senate amendment 3 offered by Senator McCallum and Opitz.

The question was: Adoption of senate amendment 3?

Senator Adelman moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

The motion prevailed.

Senate amendment 4 offered by Senator Risser.

The question was: Adoption of senate amendment 4?

Senator Adelman moved rejection of senate amendment 4.

The question was: Rejection of senate 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, Bablitch, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, McCallum, Maurer, Offner, Strohl, Thompson and Van Sistine -- 14.

Noes -- Senators Berger, Bidwell, Chilsen, Engeleiter, George, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, Moody, Opitz, Risser, Roshell and Theno -- 19.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 4?

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The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Engeleiter, George, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, Opitz and Risser -- 15.

Noes -- Senators Adelman, Bablitch, Braun, Flynn, Frank, Goyke, Harnisch, Kleczka, McCallum, Maurer, Moody, Offner, Roshell, Strohl, Theno, Thompson and Van Sistine -- 17.

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

So the amendment was not adopted.

Senate amendment 5 offered by Senator Hanaway.

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

Senate amendment 6 offered by Senator Hanaway.

The question was: Adoption of senate amendment 6?

Senator Adelman moved rejection of senate amendment 6.

The question was: Rejection of senate amendment 6?

By request of Senator Hanaway, with unanimous consent, senate amendment 6 was placed after senate amendment 7.

Senate amendment 7 offered by Senator Hanaway.

The question was: Adoption of senate amendment 7?

Senator Adelman moved rejection of senate amendment 7.

The question was: Rejection of senate amendment 7?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 9; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Engeleiter, Flynn, Frank, George, Goyke, Harnisch, Lorge, Lorman, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 20.

Noes -- Senators Berger, Chilsen, Hanaway, Harsdorf, Johnston, Kreul, Lasee, McCallum and Opitz -- 9.

Absent or not voting -- Senators Bidwell, Cullen, Kleczka and Krueger -- 4.

So the motion prevailed.

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By request of Senator Bablitch, with unanimous consent, **Assembly Bill 745** was withdrawn from committee on Senate Organization and referred to committee on Judiciary and Consumer Affairs.

By request of Senator Adelman, with unanimous consent, **Assembly Bill 70** was withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 70** was withdrawn from committee on Senate Organization and referred to committee on State and Local Affairs and Taxation.

Senator Adelman asked unanimous consent that **Assembly Bill 745** be withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Organization.

Senator Cullen objected.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 745** was withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Organization.

By request of Senator Offner, with unanimous consent, he asked that the journal show that he was incorrectly recorded on the vote for passage of **Senate Bill 188**. His vote should have been in the negative.

LEAVE OF ABSENCE

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

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:00 P.M.

12:03 P.M.

RECESS

2:00 P.M.

The senate reconvened.

The question was: Rejection of senate amendment 6?

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QUORUM CALL

Senator Maurer called the attention of the chair to the possible lack of a quorum.

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

Present -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- Senator Opitz -- 1.

The question was: Rejection of senate amendment 6 to **Assembly Bill 272?**

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Lorge, Lorman, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Noes -- Senators Bidwell, Chilsen, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee and McCallum -- 9.

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

So the motion prevailed.

Ordered to a third reading.

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

Assembly Bill 272

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 28.

Noes -- Senators Bidwell, Chilsen, Hanaway and Lasee -- 4.

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

So the bill was concurred in as amended.

Assembly Bill 555

Relating to the long-term disposal of high-level radioactive waste and transuranic waste, creating a radioactive waste review board, creating a radioactive waste policy council, creating a radioactive waste technical council and making appropriations.

Read a second time.

Senate amendment 1 offered by Senator Opitz.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

Assembly Bill 555

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 1; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 28.

Noes -- Senator Harsdorf -- 1.

Absent or not voting -- Senators Bidwell, Cullen, Kleczka and Opitz -- 4.

So the bill was concurred in as amended.

By request of Senator Bablitch, with unanimous consent, all action on **Assembly Bill 272** was ordered immediately messaged.

MOTIONS

Senator Lorge asked unanimous consent that **Senate Bill 493** be withdrawn from joint committee on Finance and placed on the calendar of October 29.

Senator Chilsen objected.

By request of Senator George, with unanimous consent, **Senate Bill 127** was taken from the table and considered at this time.

Senate Bill 127

Relating to changes in laws regulating securities and security transactions and granting rule-making authority.

Read.

The question was: Concurrence of assembly substitute amendment 1?

Concurred in.

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

By request of Senator Bablitch, with unanimous consent, the vote by which **Senate Bill 150** passed was reconsidered and referred to a second reading.

Senate Bill 150

Relating to changes in the regulation of motor carriers and granting rule-making authority.

Read a second time.

Senate amendment 1 to senate substitute amendment 2 offered by Senators Bidwell and Kreul.

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

Adopted.

Ordered to a third reading.

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

Senate Bill 150

Read a third time.

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

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

Noes -- Senator Van Sistine -- 1.

Absent or not voting -- Senators Engeleiter and Opitz -- 2.

So the bill passed.

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

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:43 P.M.

2:40 P.M.

RECESS

2:43 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 4:00 P.M.

2:45 P.M.

RECESS

4:00 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 4:17 P.M.

4:01 P.M.

RECESS

4:17 P.M.

The senate reconvened.

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By request of the chair, with unanimous consent, the Senate returned to the third order of business.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 645

Relating to increasing an appropriation to the department of health and social services to provide additional state funding for supplemental grants to supplemental security income recipients.

By Senators Cullen, Braun, Harnisch, George, Bablitch, Thompson, Moody, Offner, Flynn, Berger, Kleczka, Maurer, Goyke, Van Sistine, Bidwell and Risser; cosponsored by Representatives Johnson, Helbach, Munts, Shoemaker, Flintrop, Kirby, Metz, D. Travis, Potter, Andrea and Smith.

To joint committee on Finance.

Senate Bill 646

Relating to theft by contractors.

By Senator Lasee, by request of Dennis Vogel, Manitowoc County District Attorney.

To committee on Judiciary and Consumer Affairs.

Senate Bill 647

An act to appropriate \$1,910.80, plus interest, from the transportation fund for payment of a claim against the state made by the Bank of Luxemburg.

By Senator Lasee; cosponsored by Representative Swoboda.

To joint committee on Finance.

By request of Senator Bablitch, with unanimous consent, the senate adjourned in honor of the birthdays of Senators Berger and Roshell.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Friday, October 30.

4:21 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 800, assembly substitute amendment 2

1. Page 1, line 14: substitute "(br)" for "(bf)".