

JOURNAL OF THE SENATE [July 8, 1975]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

TUESDAY, July 8, 1975.

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 Reverend Joseph E. Dawson, Pastor of Mt. Zion Baptist Church, Madison.

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

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Goyke was granted a leave of absence until 11:00 A.M.

By request of Senator Bablitch, with unanimous consent, Senator Frank was granted a leave of absence until 1:30 P.M.

By request of Senator Knutson, with unanimous consent, he was granted a leave of absence at 11:30 A.M. each day for the balance of the week.

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

Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 31.

Absent -- None.

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Absent with leave -- Senators Frank and Goyke -- 2.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 43

To amend sections 1m and 1n of article V and sections 1m, 1n and 1p of article VI of the constitution so as in effect to repeal said sections, relating to 2-year terms for partisan constitutional officers (1st consideration).

By Senator Krueger.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 462

Relating to establishing a medical school loan program and making an appropriation.

By Senators Thompson, Risser, Dorman and Lorge, cosponsored by Representative Miller.

To committee on Agriculture, Human Services, Labor and Taxation.

Senate Bill 463

Relating to increasing the public debt to aid in the construction of a science education facility at the medical college of Wisconsin and making an appropriation.

By Senators Kleczka and Lorge, cosponsored by Representative Czerwinski.

To joint committee on Finance.

Senate Bill 464

Relating to unlisted telephone service.

By Senators Cullen, McKenna, Kleczka, Morrison, Flynn, Harnisch, Berger and Swan, cosponsored by Representative Ferrall.

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To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

The committee on Commerce reports and recommends for introduction:

Senate Bill 465

Relating to denial of licenses or permits for contract motor carriers by the public service commission.

Introduction; Ayes, 9; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 466

Relating to penalties for violations of certain laws regulating motor vehicle dealers.

Introduction; Ayes, 9; Noes, 0.

Read first time and referred to committee on Commerce.

and further recommends:

Assembly Bill 310

Relating to the width of a vehicle carrying certain bales of hay.

Concurrence; Ayes, 8; Noes, 1.

Assembly Bill 335

Relating to the filing of warrants for confession of judgment and notices of insurance under the financial responsibility law.

Concurrence; Ayes, 8; Noes, 1.

Assembly Bill 547

Relating to operating a failing bank as a branch bank.

Concurrence; Ayes, 8; Noes, 1.

Assembly Bill 529

Relating to regulation of securities (suggested as remedial legislation by the office of the commissioner of securities).

Concurrence; Ayes, 9; Noes, 0.

Assembly Bill 613

Relating to school bus insurance policies.

Concurrence; Ayes, 8; Noes, 1.

RONALD G. PARYS

Chairman

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**Committee of Conference Report
on Assembly Bill 222**

July 3, 1975.

The members of the Committee of Conference on **Assembly Bill 222** report and recommend:

1. That both Houses recede from their respective positions on **Assembly Bill 222**.
2. That both Houses, by their acceptance of this report, adopt or concur in Conference Substitute Amendment 1 to **Assembly Bill 222** which is offered herewith by the Committee of Conference and made a part of this report.

HENRY DORMAN

TERRY WILLKOM

GERALD KLECZKA

GARRY K. JOHNSON

WILLIAM BABLITCH

DENNIS J. CONTA

1973-1975 Biennial Report of the
Joint Committee for Review of
Administrative Rules
(For the biennium ending April 30, 1975)

The Honorable Patrick J. Lucey
The Honorable, the Senate and Assembly of Wisconsin

At a meeting held May 23, 1973, the Committee elected Representative R. Michael Ferrall as its chairman, Senator Daniel Theno as its vice-chairman and Representative Tommy Thompson as its secretary.

At a meeting held July 9, 1973, the Committee held a hearing on the Division of Motor Vehicle's rule MVD 24.03 (5). MVD 24.03 (5) dealt with automobile repair practices of licenses dealers. After listening to testimony, the Committee voted 6 to 2 to leave the roll open until noon, July 10, 1973, so that an absent member may vote on this issue. The chairman stated that he would recess the executive session until a later date.

At a meeting held July 11, 1973, the chairman reconvened the executive session that began on July 9 concerning MVD 24.03 (5). The Committee voted 6 to 3 to suspend MVD 24.03 (5). Senate Bill 811 was introduced to sustain the Committee's action. Senate Bill 811 failed to pass in the 1973 legislative session.

At a meeting held on August 14, 1973, the committee reviewed administrative rules of the Pharmacy Examining Board, Par 1.03 and 1.04 (1). Phar 1.03 and 1.04 (1) concerned the location and

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size of a pharmacy in relation to the building or enterprise it was housed in. The Pharmacy Examining Board indicated that it would consider repealing Phar 1.03 and amending Phar 1.04 (1). The chairman indicated that an executive session would be held at a later time on Phar 1.03 and Phar 1.04 (1).

At a meeting held on August 21, 1973, the Committee considered a rule from the Department of Natural Resources, NR 151.15 (5)(c). NR 151.15 (5)(c) related to screening requirements for junkyards and auto salvage operations. At issue was whether an exception could be made for an individual whose salvage operation was in a remote rural area. The Department expressed its reluctance to grant an exception in one case, setting a precedent for others. The Department would study a proposed amendment to NR 151 suggested by Representative Gower. The Committee delayed executive action on this matter. On May 14, 1975, Representative Gower informed the Committee that the matter had not been resolved and renewed his request that it be pursued.

At a meeting held August 28, 1973, the Committee reviewed Division of Highways rules Hy 19.05, 19.06 and 19.14. These rules dealt with billboard advertising on the state primary highways. The purposes of the rules are to control advertising and to comply with the Federal Highway Beautification Act. Opponents argued that the state's economy would suffer from these rules and that rules go beyond the legislative intent and federal requirements. Motions to suspend Hy 19.05, Hy 19.06 and Hy 19.14 were defeated.

At a meeting held September 18, 1973, the Committee reviewed VE 2.02 and 2.08 (3), promulgated by the Veterinary Examining Board. These rules dealt with examination for veterinarians. There was testimony that the Board acted unfairly in administering its examination. The Board disputed any allegation of unfairness. The Committee withheld executive action.

At a hearing held on September 25, 1973, the Committee reviewed Department of Natural Resources rule NR 46.03 (2) relating to the woodland tax program. The question was whether the rules correctly interpreted the statutory language of 2.77.16, Wis. Stats. The administrative rule has a minimum requirement of at least 10 acres to enter the program, whereas the statute does not have a minimum requirement. The Committee delayed executive action of this matter, although many members expressed that the Department had acted outside the bounds of proper statutory interpretation.

At an executive session held on October 18, 1973, the Committee considered several matters on NR 151.15 (5)(c) 1

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relating to junkyard screening, the Committee voted to send a proposed amendment to the DNR to review and to report back to the Committee. (Seeing hearing August 21, 1973) On NR 46.03 (2) relating to the woodland tax law the Committee refused to suspend the rule, but members indicated that they would introduced legislation to clarify the inconsistency between the rule and the statutes. On VE 2.02 and VE 2.08 (3) the Committee requested the Veterinary Examining Board to reexamine its rules on tests and test procedure.

At a meeting held on November 20, 1973, the Committee received a report on a revised MVD 24.03 (5) which the Committee suspended in July. In addition the Committee reviewed the Department of Health and Social Services rule H 96.02 (15). This rule defines what constitutes a restaurant. Several non-profit organizations argued that the rule is too restrictive and too costly for them to comply with. The department maintained the rules were reasonable in the protection of health in this state. The Committee suspended H 96.02(15) 7 to 0. Assembly Bill 1559 was introduced on behalf on the Committee but failed to pass in the 1973 legislative session. In addition the Committee requested that the Department formulate a new advisory committee on the restaurant question, with members from several of the church groups represented at the hearing. Assembly Bill 556 which is currently pending in the Assembly is a result of a citizens committee formed to study this problem area.

At a hearing held on November 27, 1973, the Committee reviewed the Real Estate Examining Board rule REB 2.03 relating to reexaminations and licensing of real estate brokers and salesmen. Much of the testimony alleged that the Real Estate Examining Board test is invalid and that the testing procedures are unfair. After extensive testimony the Committee postponed executive action the matter.

At a hearing held on December 17, 1973 the Committee reviewed activities of the State Ethics Board. Specifically the Committee was concerned with the guideline activities of the State Ethics Board, and the procedure the board intends to use when it issues guidelines. Concerns were expressed that the Board should follow the rule-making procedure of Chapter 227, Wis. Stats. The Committee deferred further action in this issue until a later time.

At a hearing held January 16, 1974, the Committee reviewed Phar 6.05 of the Pharmacy Examining Board. Phar 6.05 restricts the dosage dispensation of a controlled substance. Several witnesses argued that there should be some flexibility for individuals with lifetime diseases such as epilepsy. A representative

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of the Board indicated that, although there are some hardships for certain persons, there had to be a control over controlled substances.

In another matter, the Committee reviewed rule NR 112.01 (4). NR 112.01 (4) relates to the Stat's Well Code. and its regulations for the construction and location of wells. Several witnesses claimed that non-complying wells should not have to be reconstructed if the well provides pure drinking water. Representatives of the Department of Natural Resources and Department of Health and Social Services argued that strict adherence to the present Nr 112 is only the certain way to insure safe and pure water. It was argued that to change the present Well Code could jeopardize the interstate shipment of Wisconsin milk, since other states rely on the requirements and enforcement of NR 112.

Executive action on Phar 6.05 and NR 112 were postponed to a later date.

At an executive session held on February 7, 1974, the Committee settled several items of unfinished business. The Committee voted to direct the State Ethics Board to promulgate all Board policy as administrative rules under the procedure of Chapter 227, Wis. Stats. (See hearing held December 17, 1973). A representative of the Ethics Board agrees with the Committee and will follow its directive.

On another matter the Committee voted to direct the Pharmacy Examining Board to explore the possibility of amending Phar 6.05 (5) to exempt from the dosage requirements certain medications needed for permanent illnesses. (See hearing January 16, 1974) Note: the Pharmacy Examining Board did not amend its rule to permit up to 3 month supply for anti-convulsant prescriptions.

On another matter, a representative of the Pharmacy Examining Board indicated that they would repeal Phar 1.03 and amend Phar 1.04 in conformity with the testimony presented at a hearing on August 14, 1973.

The Committee directed the Real Estate Examining Board to seek an independent consultant to review all aspects of its examination procedure and report back to the Committee. (See hearing November 27, 1973) That consultant has not yet been contracted.

The Real Estate Examining Board was also directed to see that candidates have adequate time to review their examination.

At a hearing held on February 25, 1974, the Committee reviewed rules of the Director of the Personnel Board, Pers 27. Pers 27 relates to the State's handling of certain employment

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situations where historically members of minority groups have been excluded. Minority group members applying for a position in which an employer invokes Pers 27 will be given a priority over non-minority group members applying for the same job. Proponents of Pers 27 argued that the rules are a tool to achieve equal opportunity in areas where minorities and women have historically been discriminated against and should not be considered reverse discrimination.

The Committee also reviewed Chapter A-E 1, relating to the examinations and examination procedure of the various sections of the Architects, Professional Engineers, Land Surveyors and Designers Examining Board. A question was raised over the validity and fairness of the architect's examination.

Executive action on these questions would be taken at a later time.

At a meeting held on April 16, 1974, the Committee reviewed a rule of the Division of Motor Vehicles MVD 5.61. MVD 5.61 required that all seat belts be maintained in operating order. The complaint was brought to the Committee because the interlock system in 1974 automobiles requires a person to wear a seat belt or the automobile will not start. Many members of the Committee thought the Department should not indirectly mandate the use of seat belts by administrative rule where the legislature had declined to act directly by statute. The Committee suspended MVD 5.61. A bill will be introduced in the 1975 Legislative session.

At a hearing held on April 23, 1974, the Committee reviewed rules Ind 72.03 and 72.05 which relates to the state's minimum wage for women. The Committee heard testimony on whether or not the latest increase of the minimum wage was justified. In executive session the Committee took no action on Ind. 72.03 and 72.05.

The Committee reviewed H 6.03 which relates to interior doors in barbershops. The Department agreed to contact the individual who brought the complaint before the Committee and work out a solution. The Committee also reviewed H 11.04 which concerns the practice of cosmetology. The question that was raised before the Committee was whether a person could practice cosmetology in the home without receiving compensation legally? The Committee received conflicting testimony on the matter and requested that the Department seek an Attorney General's opinion on the question.

At a hearing held on June 3, 1974, the Committee considered a motion that would have the Department of Agriculture promulgate rules regulating the automobile repair industry. After extensive testimony the Committee voted to direct the Department of

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Agriculture to promulgate rules which would regulate the trade practices of the automobile repair industry. Rules were adopted pursuant to the Committee's directive, effective September 1, 1975. The Committee also reviewed the Division of Motor Vehicles policy on granting operator's licenses to individuals who had recovered from epilepsy.

At a hearing held on August 8, 1974, the Committee again reviewed the examination procedures of the architect's and land surveyor's sections of the Architects, Professional Engineers, Land Surveyors and Designers Examining Board. A report was drafted by the Committee's staff that indicated that the architect's examination was questionable in the areas of validity and fairness. Among the problems was an extremely low passage rate, the distinction made between those graduating from board approved schools and those who did not and the relationship between the Examining Board and the professional society. Members of the Examining Board defined their examination and their testing procedures. The Committee would hold executive action on this issue at a later date.

At a hearing held on January 30, 1975, the Committee reviewed the policies and guidelines of the Departments of Health and Social Services and Public Instruction concerning state reimbursement for the purchase of hearing aids. The central question for the Committee was whether or not the Departments should have followed the rule-making procedures of Chapter 227, Wis. Stats. In addition a concern was expressed by the Committee over the program only applying to those members of one hearing aid professional society.

At a hearing held on February 6, 1975, the Committee reviewed professional conduct rules of the Architects, Professional Engineers, Land Surveyors and Designers Examining Board, Chiropractic Examining Board and Hearing Aid Examining Board. The chairman expressed his concern over the lack of any significant rules by the Chiropractic and Hearing Aid Boards.

At a hearing held on February 13, 1975, the Committee reviewed professional conduct rules of the Real Estate Examining Board, Optometry Examining Board and the Nursing Home Administrator Examining Board. The Committee found the Real Estate Examining Board and Nursing Home Administrator Examining Board did not have rules on professional conduct. The chairman expressed his concern over the Examining Boards without codes of conduct and their vulnerability in litigation over a disciplinary action. It is hoped that the Optometry Examining Board expands and clarifies its rules on professional conduct.

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At an executive session held on February 20, 1975, the Committee voted to direct the architect and land surveyor sections of the A-E Examining Board to contract a testing consultant to review their examination and examination procedure. The Committee voted to direct architect and surveyor sections promulgate specific rules in the following areas: academic requirements and equivalents, experience requirements and equivalents. In addition, the Committee suspended a portion of administrative rule A-E 1.15 (4) (a) and A-E 1.15 (4) (d) in its entirety. By this suspension the Committee prohibited the use of an equivalency examination. This action was taken after months of study which raised serious questions over the architect examination audits administration. (See hearing, August 8, 1974)

In another matter the Committee directed the Department of Public Instruction and the Department of Social Services to promulgate their joint guidelines on state reimbursement for the purchase of hearing aids as an administrative rule. (See hearing January 30, 1975). Only the Department of Public Instruction has carried out the Committee's directive.

At a hearing on February 20, 1975, the Committee reviewed the Department of Public Instruction's administration of teacher certification and the rules which the Department utilizes in that administration. After some testimony the chairman indicated that there appeared to be some discrepancy in the certification standards and the administrative rules. The representatives of the department stated that they would see that all standards would be placed in the administrative code.

At a hearing hold on February 27, 1975, the Committee reviewed the procedure for letting contracts for state construction projects in relation to the acquisition of architectural and engineering services. The chairman stated that he hoped the Department's standards would find their way into the Administrative Code. There were also serious questions raised over haphazard construction supervision, the relationship of the architects private society and the Bureau of Facilities Management (BFM) and an Audit Bureau report which severely criticized BFM procedures.

At a hearing held April 11, 1975, the Committee reviewed several rules of the Department of Industry, Labor and Human Relations which concern energy conservation in the construction of new buildings. Many speakers expressed concern that the present

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rules coupled with the economy would further hamper business development in the state of Wisconsin. Other speakers expressed concern that without the rules the present supply of energy resources would rapidly decrease which cause greater harm to the state's economy. The chairman indicated that executive action on this problem would be taken within a month.

At a hearing held on April 17, 1975, the Committee reviewed professional conduct rules of the Dentistry Examining Board, the Medical Examining Board and the Board of Nursing. The chairman urged that all examining boards adopt rules on ethics and professional conduct and that the rules be specific and clearly understandable by those in the profession and those outside the profession. Both the Medical and Dentistry Examining Boards have proposed codes that will be published in the near future.

At a meeting held on April 25, 1975, the Committee reviewed automobile repair practices and the Department of Agriculture's proposed administrative rules in this area. (See June 3, 1974 hearing). The Department's rules as presented to the Committee were adopted and will be effective September 1, 1975.

In addition, the Committee held an executive session on rules concerning energy conservation. (See April 11, 1975). The Committee lacked a quorum so the chairman indicated he would send a letter to the Department of Industry, Labor and Human Relations requesting that a new study group be formed to review the various rules on energy conservation and that rule Ind. 51.02 (16) be held in abeyance until a more flexible code could be adopted.

At an executive session held on May 29, 1975, the Committee considered several rules. The Committee voted to direct the Department of Natural Resources to incorporate in the Well Code, Chapter NR 112, language that would permit non-complying wells built before 1956 to be used if the wells produce an adequate and safe supply of water. (See hearing January 16, 1974). The Committee, by a vote of 5 to 1, suspended Ind. 51.02 (16) which

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required new buildings to meet a maximum of 13 BTU heat loss per hour per square foot. The Committee, by a vote of 5 to 1, suspended portions of A-E 1.15 (4) (e) (intro), (4) (e) 1., and (4) (f) in its entirety. This action was taken to complete the Committee's intent in suspending the equivalency examination for architects on February 20, 1975.

R. MICHAEL FERRALL
Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 89

A petition by 33 citizens of Wisconsin in opposition to 180 days of school for grades K-12.

By Senator Thompson.

Read and referred to committee on Education.

Senate Petition 90

A petition by 44 citizens of Wisconsin asking for reduced malpractice policies for health care providers.

By Senator Thompson.

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

Senate Petition 91

A petition by 192 citizens of Wisconsin in favor of Senate Bill 299, a health care provider bill.

By Senator Thompson.

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

Senate Petition 92

A petition from residents of the State of Wisconsin, 12 signatures in support of Senate Bill 299, Medical Malpractice bill.

By Senator Lorge.

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

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Senate Petition 93

A petition from 180 residents of the State of Wisconsin in support of Senate Bill 299.

By Senator Lorge.

Read and referred to committee on Agriculture, Human Services, Labor and Taxation.

State of Wisconsin
Department of State

July 7, 1975.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on June 30, 1975, and ending on July 4, 1975.

Yours very truly,

DOUGLAS LAFOLLETTE

Secretary of State

Name, Address and Occupation of Lobbyist -- Name and Address of Employer -- Subject of Legislation Code Number -- Date of Employment.

Bolger, Thomas E., 615 Forward Dr., Madison, Wisc. -- Wisconsin Broadcasters Assoc., P.O. Box 11725, Shorewood, Wisc. -- All coded subjects pertaining to broadcasting -- July 1, 1975.

Hanneman, David W., 3303 Terrace Court, Wausau, Wisc. -- Central Wisconsin UniServ Council-South, 3303 Terrace Court, Wausau, Wisc. -- 03, 04, 06, 08, 09, 10, 11, 14, 18, 21, 23, 28 -- June 12, 1975.

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Cancellation:

Konkol, Edward J., Wis. Association of Life Underwriters, as of July 1, 1975.

Legislative Subject Identification

| Code | Subject |
|------|---|
| 01 | <i>Agriculture, horticulture, farming & livestock</i> |
| 02 | <i>Amusements, games, athletics and sports</i> |
| 03 | <i>Banking, finance, credit and investments</i> |
| 04 | <i>Children, minors, youth & senior citizens</i> |
| 05 | <i>Church & Religion</i> |
| 06 | <i>Consumer Affairs</i> |
| 07 | <i>Ecology, environment, pollution, conservation, zoning, land & water use</i> |
| 08 | <i>Education</i> |
| 09 | <i>Elections, campaigns, voting & political parties</i> |
| 10 | <i>Equal rights, civil rights & minority affairs</i> |
| 11 | <i>Government, financing, taxation, revenue, budget, appropriations, bids, fees & funds</i> |
| 12 | <i>Government, county</i> |
| 13 | <i>Government, federal</i> |
| 14 | <i>Government, municipal</i> |
| 15 | <i>Government, special districts</i> |
| 16 | <i>Government, state</i> |
| 17 | <i>Health services, medicine, drugs and controlled substances, health insurance & hospitals</i> |
| 18 | <i>Higher education</i> |
| 19 | <i>Housing, construction & codes</i> |
| 20 | <i>Insurance (excluding health insurance)</i> |
| 21 | <i>Labor, salaries and wages, collective bargaining</i> |
| 22 | <i>Law enforcement, courts, judges, crimes & prisons</i> |
| 23 | <i>Licenses & permits</i> |
| 24 | <i>Liquor</i> |
| 25 | <i>Manufacturing, distribution & services</i> |
| 26 | <i>Natural resources, forests and forest products, fisheries, mining & mineral products</i> |
| 27 | <i>Public lands, parks & recreation</i> |
| 28 | <i>Social insurance, unemployment insurance, public assistance & workmen's compensation</i> |
| 29 | <i>Transportation, highways, streets & roads</i> |

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30 *Utilities, communications, television, radio, newspapers, power, CATV, & gas*

31 *Other*

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

10:17 P.M.

RECESS

2:00 P.M.

The senate reconvened.

The president pro tempore of the senate in the chair.

By request of Senator Whittow, with unanimous consent, the conference committee report on **Assembly Bill 222** was considered for action at this time.

The question was: Adoption of the Conference Committee Report on **Assembly Bill 222?**

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, Berger, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 30.

Absent -- Senators Cullen and Swan -- 2.

Absent with leave -- Senator Knutson -- 1.

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By request of Senator Whittow, with unanimous consent, the senate stood informal for 2 minutes.

2:10 P.M.

2:12 P.M.

The senate reconvened.

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

By request of Senator Whittow, with unanimous consent, the senate recessed until 3:25 P.M.

2:15 P.M.

RECESS

3:25 P.M.

The senate reconvened.

Senator Whittow 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, Berger, Bidwell, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 29.

Absent -- Senators Devitt, LaFave and Swan -- 3.

Absent with leave -- Senator Knutson -- 1.

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By request of Senator Whittow, with unanimous consent, the senate stood informal for 3 minutes.

3:32 P.M.

3:35 P.M.

The senate reconvened.

The question was: Adoption of the Conference Committee Report on **Assembly Bill 222**?

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

9 Ayes -- Senators Bablitch, Berger, Dorman, Flynn, Kleczka, Martin, Peloquin, Risser, Thompson and Whittow -- 10.

Noes -- Senators Bidwell, Chilsen, Cullen, Devitt, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, McKenna, Maurer, Morrison, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 22.

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

So the report was not adopted.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 44

Relating to creating a committee to propose a budget for the 1975-77 biennium.

By Senator Kleczka.

Read and referred to committee on Senate Organization.

Senator Kleczka raised the point of order that pursuant to senate rule 69 the resolution was privileged and need not lie over.

The chair took the point of order under advisement.

Senator Kleczka moved that **Senate Joint Resolution 44** be considered for action at this time.

Senator Whittow moved that the senate adjourn.

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

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Ayes -- Senators Bablitch, Berger, Dorman, Flynn, Frank, Knowles, McKenna, Martin, Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 15.

Noes -- Senators Bidwell, Chilsen, Cullen, Devitt, Goyke, Harnisch, Hollander, Keppler, Kleczka, Krueger, LaFave, Lorge, Maurer, Murphy, Petri, Sensenbrenner and Theno -- 17.

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

So the motion did not prevail.

Upon motion of Senator Parys the senate recessed until 4:00 P.M.

3:45 P.M.

RECESS

4:00 P.M.

The senate reconvened.

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 413 by Senator Cullen.

Upon motion of Senator Whittow the senate adjourned until 10:00 A.M. Wednesday, July 9.

4:02 P.M.