

JOURNAL OF THE SENATE (March 13, 1974)

STATE OF WISCONSIN
Senate Journal
Eighty-First Regular Session

WEDNESDAY, March 13, 1974.

10:00 A.M.

The senate met.

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

Prayer was offered by Father Bruce Hennington of the Catholic Chancery Office, Madison.

Almighty God, we ask the blessing of Your presence among us this day. Open our eyes that we may see the needs of our people: Open our ears that we may hear the wisdom in what others tell us: Guide our minds that we may search with honesty: Strengthen our hearts that we may carry out with concern what we decide is best for our people. But above all grant that in all we say or do we may act under the conviction that his world is Your Kingdom, and that it is Your power that we share, and that in the end Yours is the fame and glory for ever. Amen.

The senate remained standing and president pro tempore of the senate led the senate in the pledge of allegiance to the flag of the United States of America.

LEAVE OF ABSENCE

By request of Senator Johnson, with unanimous consent, Senator Kasten was granted a leave of absence until 12:00 Noon today.

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

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys,

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Peloquin, Petri, Risser, Roseleip, Schuele, Swan, J.D., Swan, M.,
Theno, Thompson and Whittow -- 30.

Absent -- None.

Absent with leave -- Senators Kasten, Kendziorski and
Steinhilber -- 3.

President of the senate in the chair.

10:05 A.M.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 894

Relating to retention of pesticide lable registration files.

By Senator Bablitch.

To committee on Natural Resources.

Senate Bill 895

Relating to establishing a state aid program for construction of
multipurpose senior center facilities, creating a council on
multipurpose senior center facility construction aids in the
department of local affairs and development, granting rule-making
authority and making an appropriation.

By Senators Hollander, Chilsen and Bidwell.

To committee on Health, Education and Welfare.

COMMITTEE REPORTS

The committee on Agriculture and Rural Development reports
and recommends:

Senate Bill 845

Relating to the continued operation of prison farms, and
making an appropriation.

Passage; Ayes, 4; Noes, 1.

WALTER J. CHILSEN
Chairman

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The committee on Industry, Labor, Taxation and Banking reports and recommends:

Senate Bill 219

Relating to claims and proof of damage to property rented for residential purposes, and interest on security deposits on property rented for residential purposes.

Rejection of senate substitute amendment 1; Yes, 5; Noes, 0.

Adoption of senate substitute amendment 2; Ayes, 5; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

Senate Bill 252

Relating to homestead credits.

Adoption of senate amendment 1; Ayes, 5; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

Senate Bill 861

Relating to contracting with AMTRAK for rail passenger service and providing an appropriation.

Passage; Ayes, 5; Noes, 0.

Senate Bill 305

Relating to property tax assessment notices.

Adoption of senate amendment 1; Ayes, 5; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

Assembly Bill 567

Relating to requiring automatic fire sprinkler systems above the 7th floor in all buildings and creating a penalty.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 1026

Relating to notice requirements for construction lien claimants.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 1027

Relating to construction lien rights given a payment bond.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 1028

Relating to priority of construction liens over garnishment.

Concurrence; Ayes, 5; Noes, 0.

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Assembly Bill 814

Relating to long-range planning for and approval of electric generating facilities and high-voltage transmission lines.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0.

Concurrence as amended; Ayes, 5; Noes, 0.

(No action taken on Senate amendments 1 and 2)

EVERETT V. BIDWELL

Chairman

The committee on Governmental and Veterans' Affairs reports and recommends:

Senate Joint Resolution 98

To amend section 10 of article VIII of the constitution, relating to authorizing the state to appropriate money in the treasury or to be thereafter raised by taxation for the construction of railroads (1st consideration).

Adoption; Ayes, 4; Noes, 1.

GORDON W. ROSELEIP

Chairman

By request of Senator Johnson, with unanimous consent, all measures on the committee reports were laid on the table.

PETITIONS AND COMMUNICATIONS

Senate Petition 206

A petition by 60 members of the Intermediate Women's Club of Beloit in support of Assembly Bill 175, relating to water safety.

By Senator J. D. Swan.

Read and referred to the committee on Natural Resources.

Senate Petition 207

A petition by 59 members of the Walworth County Mass Transportation Association in support of continued and improved rail service between Lake Geneva and Chicago.

By Senator J. D. Swan.

Read and referred to the committee on Transportation.

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**The State of Wisconsin
Department of Justice
Madison, Wisconsin**

March 13, 1974.

**The Honorable, The Senate
State Capitol
Madison, Wisconsin**

Dear Senators:

With 1973 Senate Resolution 36, you have asked my opinion outlining guidelines for implementing the provisions of sec. 27.01 (2) (a), Stats., which provides that the Department of Natural Resources may:

“Acquire by purchase, lease or agreement lands or waters suitable for state park purposes and may acquire such lands and waters by condemnation after obtaining approval of the senate and assembly committees on natural resources.”

The power of eminent domain possessed by a state is, of course, vested in the state legislature. The legislature may choose either to exercise this power directly or, as commonly the case, through the medium of such agencies to which it may delegate the power. Section 27.01 (2) (a) is a hybrid of these two options. While the Department of Natural Resources has been delegated power to condemn lands or waters for state park purposes, this power cannot be exercised until approval of the appropriate legislative committees is obtained.

Section 27.01 (2) (a), Stats., was amended to its present form by ch.326, Laws of 1971 (effective June 18, 1972). Before this change, sec. 27.01 (2) (a), without reservation, delegated condemnation power to the Department of Natural Resources for state park purposes. Prior to June 18, 1972, sec. 27.01 (2) (a) gave the Department of Natural Resources power to:

“Acquire by purchase, condemnation, lease or agreement lands or waters suitable for state park purposes...”

Chapter 326, Laws of 1971, resulted from Assembly Bill 218. A look at the history of this bill sheds some light on the problem presented in this request. Bill 218A was intended to remove all powers of condemnation from the Natural Resources Board and the Department of Natural Resources originally drafted, 218A deleted the word “condemnation” from the powers given the Department of

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Natural Resources in sec. 27.01 (2) (a), and excepted the Natural Resources Board from the general condemnation powers given in sec. 32.02 (1), Stats. In the Legislative Reference Bureau analysis was directed to mention the case of *Martineau v. State Conservation Commission* (1969), 46 Wis. 2d 443, 175 N.W. 2d 206. In this case, it was held that the Board of Natural Resources did not have the power to acquire lands by condemnation within the boundaries of an established state forest because there was no express delegation of that authority in sec. 28.02 (2), Stats.

The State Supreme Court, in the *Martineau* case, *supra*, characterized the matter as a "cause Celebre" involving "the efforts of a woman to defend her land against what she believes to be the encroachment by the state and the violations of her rights by the public encouraged by the state..." (46 Wis. 2d 443, 446). This case related only to the Board of Natural Resources power to condemn for public forests under ch. 28, Stats. Bills 218A sought to eliminate the Department of Natural Resources power under ch. 27, Stats., to condemn for state parks.

The acceptance of assembly amendment 1 to 218A put sec. 27.01 (2) (a), Stats., in its present form. This amendment can only be viewed as a compromise between the position of 218A, seeking to eliminate all powers of condemnation powers delegated to the Department of Natural Resources. The compromise continued to allow the exercise of condemnation powers by the Department of Natural Resources but made such exercise subject to the approval of the appropriate legislative committees. It is clear from the history of Bill 218A that the legislative intent was to subject the Department of Natural Resources" exercise of its condemnation power to legislative review, thereby eliminating *Martineau* situations.

In view of the history of sec. 27.10 (2) (a), Stats., it is my opinion that the natural resources committees of the legislature may consider all issues relevant to the exercise of the power of eminent domain relating to state parks. An informed approval must be based on considerations of the nature and extent of the taking, the use or purpose to which the property is to be put, the location of the property, the projected cost of proceeding with the condemnation, the amount of money already expended on the project, etc.

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There is one important caveat to keep in mind in the review by these committees. If condemnation is approved, the question of valuation may be finally decided in the judicial forum. In order not to prejudice this potential determination, care should be taken not to publicly deliberate or disclose the committees opinions on potential cost or the value of the properties involved. This can be easily done pursuant to sec. 66.77 Stats.

Sincerely yours,
ROBERT W. WARREN
Attorney General

CAPTION:

In carrying out their responsibilities under sec. 27.01 (2) (a), Stats., the natural resources committees of the legislature may review all issues relevant to the proposed condemnation before approving or disapproving.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 8, 1974.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Dr. Andrew E. Cyrus, Jr., of Adell, as a member of the Medical Examining Board, to succeed Dr. Anthony J. Sanfelippo, to serve for the term ending April 30, 1977.

Sincerely,
PATRICK J. LUCEY
Governor

Read and referred to the committee on Health, Education and Welfare.

MESSAGE FROM THE ASSEMBLY

By Thomas S. Hanson, chief clerk.

Mr. President:

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

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representative Dueholm; cosponsored by Senator Knowles for MRS. ANNA JOHNSON on her 100th birthday;

A Joint Certificate of Congratulations by Representative Giese; cosponsored by Senator Bidwell for AARON ZICK on his perfect score on his perfect score on the State Mathematics Contest;

A Joint Certificate of Congratulations by Representative Sensenbrenner; cosponsored by Senator Kasten for the DOMINICAN HIGH SCHOOL BASKETBALL TEAM on their winning the state championship;

A Joint Certificate of Congratualtions by Representative Giese; cosponsored by Senator Bidwell for the POYNETTE HIGH SCHOOL CURLING TEAM on winning the W.I.A.A. Curling Championship;

and

Assembly Joint Resolution 115

Assembly Joint Resolution 116

Passed and asks concurrence in:

Assembly Bill 103

Assembly Bill 678

Assembly Bill 1098

Assembly Bill 1218

Assembly Bill 890

Assembly Bill 1057

Assembly Bill 1079

Assembly Bill 1131

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representative Dueholm; cosponsored by Senator Knowles for MRS. ANNA JOHNSON on her 100th birthday;

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A Joint Certificate of Congratualtions by Representative Giese; cosponsored by Senator Bidwell for the POYNETTE HIGH SCHOOL CURLING TEAM on winning the W.I.A.A. Curling Championship;

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

Assembly Joint Resolution 115

Memorializing the President and the Congress to enact and fully implement effective school milk and lunch programs.

By Representative SWOBODA, by request of Mr. C.E. Meissner.

Read and referred to the committee on Agriculture and Rural Development.

Assembly Joint Resolution 116

Directing the legislative council to study current use valuation and related methods of preserving agricultural and conservancy lands.

By Representative MUNTS.

Read and referred to the committee on Agriculture and Rural Development.

Assembly Bill 103

Relating to verification of registration applications by the board of election commissioners and revision of the registry in Milwaukee.

By Representative SANASARIAN.

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

Assembly Bill 678

Expanding the duties of the secretary of regulation and licensing and providing for public members on certain examining boards.

By Representatives MUNTS, SANASARIAN, JACKAMONIS, BERGER, CONTA, JOHNSON, TOBIASZ, NAGER, FERRALL, FLINTROP, TROPMAN, LOOBY, BARCZAK, MITTNESS, MIELKE, ELCONIN, WAHNER, EARLY, MILLER, WARD, MENOS, CYRAK, SCHRICKER, LEWIS, PLEWA, BALDUS, PABST and KEDROWSKI; co-sponsored by Senators RISSER, MC KENNA and THOMPSON, by request of Governor Patrick J. Lucey.

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

Assembly Bill 1098

Relating to occupational drivers' licenses.

By Representative KEEGAN, by request of the Department of Transportation.

Read first time and referred to committee on Transportation.

Assembly Bill 1218

Relating to the Wisconsin national guard and providing penalties.

By COMMITTEE ON VETERANS AND MILITARY AFFAIRS.

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

Assembly Bill 890

Relating to an increase in state aid for driver education financed by increasing certain vehicle operators' license fees, and making an appropriation.

By Representatives PLEWA, SANASARIAN, RUTKOWSKI, ROGERS, WAHNER, HAUKE, KEDROWSKI, BERGER, EVERSON, DE LONG, SCHROEDER, KLECZKA, FLINTROP, BALDUS, OBERLE, BYERS and ATKINSON; co-sponsored by Senators PARYS and MARTIN, by request of Wisconsin Driver Traffic and Safety Education Association.

Read first time and referred to committee on Health, Education and Welfare.

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Assembly Bill 1057

Relating to revisions in the probate code.

By Representative BERGER, by request of the State Bar of Wisconsin.

Read first time.

By request of Senator Johnson, with unanimous consent, Assembly Bill 1057 was laid on the table.

Assembly Bill 1079

Relating to the prevention of negligent or unsafe excavations or demolition operations resulting in damage to transmission facilities.

By COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS, by request of the Public Service Commission.

Read first time and referred to committee on Natural Resources.

Assembly Bill 1131

Relating to right of state agencies to subrogation for benefits paid to certain state employes as wages during periods of disability.

By Representative JACKAMONIS, by request of the Bureau of Personnel, Department of Administration.

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

MOTIONS

Senator Bidwell asked unanimous consent that Assembly Bill 837 be withdrawn from the committee on Governmental and Veterans' Affairs and referred to the committee on Industry, Labor, Taxation and Banking.

Senator Johnson objected.

By request of Senator Hollander, with unanimous consent, Senate Bill 828 was taken from the table and considered for action at this time.

Senate Bill 828

An act to appropriate \$19,373.07 from the general fund for payment of a claim by the city of Madison against the state.

Read a second time.

Ordered to a third reading.

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

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

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Schuele, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 27.

Noes -- None.

Absent or not voting -- Senators Kasten, Kendziorski, LaFave, LaFollette, Roseleip and Steinhilber -- 6.

So the bill passed.

Ordered immediately messaged.

By request of Senator Krueger, with unanimous consent, **Senate Bill 335** was withdrawn from the committee on Industry, Labor, Taxation and Banking and laid on the table.

By request of Senator Risser, with unanimous consent, **Senate Bill 653** was withdrawn from the committee on Judiciary and Insurance and laid on the table.

Senator Dorman moved reconsideration of the vote by which **Senate Bill 503** was indefinitely postponed and, with unanimous consent, the motion was laid on the table.

Senator Murphy asked unanimous consent that **Senate Bill 743** be withdrawn from the joint committee on Finance and be referred to the senate committee on Finance.

Senator M. Swan objected.

Senator Murphy moved that **Senate Bill 743** be withdrawn from the joint committee on Finance and be referred to the senate committee on Finance.

Senator Knowles raised the point of order that the senate committee on Finance already had jurisdiction over all senate bills in the joint committee on Finance and therefore the motion was not necessary.

The chair ruled the point of order well taken.

Senator LaFollette asked unanimous consent that **Senate Bill 230** be withdrawn from the committee on Health, Education and Welfare and placed on the calendar.

Senator J. D. Swan objected.

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Senator Dorman moved that **Senate Bill 230** be withdrawn from the committee on Health, Education and Welfare and placed on the calendar.

Senator Chilsen 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 Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 29.

Absent -- Senator Schuele -- 1.

Absent with leave -- Senators Kasten, Kendziorski and Steinhilber -- 3.

By request of Senator Johnson, with unanimous consent, the call was raised.

LEAVE OF ABSENCE

By request of Senator Whittow, with unanimous consent, he was granted a leave of absence at 11:45 A.M. for the balance of the morning.

President pro tempore of the senate in the chair.

11:00 A.M.

President of the senate in the chair.

11:15 A.M.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 17; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Dorman, Flynn, Frank, LaFollette, McKenna, Parys, Peloquin, Risser, Schuele, Swan, M., Thompson and Whittow -- 13.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Martin, Murphy, Petri, Roseleip, Swan, J.D. and Theno -- 17.

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Absent or not voting -- Senators Kasten, Kendziorski and Steinhilber -- 3.

The motion did not prevail.

Senator Risser called the chair's attention to the special order list which was before the senate.

By request of Senator Bidwell, with unanimous consent, **Senate Bill 845** was taken from the table and considered for action at this time.

Senate Bill 845

Relating to the continued operation of prison farms, and making an appropriation.

By request of Senator Hollander, with unanimous consent, **Senate Bill 845** was referred to the joint committee on Finance.

Senator Hollander asked unanimous consent that **Senate Bill 845** be withdrawn from the joint committee on Finance and be considered for action at this time.

Senator Risser objected.

Senator Hollander moved that **Senate Bill 845** be withdrawn from the joint committee on Finance and be considered for action at this time.

The ayes and noes were required and the vote was: ayes, 20; noes, 10; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Murphy, Peloquin, Petri, Roseleip, Swan, J.D., Swan, M. and Theno -- 20.

Noes -- Senators Bablitch, Dorman, Flynn, Frank, LaFollette, Parys, Risser, Schuele, Thompson and Whittow -- 10.

Absent or not voting -- Senators Kasten, Kendziorski and Steinhilber -- 3.

Two-thirds having voted in the affirmative the motion prevailed.

Senate Bill 845

Read a second time.

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

12:05 P.M.

RECESS

2:00 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 Bablitch, Bidwell, Chilsen, Frank, Johnson, Keppler, Knowles, Krueger, LaFave, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele and Theno -- 18.

Absent -- Senators Devitt, Dorman, Flynn, Hollander, Kasten, Knutson, LaFollette, Lorge, Petri, Swan, J.D., Swan, M., Thompson and Whittow -- 13.

Absent with leave -- Senators Kendziorski and Steinhilber -- 2.

By request of Senator Keppler, with unanimous consent, **Senate Joint Resolution 108** was withdrawn from the committee on Natural Resources and referred to the joint committee on Finance.

Senator Peloquin asked unanimous consent that **Senate Bill 261** be withdrawn from the joint committee on Finance and considered for action at this time.

Senator Hollander objected.

Senator Peloquin asked unanimous consent that **Senate Bill 261** be withdrawn from the joint committee on Finance and laid on the table.

Senator J. D. Swan objected.

Senator Peloquin moved that **Senate Bill 261** be withdrawn from the joint committee on Finance and laid on the table.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 2; absent or not voting, 6; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Frank, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave,

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Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, M., Theno and Thompson -- 25.

Noes -- Senators Hollander and Swan, J.D. -- 2.

Absent or not voting -- Senators Dorman, Flynn, Kendziorski, LaFollette, Steinhilber and Whittow -- 6.

So the motion prevailed.

Senator Thompson moved that **Assembly Bill 23** be withdrawn from the committee on Governmental and Veterans' Affairs and laid on the table.

Senator Thompson 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 Bablitch, Bidwell, Chilsen, Devitt, Dorman, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, J.D., Swan, M., Theno and Thompson -- 28.

Absent -- Senators Flynn, LaFollette and Whittow -- 3.

Absent with leave -- Senators Kendziorski and Steinhilber -- 2.

Senate Joint Resolution 31

To amend article IV, section 24 of the constitution, relating to authorization of lotteries (1st consideration).

Read a third time.

Senator Parys moved reconsideration of the vote by which **Senate Joint Resolution 31** was ordered to a third reading.

The motion prevailed.

Senate substitute amendment 2 to **Senate Joint Resolution 31** offered by Senator Parys.

By request of Senator Parys, with unanimous consent, senate substitute amendment 2 was considered for action at this time.

Senate substitute amendment 2 adopted.

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President of the senate in the chair.

2:20 P.M.

The question was: Shall the joint resolution be ordered to a third reading?

Senator Parys 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 Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, J.D., Swan, M., Theno and Thompson -- 29.

Absent -- Senators LaFollette and Whittow -- 2.

Absent with leave -- Senators Kendziorski and Steinhilber -- 2.

By request of Senator Risser, with unanimous consent, **Senate Joint Resolution 56** was laid aside.

Assembly Bill 1057

Relating to revisions in the probate code.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, **Assembly Bill 1057** was considered for final action at this time.

Assembly Bill 1057

Read a third time and concurred in.

Assembly Bill 357

Relating to school board elections and officials, and duties of school district clerks.

Read a second time.

By request of Senator Martin, with unanimous consent, senate amendment 1 to senate substitute amendment 1 was withdrawn and returned to the author.

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

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The amendment was adopted.

Senate amendment 3 to senate substitute amendment 1 offered by Senators Devitt, LaFave and Petri.

Senate amendment 3 adopted.

The question was: Adoption of substitute amendment 1?

The amendment was adopted.

Ordered to a third reading.

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

Assembly Bill 357

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 31.

Noes -- None.

Absent or not voting -- Senators Kendziorski and Steinhilber -- 2.

So the bill was concurred in as amended.

Ordered immediately messaged.

Senator Thompson called the chair's attention to the fact that all members being present the question was: Shall Senate Bill 845 be ordered to a third reading?

The bill was ordered to a third reading.

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

Senate Bill 845

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 3; absent or not voting, 2; as follows:

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Ayes -- Senators Bidwell, Chilsen, Devitt, Dorman, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Roseleip, Schuele, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 28.

Noes -- Senators Bablitch, Flynn and Risser -- 3.

Absent or not voting -- Senators Kendziorski and Steinhilber --

2.

So the bill passed.

Ordered immediately messaged.

LEAVE OF ABSENCE

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

By request of Senator Knutson, with unanimous consent, the senate recessed until 4:15 P.M.

3:03 P.M.

RECESS

4:15 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

The question was: Shall Assembly Bill 23 be withdrawn from the committee on Governmental and Veterans' Affairs and laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 10; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Keppler, Knowles, Krueger, LaFollette, McKenna, Martin, Parys, Peloquin, Petri, Risser, Schuele, Swan, M., Theno, Thompson and Whittow -- 21.

Noes -- Senators Bidwell, Hollander, Johnson, Kasten, Knutson, LaFave, Lorge, Murphy, Roseleip and Swan, J.D. -- 10.

Absent or not voting -- Senators Kendziorski and Steinhilber --

2.

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So the motion prevailed.

President of the senate in the chair.

4:20 P.M.

The question was: Shall **Senate Joint Resolution 31** be ordered to a third reading?

Ordered to a third reading.

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

Senate Joint Resolution 31

Read a third time.

The ayes and noes were required and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Chilsen, Devitt, Flynn, Johnson, Keppler, Krueger, LaFave, LaFollette, Lorge, Martin, Parys, Roseleip, Schuele, Swan, J.D., Theno and Whittow -- 17.

Noes -- Senators Bidwell, Dorman, Frank, Hollander, Kasten, Knowles, Knutson, McKenna, Murphy, Peloquin, Petri, Risser, Swan, M. and Thompson -- 14.

Absent or not voting -- Senators Kendziorski and Steinhilber -- 2.

There being 17 affirmative votes the joint resolution was adopted.

Ordered immediately messaged.

Assembly Bill 352

Relating to registration of mineral rights separate from surface fees ownership and providing a registration fee.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 352

Read a third time.

Senator Petri moved nonconcurrency.

The motion did not prevail.

The question was: Concurrence in **Assembly Bill 352**?

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The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 29.

Noes -- Senator Petri -- 1.

Absent or not voting -- Senators Kendziorski, McKenna and Steinhilber -- 3.

So the bill was concurred in.

Ordered immediately messaged.

Assembly Bill 1033

Relating to price stabilization of milk used for manufacturing purposes.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 1033

Read a third time and concurred in.

Ordered immediately messaged.

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution 41

Memorializing congress to relieve the extraordinary high water level on Lake Michigan by enacting HR 13254 into law.

Whereas, the increased water level in Lake Michigan is a major cause of shoreline erosion and sedimentation, resulting in devastating losses to public and private owners of shoreline property; and

Whereas, it is in the interest of the state of Wisconsin to reduce the high water levels in Lake Michigan; and

Whereas, Wisconsin congressmen Steiger and Reuss have introduced legislation (HR 13254) to authorize the U.S. army

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corps of engineers to lower Lake Michigan's record high water levels by increasing the water flow through the Chicago sanitary and shipping canal; now, therefore, be it

Resolved by the senate, That congress be memorialized to relieve the extraordinary high water level on Lake Michigan by enacting HR 13254 into law; and, be it further

Resolved, That all Wisconsin congressmen are urged to support and fight for the passage of HR 13254; and, be it further

Resolved, That duly attested copies of this resolution be transmitted to each member of the congressional delegations of the states of Wisconsin, Minnesota, Michigan and Ohio.

By the Entire Membership of the Senate.

Read.

By request of Senator LaFave, with unanimous consent, the resolution was considered for action at this time.

Adopted.

By request of Senator Johnson, with unanimous consent, all actions were ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 837 by Senator Theno.

Senate substitute amendment 1 to Senate Joint Resolution 98 by Senators Thompson, Lorge, Devitt, Bablitch, Peloquin, Martin and LaFollette.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of Reverend Joseph Priestley.

By request of Senator Knutson, with unanimous consent, the senate also adjourned in honor of Mrs. Mekvold and commend her on her 23 years of service, 10 of which were served as secretary to Senator Knutson when he was mayor of LaCrosse.

By request of Senator Thompson, with unanimous consent, the senate also adjourned in honor of the birthday of Florence Bender, secretary to Senator Thompson.

Upon motion of Senator Johnson the senate adjourned until 10:00 A.M. Thursday, March 14.

5:03 P.M.

INTRODUCTION OF GUESTS

Senator J. D. Swan for Senator Steinhilber introduced a class in parliamentary procedure from the University of Wisconsin, Oshkosh.

Senator Risser introduced Jeff Olson of Augusta, Wisconsin and Jim Katz of New Haven, Conn.

Senator Risser introduced Tom Witzeling of Madison.

Senator Hollander introduced students from Sabish Junior High School, Fond du Lac, Wisconsin.

Senator Roselep introduced the Civics Class and Mr. Mort Moyer of Benton, Wisconsin.

Senator Risser introduced visitors from the Madison Opportunity Center, Madison.

Senator Dorman introduced Frank and Anne Higgin from Racine, Wisconsin.

Senator Flynn introduced students from West High School in Wauwautosa, Wisconsin.

Senator J. D. Swan introduced Jeff Bremmer and 6 comparative government students from Waterford, Wisconsin.

Senator J. D. Swan introduced Dr. and Mrs. A.M. Rauch of Lake Geneva, Wisconsin.

Senator Risser introduced Avner De-Shalit and Oreet Morshovitch of Israel.

Senator LaFave introduced Mr. and Mrs. Walter Prevost, Mr. and Mrs. George Vincent and Mr. and Mrs. Fred Strebel of Green Bay, Wisconsin.

Senator Schuele introduced Mr. and Mrs. Anthony J. Quarwa of Milwaukee, Wisconsin.