

JOURNAL OF THE SENATE [October 25, 1971]

STATE OF WISCONSIN

# Senate Journal

## Eightieth Session

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MONDAY, October 25, 1971.

10:00 A.M.

The senate met.

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

Prayer was offered by The Reverend Robert B. Anderson, pastor of St. Stephens Lutheran Church of Madison.

The senate remained standing and recited 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 Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent—Senators LaFave and Lipscomb—2.

Absent with leave—None.

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### AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 116 by Senator Murphy.

Senate substitute amendment 1 to Senate Bill 415 by Senator Lotto.

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**Senate amendment 1 to Assembly Bill 614 by Senator Murphy.**

**Senate amendment 1 to Assembly Bill 475 by Senator Murphy.**

**Senate amendment 11 to assembly substitute amendment 1 to Senate Bill 805 by Senator Roseleip, by request of Representative Azim.**

**Senate amendment 12 to assembly substitute amendment 1 to Senate Bill 805 by Senator LaFave.**

**Senate amendment 13 to assembly substitute amendment 1 to Senate Bill 805 by Senator LaFave.**

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**BILLS INTRODUCED**

**Read first time and referred:**

**Senate Bill 832**

**Relating to requiring satisfaction of judgment within 30 days after payment.**

**By Senator Knutson, by request of Kenneth Gorman, La Crosse, Wisconsin.**

**To committee on Judiciary.**

**Senate Bill 833**

**Relating to insurance policies issued through the state life fund and granting rule-making power.**

**By Senator Lipscomb.**

**To committee on Commerce, Labor, Taxation, Insurance and Banking.**

**Senate Bill 834**

**Relating to imposition of a real estate transfer fee and noting payment thereof on the face of the conveyance.**

**By Senators Thompson and Swan.**

**To joint committee on Finance.**

**Senate Bill 835**

**Relating to actions for declaration of interest in real property.**

**By Senator Thompson.**

**To committee on Judiciary.**

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### **Senate Bill 836**

Relating to insurance company mortgage satisfactions.  
By Senator Thompson.  
To committee on Judiciary.

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## COMMITTEE REPORTS

The committee on Natural Resources reports and recommends:

### **Senate Bill 116**

Relating to an authorization for a county room tax to promote tourism.

Rejection of senate amendment 1; Ayes, 4; Noes, 0;  
adoption of senate substitute amendment 1; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

### **Assembly Bill 218**

Relating to department of natural resources powers of condemnation.

Concurrence; Ayes, 5; Noes, 0.

CLIFFORD W. KRUEGER,  
Chairman.

The committee on Transportation reports and recommends:

### **Senate Bill 831**

Relating to numbered parking spaces at the capitol.  
Passage; Ayes, 4; Noes, 0.

### **Senate Resolution 54**

Relating to directing the chief clerk of the senate to include the names of persons parking in restricted areas around the capitol in the next day's senate journal.

Adoption; Ayes, 4; Noes, 0.

REUBEN LaFAVE,  
Chairman.

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REPORT OF COMMITTEE OF CONFERENCE  
ON SENATE BILL 355

October 21, 1971.

The members of the committee of Conference on 1971 Senate Bill 355 report and recommend:

1. That the senate adhere to its position on assembly amendment 1;
2. That the senate adopt senate amendment 1 to senate amendment 1 submitted with this report;
3. That the assembly recede from its position on assembly amendment 1; and
4. That the assembly concur in the bill as amended by senate amendment 1 to senate amendment 1.

James C. Devitt

Joseph Czerwinski

Ray F. Heinzen

Alvin Baldus

Wayne F. Whittow

James N. Azim

By request of Senator Devitt, with unanimous consent, the report of the committee of conference on **Senate Bill 355** was considered for action at this time.

Senator Devitt moved that the report of the committee of Conference be adopted.

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

Ayes—Senators Bidwell, Busby, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendzierski, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—30.

Noes—Senator Chilsen—1.

Absent or not voting—Senators LaFave and Lipscomb—2.

The motion prevailed.

Ordered immediately messaged.

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### PETITIONS AND COMMUNICATIONS

Senator Chilsen asked unanimous consent that the communication from the Wisconsin Alliance of Cities be read.

Senator Risser brought the chair's attention to **Senate Bill 805** which was a special order of business.

Senator Johnson asked unanimous consent that the Wisconsin Alliance of Cities' communications be read.

Senator Parys objected.

Senator Johnson moved that the Wisconsin Alliance of Cities' communication be spread on the journal.

Senator Risser asked unanimous consent that the editorial of the October 25th issue of the Wisconsin State Journal be spread on the journal.

Senator Chilsen objected.

The question was: Shall the Wisconsin Alliance of Cities' communication be spread on the journal?

The motion prevailed.

Clerk of the Wisconsin Senate William Nugent,  
State Capitol Madison Wisconsin.

The undersigned voting members of the Wisconsin Alliance of Cities and in addition the mayor of La Crosse wish to unanimously reaffirm our position as stated in the Alliance Resolution passed unanimously October 19, 1971 in Madison opposing **Senate Bill 805** assembly substitute 1. It is our purpose to inform Governor Lucey and the membership of the senate that no formal action of the Alliance of Cities preceded the telegram by mayor Burkee of Kenosha president of the Alliance, which by inference indicated our disapproval of the so called quote Steinhilber unquote plan. We restate our position as follows:

A—With the exception of the new senate conference proposal we view the attempts to date including **Senate Bill 805** assembly substitute 1 for devising a new concept with cities as not being responsive to the needs of the majority of Wisconsin major cities and feel said plans would create complete fiscal chaos for these large urban centers.

B—When we testified before the senate Conference com-

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mittee on October 19, 1971 we did certainly view the proposed per capita method outlined there as a promising and legitimate attempt on the part of the senate Conferees to address themselves to the urgent immediate needs of our cities and further by the proposed permanent study committee it has also addressed itself to the continuing and growing fiscal and social problems of the cities. We therefore urge that Senate Bill 805 assembly substitute 1 not be taken up by the senate until such time as the membership of the Alliance of Cities can meet and take an official position based on their consideration of the results of the information furnished by The Department of Revenue to the senate membership on October 20, 1971.

Steps will be taken immediately to convene a meeting of the Alliance.

Mayor George L. Buckley, Appleton  
Mayor Roman V. Hauser, Neenah  
Mayor John L. Krey, Manitowoc  
Mayor W. Peter Gilbertson, La Crosse  
Mayor Roger Schneider, Sheboygan  
City Manager Robert O. Bailey, Janesville  
Mayor John Kannenberg, Wausau  
City Manager Herbert Hold, Beloit  
Mayor William Dyke, Madison  
Mayor Kenneth Huck, Racine  
City Manager Gordon Jaeger, Oshkosh

Senator Parys asked unanimous consent that the record be expunged concerning the Wisconsin Alliance of Cities' communication.

Senator Johnson objected.

Senator Parys moved that the record be expunged concerning the Wisconsin Alliance of Cities' communication.

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

Ayes—Senators Dorman, Frank, Kendziorski, Keppler, Lipscomb, Lourigan, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Swan, Thompson and Whittow—15.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Knowles, Knutson, Krueger,

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**Lorge, Lotto, McKenna, Murphy, Soik and Steinhilber—17.  
Absent or not voting—Senator LaFave—1.**

**Less than two-thirds having voted in the affirmative the motion did not prevail.**

**Senator Parys asked unanimous consent that the editorial of the October 25th issue of the Wisconsin State Journal be spread on the journal.**

**Senator Chilsen objected.**

**Senator Parys moved that the editorial of the October 25th issue of the Wisconsin State Journal be spread on the journal.**

**Senator Johnson moved that the motion be laid on the table.**

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

**Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—19.**

**Noes—Senators Bidwell, Dorman, Frank, Kendziorski, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—13.**

**Absent or not voting—Senator LaFave—1.**

**The motion prevailed.**

**By request of Senator Roseleip, with unanimous consent, senate amendment 11 to assembly substitute amendment 1 to Senate Bill 805 was withdrawn by the author.**

**Upon motion of Senator Keppler the senate recessed until 11:15 A.M.**

**10:45 A.M.**

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**RECESS**

**11:15 A.M.**

**The senate reconvened.**

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**Upon motion of Senator Keppler the senate recessed until  
1:30 P.M.**

**11:16 A.M.**

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**RECESS**

**1:30 P.M.**

**The senate reconvened.**

**By request of Senator Keppler, with unanimous consent,  
the senate returned to the eighth order of business.**

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**MESSAGE FROM THE ASSEMBLY**

**By Thomas P. Fox, chief clerk.**

**Mr. President:**

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

**Assembly Bill 290,  
Assembly Bill 841,  
Assembly Bill 860 and  
Assembly Bill 1415.**

**Adopted and asks concurrence in:**

**Assembly Joint Resolution 89**

**Motions Under Joint Rule 26:**

**A joint certificate of Commendation by Representatives  
Barbee, Berger and Sanasarian; co-sponsored by Senators  
Parys, Lipscomb and Soik for Milwaukee Symphony Orches-  
tra and Kenneth Schermerhorn on their 13th Season;**

**A joint certificate of Congratulations by Representative  
Sensenbrenner; co-sponsored by Senators Heinzen and Soik  
for William H. Rehnquist on his nomination to the U. S. Su-  
preme Court;**



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A joint certificate of Recognition by Representative Klicka; co-sponsored by Senator Murphy for United States Day;

A joint certificate of Condolence by Representatives Robertson and Mato; co-sponsored by Senator Johnson for the family of Stanley Amundson on the occasion of his death.

Concurred in:

Senate substitute amendment 1 to **Assembly Bill 198**.

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 290**

Relating to making the posted speed limits apply to all vehicles.

By Representatives Groshek, Day, Mohn, Boeckmann and Oberle.

Read first time and referred to committee on Transportation.

**Assembly Bill 841**

Relating to the period in which fuel tax refund claims are to be filed.

By Representatives Day, Oberle, Bradley, Schricker, R. M. Thompson, Gaulke, Mohn, Slaby, Conradt, Hephner, Vanderperren, Bolle and Sweda.

Read first time and referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

**Assembly Bill 860**

Relating to liquor licenses for veterans' clubs.

By Representatives Mielke, Brown, G. K. Johnson, Schneider, Ferrall, Rutkowski, Kleczka, Boeckmann, Mittness, Willkom and Oberle; co-sponsored by Senator Thompson.

Read first time and referred to committee on Governmental and Veterans' Affairs.

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### **Assembly Bill 1415**

An act to permit disabled veterans from the Great Lakes Naval Hospital to hunt pheasant on one day in November 1971, without a license.

By Representatives Everson, R. M. Thompson, Atkinson, Schricker, Mittness, Hephner, Greider, Mato, Day, Gaulke, Alberts, Dorff, Jackson, Pabst and Anderson; co-sponsored by Senators Devitt, Roseleip, Krueger and Thompson.

Read first time and referred to committee on Natural Resources.

### **Assembly Joint Resolution 89**

A joint resolution directing the department of public instruction to study the matter of including income factors in school aid computations.

By Representatives Slaby, Oberle, Mohn and Baldus.

Read and referred to committee on Education.

### **Motions Under Joint Rule 26:**

A joint certificate of Commendation by Representatives Barbee, Berger and Sanasarian; co-sponsored by Senators Parys, Lipscomb and Soik for Milwaukee Symphony Orchestra and Kenneth Schermerhorn on their 13th season;

A joint certificate of Congratulations by Representative Sensenbrenner; co-sponsored by Senators Heinzen and Soik for William H. Rehnquist on his nomination to the U. S. Supreme Court;

A joint certificate of Recognition by Representative Klicka; co-sponsored by Senator Murphy for United States Day;

A joint certificate of Condolence by Representatives Robertson and Mato; co-sponsored by Senator Johnson for the family of Stanley Amundson on the occasion of his death.

The above motions under Joint Rule 26 were read and concurred in en masse.

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## **SPECIAL ORDER OF BUSINESS**

### **Senate Bill 805**

Relating to general school aids, increasing vocational school aids, decreasing the mill rate ceiling for vocational

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schools, increasing personal property tax relief and homestead tax relief, providing real property tax relief, making appropriations and constituting the executive budget bill of the 1971 legislature.

Read a second time.

The question was: Adoption of senate amendment 1 to assembly substitute amendment 1 to **Senate Bill 805?**

Senator Risser moved rejection.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes—Senators Chilsen, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—18.

Noes—Senators Bidwell, Busby, Cirilli, Devitt, Johnson, Keppler, Knutson, Krueger, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—14.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

Senate amendment 1 to senate amendment 2 to assembly substitute amendment 1 to **Senate Bill 805** offered by Senator Cirilli.

By request of Senator Cirilli, with unanimous consent, senate amendment 2 to assembly substitute amendment 1 to **Senate Bill 805** was withdrawn.

The question was: Adoption of senate amendment 4 to assembly substitute amendment 1 to **Senate Bill 805?**

Senator Risser moved rejection.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes—Senators Busby, Dorman, Heinzen, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele, Soik and Whittow—14.

Noes—Senators Bidwell, Chilsen, Cirilli, Devitt, Frank, Hollander, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Steinhilber, Swan and Thompson—18.

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Absent or not voting—Senator LaFave—1.

The motion did not prevail.

Senate amendment 1 to senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 offered by Senator Hollander.

Senator Risser moved rejection.

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

Ayes—Senators Bidwell, Busby, Cirilli, Devitt, Frank, Johnson, Keppler, Knutson, Lipscomb, Lorge, Lotto, McKenna, Martin, Murphy, Roseleip, Soik, Steinhilber, Swan and Thompson—19.

Noes—Senators Chilsen, Dorman, Heinsen, Hollander, Kendziorski, Knowles, Krueger, Lourigan, Parys, Peloquin, Risser, Schuele and Whittow—13.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

Senator Risser asked unanimous consent that senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 be laid on the table.

Senator Johnson objected.

Senator Risser moved that senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 12; noes, 20; absent or not voting, 1; as follows:

Ayes—Senators Dorman, Kendziorski, Knowles, Lipscomb, Lorge, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele and Whittow—12.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Keppler, Knutson, Krueger, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber, Swan and Thompson—20.

Absent or not voting—Senator LaFave—1.

The motion did not prevail.

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Senator McKenna moved reconsideration of the vote by which senate amendment 1 to senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 was rejected.

Senator Johnson moved that the motion for reconsideration be laid on the table.

Senator Risser raised the point of order that the motion to table was an improper motion.

The chair ruled the point of order not well taken.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Dorman, Frank, Johnson, Kendziorski, Keppler, Knutson, Krueger, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, Thompson and Whittow—25.

Noes—Senators Bidwell, Devitt, H e i n z e n , Hollander, Knowles, Lorge and Soik—7.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

Senator Swan raised the point of order that the question before the senate was adoption of senate amendment 4 and not 5.

The chair ruled the point of order well taken.

President pro tempore of the senate in the chair.

2:35 P.M.

Senator McKenna moved that the motion for reconsideration of the vote by which senate amendment 1 to senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 was rejected be taken from the table.

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

Ayes—Senators Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—15.

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Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—17.

Absent or not voting—Senator LaFave—1.

The motion did not prevail.

President of the senate in the chair.

2:40 P.M.

Senator Risser moved that senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes—Senators Dorman, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lorge, Lourigan, McKenna, Parys, Pelouquin, Risser, Schuele and Whittow—14.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Johnson, Keppler, Knutson, Krueger, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber, Swan and Thompson—18.

Absent or not voting—Senator LaFave—1.

The motion did not prevail.

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### LEAVE OF ABSENCE

By request of Senator Keppler, with unanimous consent, Senator LaFave was granted a leave of absence until 5:00 P.M.

Upon motion of Senator Risser the senate recessed until 3:05 P.M.

2:43 P.M.

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### RECESS

2045

3:05 P.M.

The senate reconvened.

Senator McKenna asked unanimous consent that the motion for reconsideration of the vote by which senate amendment 1 to senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 was rejected be taken from the table.

Senator Johnson objected.

Senator McKenna moved that the motion for reconsideration of the vote by which senate amendment 1 to senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 was rejected be taken from the table.

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

Ayes—Senators Dorman, Frank, Heinzen, Hollander, Kendzierski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—15.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—17.

Absent or not voting—Senator LaFave—1.

The motion did not prevail.

Senator Risser moved that senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 10; noes, 22; absent or not voting, 1; as follows:

Ayes—Senators Dorman, Kendzierski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser and Schuele—10.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber, Swan, Thompson and Whittow—22.

Absent or not voting—Senator LaFave—1.

The motion did not prevail.

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Senator Whittow moved that the motion for reconsideration of the vote by which senate amendment 1 to senate amendment 4 to assembly substitute amendment 1 to **Senate Bill 805** was rejected be taken from the table.

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

Ayes—Senators Dorman, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele and Whittow—13.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber, Swan, and Thompson—19.

Absent or not voting—Senator LaFave—1.

The motion did not prevail.

Senate amendment 2 to senate amendment 4 to assembly substitute amendment 1 to **Senate Bill 805** offered by Senator McKenna.

Senator Swan moved that senate amendment 2 to senate amendment 4 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Johnson, Kendziorski, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber, Swan and Thompson—20.

Noes—Senators Dorman, Heinzen, Hollandar, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele and Whittow—12.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

The question was: Adoption of senate amendment 4 to assembly substitute amendment 1 to **Senate Bill 805**?

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

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt,



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Frank, Heinzen, Hollander, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Peloquin, Roseleip, Steinhilber, Swan and Thompson—21.

Noes—Senators Dorman, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Risser, Schuele, Soik and Whittow—11.

Absent or not voting—Senator LaFave—1.

Senate amendment 4 adopted.

Senator Parys moved reconsideration of the vote by which senate amendment 1 to assembly amendment 1 to **Senate Bill 805** was rejected.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Parys, Peloquin, Roseleip, Schuele, Soik, Steinhilber and Swan—22.

Noes—Senators Dorman, Frank, Heinzen, Hollander, Lipscomb, Lourigan, McKenna, Risser, Thompson and Whittow—10.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

Senator Parys asked unanimous consent that senate amendment 1 to assembly substitute amendment 1 to **Senate Bill 805** be laid on the table.

Senator Cirilli objected.

Senator Parys moved that senate amendment 1 to assembly substitute amendment 1 to **Senate Bill 805** be laid on the table.

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

Ayes—Senators Chilsen, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—17.

Noes—Senators Bidwell, Busby, Cirilli, Devitt, Johnson,

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Keppler, Knutson, Krueger, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—15.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

Senator Johnson moved reconsideration of the vote by which senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 was adopted.

The president pro tempore of the senate in the chair.  
4:00 P.M.

Senator Risser moved that the motion to reconsider be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes—Senators Dorman, Frank, Kendzierski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—14.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Steinhilber and Swan—18.

Absent or not voting—Senator LaFave—1.

The motion did not prevail.

The president of the senate in the chair.  
4:05 P.M.

Upon motion of Senator Risser the senate recessed until  
4:30 P.M.

4:06 P.M.

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RECESS

2049

4:30 P.M.

The senate reconvened.

Senator Risser moved a

CALL OF THE SENATE

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 Bidwell, Busby, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Johnson, K e n d z i o r s k i, Keppler, Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent—Senator Devitt—1.

Absent with leave—Senator LaFave—1.

By request of Senator Johnson, with unanimous consent, the sergeant at arms made his report.

Senator Johnson moved that the sergeant's report be accepted.

The motion prevailed.

The question was: Reconsideration of the vote by which senate amendment 4 to assembly substitute amendment 1 to Senate Bill 805 was adopted?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes—Senators Dorman, Frank, Heinzen, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—14.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Hollander, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—18.

Absent or not voting—Senator LaFave—1.

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The motion did not prevail.

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

The question was: Adoption of senate amendment 5 to assembly substitute amendment 1 to Senate Bill 805?

Senator Risser moved rejection.

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

Ayes—Senators Cirilli, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—19.

Noes—Senators Bidwell, Busby, Chilsen, Devitt, Johnson, Keppler, Knutson, Krueger, Lotto, Murphy, Roseleip, Steinhilber and Swan—13.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

The question was: Adoption of senate amendment 6 to assembly substitute amendment 1 to Senate Bill 805?

Senator Risser moved rejection.

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

Ayes—Senators Cirilli, Dorman, Frank, Hollander, Kendziorski, Knowles, Krueger, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—17.

Noes—Senators Bidwell, Busby, Chilsen, Devitt, Heinzen, Johnson, Keppler, Knutson, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—15.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

The question was: Adoption of senate amendment 7 to assembly substitute amendment 1 to Senate Bill 805?

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Senator Risser raised the point of order that senate amendment 7 was not germane as there was an identical bill pending in the senate.

The chair took the point of order under advisement.

The question was: Adoption of senate amendment 8 to assembly substitute amendment 1 to **Senate Bill 805**?

Senator Risser moved rejection.

Senator Hollander raised the point of order that senate amendment 8 must first be referred to the joint Survey committee on Tax Exemptions because of the type of legislation it proposes.

The chair took the point of order under advisement.

The question was: Adoption of senate amendment 9 to assembly substitute amendment 1 to **Senate Bill 805**?

Senator Risser moved rejection.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 1; as follows:

Ayes—Senators Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson, Whittow and Mr. President—17.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—16.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

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### RULING OF THE CHAIR

The chair ruled senate amendment 7 to assembly substitute amendment 1 to **Senate Bill 805** not germane pursuant to Senate Rule 52.

The chair ruled that senate amendment 8 to assembly substitute amendment 1 to **Senate Bill 805** need not be referred to committee, unless it was introduced as a bill.

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The question was: Rejection of senate amendment 8 to assembly substitute amendment 1 to Senate Bill 805?

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

Ayes—Senators Chilsen, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—17.

Noes—Senators Bidwell, Busby, Cirilli, Devitt, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—15.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

By request of Senator Johnson, with unanimous consent, senate amendments 12 and 13 to assembly substitute amendment 1 to Senate Bill 805 were laid on the table.

Senate amendment 14 to assembly substitute amendment 1 to Senate Bill 805 offered by Senator Murphy.

Senator Risser moved rejection.

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

Ayes—Senators Bidwell, Busby, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—21.

Noes—Senators Chilsen, Johnson, Keppler, Knutson, Krueger, Lorge, Murphy, Roseleip, Soik, Steinhilber and Swan—11.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

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## LEAVE OF ABSENCE

By request of Senator Johnson, with unanimous consent,

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Senator LaFave was granted a leave of absence from 5:00 P.M. for the balance of the day.

Senate amendment 15 to assembly substitute amendment 1 to Senate Bill 805 offered by Senator Murphy.

Senator Risser moved rejection.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Cirilli, Dorman, Frank, Heinzen, Hollander, Kendzierski, Knowles, Lipscomb, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—20.

Noes—Senators Chilsen, Devitt, Johnson, Keppler, Knutson, Krueger, Lorge, Murphy, Roseleip, Soik, Steinhilber, and Swan—12.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

Senate amendment 16 to assembly substitute amendment 1 to Senate Bill 805 offered by Senator Lorge.

Senator Risser moved rejection.

Senator McKenna raised the point of order that senate amendment 16 was not germane.

The chair took the point of order under advisement.

Senate amendment 17 to assembly substitute amendment 1 to Senate Bill 805 offered by Senator Chilsen.

Senator Risser moved rejection.

Senator McKenna raised the point of order that senate amendment 17 was not germane.

The chair took the point of order under advisement.

Senate amendment 18 to assembly substitute amendment 1 to Senate Bill 805 offered by Senator Murphy.

Senator Risser moved rejection.

Senator Johnson moved a

CALL OF THE SENATE

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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 Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator LaFave—1.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Cirilli, Dorman, Frank, Heinzen, Hollander, Kendziorski, Krueger, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—18.

Noes—Senators Busby, Chilsen, Devitt, Johnson, Keppler, Knowles, Knutson, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—14.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

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

Senate amendment 19 to assembly substitute amendment 1 to Senate Bill 805 offered by Senator Lotto.

Senator Risser moved rejection.

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

Ayes—Senators Bidwell, Cirilli, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Krueger, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—19.

Noes—Senators Busby, Chilsen, Devitt, Johnson, Keppler,



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Knutson, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—13.

Absent or not voting—Senator LaFave—1.

The motion prevailed.

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### RULING OF THE CHAIR

The chair ruled senate amendment 16 to assembly substitute amendment 1 to **Senate Bill 805** not germane pursuant to Senate Rule 52.

Senator Lorge appealed the ruling of the chair.

The ayes and noes were required and the vote was: ayes, 18; noes, 13; absent or not voting 2; as follows:

Ayes—Senators Busby, Cirilli, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—18.

Noes—Senators Chilsen, Devitt, Johnson, Keppler, Knutson, Krueger, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—13.

Absent or not voting—Senators Bidwell and LaFave—2.

So the ruling of the chair was sustained.

By request of Senator Keppler, with unanimous consent, the senate returned to the second and fifth orders of business.

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### AMENDMENTS OFFERED

Senate amendment 20 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Soik.

Senate amendment 21 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Keppler.

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Senate amendment 22 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Keppler.

Senate amendment 23 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Keppler.

Senate amendment 24 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Keppler.

Senate amendment 25 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Chilsen.

Senate amendment 26 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Chilsen.

Senate amendment 27 to assembly substitute amendment 1 to **Senate Bill 805** by Senators Johnson and Peloquin.

Senate amendment 28 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Roseleip.

Senate amendment 29 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Roseleip.

Senate amendment 30 to assembly substitute amendment 1 to **Senate Bill 805** by Senator Swan.

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## COMMITTEE REPORT

The committee on Judiciary reports and recommends:

### **Senate Bill 273**

Relating to standards for the investment of funds by executors, administrators, guardians and trustees.

Adoption senate substitute amendment 2; Ayes, 3; Noes, 0 and passage as amended; Ayes, 3; Noes, 0.

### **Senate Bill 274**

Relating to investment powers of guardians.

Rejection senate substitute amendment 1; Ayes, 3; Noes, 0; adoption senate substitute amendment 2; Ayes, 3; Noes, 0 and passage as amended; Ayes, 3; Noes, 0.

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**Assembly Bill 479**

Relating to county board representation in counties over 500,000 population.

Rejection senate amendment 1; Ayes, 4; Noes, 1 and concurrence; Ayes, 4; Noes, 1.

ALLEN J. BUSBY,  
Chairman.

By request of Senator Lipscomb, with unanimous consent, **Assembly Bill 505** was taken from the calendar and referred to joint committee on Finance.

Senator Keppler moved that the senate adjourn until 8:30 A.M., Tuesday, October 26.

Senator Risser moved to amend the adjournment time to 9:00 A.M.

Senator Keppler moved that the motion to amend adjournment to 9:00 A.M. be laid on the table.

The motion prevailed.

Senator Knowles moved reconsideration of the vote by which senate amendment 3 to assembly substitute amendment 1 to Senate Bill 805 was rejected.

By request of Senator Knowles, with unanimous consent, the motion for reconsideration of senate amendment 3 was laid on the table.

The question was: Shall the senate adjourn until 8:30 A.M., Tuesday, October 26?

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

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Lourigan, Martin, Murphy, Parys, Risser, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—28.

Noes—Senators Lipscomb, McKenna, Peloquin and Roseleip—4.

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**Absent or not voting—Senator LaFave—1.**

**The motion prevailed.**

**6:15 P.M.**

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**INTRODUCTION OF GUESTS**

**Senator Lotto introduced Mr. and Mrs. Gary Winske and sons Mark, John and Tom.**

**Senator Risser introduced Mr. J. Rabbino and family, Madison, Wisconsin.**

**Senator Bidwell introduced Mr. and Mrs. John Joyce and Mr. and Mrs. Frank Cronin, Briggsville, Wisconsin.**

**Senator Lotto introduced Mr and Mrs. Joe Tenor and son Randy, Green Bay, Wisconsin.**

**Senator Knowles introduced Mrs. Mabel Bjurstrom, Polk county.**

**Senator Bidwell introduced Daryl Moen, Portage, Wisconsin.**