

JOURNAL OF THE SENATE [January 29, 1976]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

THURSDAY, January 29, 1976.

9:00 A.M.

The senate met.

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

Prayer was offered by Reverend Kenneth L. Bergner, assistant pastor of Christ Presbyterian Church, Madison.

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

LEAVE OF ABSENCE

By request of Senator Krueger, with unanimous consent, Senator Knutson was granted a leave of absence for the balance of the day.

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

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

Absent -- None.

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Absent with leave -- Senators Knutson and Peloquin -- 2.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 56

To amend sections 1m, 1n, 1p and 2 of article VI of the constitution so as in effect to repeal said sections; and to amend section 8 of article V, sections 1 and 3 of article VI, sections 7 and 8 of article X and section 4 of article XIII of the constitution, relating to creating a constitutional office of comptroller general succeeding to the constitutional offices of secretary of state and of state treasurer (first consideration).

By Senator Berger.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 754

Relating to publication of legal notices.

By Senator Krueger, cosponsored by Representative Donoghue.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends for introduction:

Senate Bill 755

Relating to state finances and appropriations, constituting the budget review bill and making appropriations.

By request of Governor Patrick J. Lucey.

Introduction; Ayes, 14; Noes, 0.

Read first time and referred to joint committee on Finance.

HENRY DORMAN

Chairman

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The committee on Urban Affairs reports and recommends:

GOODMAN, ARNOLD, of Racine, as a member of the Housing Finance Authority, to succeed Lawrence Katz, for the balance of the term ending January 1, 1976 and for the full term ending January 1, 1980.

Confirmation; Ayes, 5; Noes, 0.

KURT A. FRANK
Chairman

By request of Senator Whittow, with unanimous consent, the senate returned to the third order of business.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 756

Relating to permitting school vehicles to use studded tires.

By Senators Theno and Krueger, cosponsored by Representatives Kedrowski, Murray, Schircker and Luckhardt.

To committee on Commerce.

Senate Bill 757

Relating to prohibiting utility rate increases to recover tax increases.

By Senator Berger.

To committee on Commerce.

Senate Bill 758

Relating to popular election of the members of the public service commission.

By Senator Berger.

To committee on Commerce.

Senate Bill 759

Relating to providing a judge with the behavioral records of a pupil who is the subject of a proceeding in the judge's court.

By Senator Goyke.

To committee on Education.

Senate Bill 760

Relating to the taxation of intangible corporate income.

By Senator Goyke.

To joint committee on Finance.

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Senate Bill 761

Relating to joint tenancy rights in deposits in banks, building and loan associations, savings and loan associations, credit unions and other financial institutions.

By Senators Harnisch, Maurer and Berger, cosponsored by Representative Gunderson.

To committee on Judiciary and Consumer Affairs.

Senate Bill 762

Relating to unemployment compensation coverage for certain school bus drivers.

By Senator Peloquin.

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

Senate Bill 763

Relating to defining automatic, remote banking facilities as branch banks.

By Senator Berger.

To committee on Commerce.

Senate Bill 764

Relating to expansion of the definition of a rule to include certain additional subjects, and granting rule-making authority.

By Senator Berger.

To committee on Judiciary and Consumer Affairs.

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

I am directed to inform you that the assembly has nonconcurred in:

Assembly Joint Resolution 11, senate substitute amendment 1, requests a Committee on Conference and appoints Representatives Barbee, Sanasarian and Snyder as conferees on its part.

Passed and asks concurrence in:

Assembly Bill 125

and

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Concurred in:

Assembly Bill 417, senate amendment 2
Senate Bill 469

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 11

Relating to a revised structure of the judicial branch (1st consideration).

By request of Senator Whittow, with unanimous consent, the joint resolution was laid on the table.

Assembly Bill 125

Relating to limiting liability of landowners who allow their land to be used for certain outdoor recreational activities.

By Representatives Hephner, Mittness, Murray, Lewis, Day, Matty, Vanderperren, Swoboda, Kincaid, Donoghue, Potter, Schneider, Mohn, Duren, Otte, Groshek, Thompson, DeLong, Hasenohrl, Lato, Gower and Lasee; co-sponsored by Senator McKenna.

Read first time and referred to committee on Natural Resources.

MOTIONS

By request of Senator Thomson, with unanimous consent, **Senate Bill 564** was withdrawn from the committee on Agriculture, Human Services, Labor and Taxation and referred to joint committee on Finance.

CALENDAR OF JANUARY 29

Senate Bill 267

Relating to jurisdiction of juvenile courts.
Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Flynn moved rejection.

The motion did not prevail.

The question was: Adoption?

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The ayes and noes were demanded and the vote was: ayes, 14; noes, 16; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Kleczka, Krueger, LaFave, Murphy, Parys, Petri, Sensenbrenner, Theno and Whittow -- 14.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Knowles, Lorge, McKenna, Maurer, Morrison, Risser, Swan and Thompson -- 16.

Absent or not voting -- Senators Knutson, Martin and Peloquin -- 3.

So the amendment was not adopted.

The question was: Shal the bill be ordered to a third reading?

The bill was refused to be ordered to a third reading.

Senate Bill 270

Relating to the supervision of juvenile offenders.

Read a second time.

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

The bill was refused to be ordered to a third reading.

Senate Bill 415

Relating to placement of bank communication devices and granting rule-making authority.

Read a second time.

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

The chair appointed Senators Risser, Whittow, Chilsen, Dorman and Hollander to escort the Governor to the Assembly Chamber.

Upon motion of Senator Whittow the senate recessed until 15 minutes after the conclusion of the Governor's message.

9:55 A.M.

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The senate proceeded in a body to the Assembly Chamber to meet in Joint Convention to receive the Governor's State of the State Message.

IN ASSEMBLY CHAMBER IN JOINT CONVENTION

The Lieutenant Governor in the chair.

The committee to await upon the Governor appeared with his excellency the Governor, who delivered his message as follows:

Lieutenant Governor Schreiber, Speaker Anderson, ladies and gentlemen of this, the 82nd Wisconsin State Legislature, distinguished guests, citizens of Wisconsin.

First, I would like to thank you the members of the legislature for giving me the opportunity to speak briefly at the outset of this final floor period. This is the sixth time that I have come before you at the beginning of a new year to discuss the state of our state - its financial condition, its programs, its prospects for the future.

Today, as I look about this chamber, a chamber where I once served, I cannot help but recall the progress of those last five years and the partnership that we have forged on behalf of the people of Wisconsin. In that effort, there have been many more successes than disappointments, more cooperation than conflict. With each passing year, we have learned from each other. We have compromised with each other. We have worked well together.

It is in that bipartisan spirit of partnership that I come before you today to ask for a continuation of the progressive policies and programs that have become a Wisconsin hallmark. In these times, I believe we cannot afford to abandon either our liberal aspirations or our sound fiscal policy. We must maintain our sense of financial responsibility, our sense of human compassion, and our awareness of individual rights. To misplace any of these would violate our responsibility to the people who have elected us to represent them.

In the 1971 State of the State Address, I spoke of hard times and the need for austerity in the face of growing inflation and growing unemployment. The legislature and state government responded to that challenge then -- long before "austerity" became a popular byword across the country -- and they have responded every year since.

As fiscal restraint has become more necessary, the decisions to meet that need have become more difficult and more painful:

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limited state hiring, wage settlements well below private industry levels, few new programs, limits on spending by local government. The decisions we have made in the last five years, however, painful, have enabled Wisconsin to weather the nation's economic troubles without the drastic and devastating actions that the times have required of other states.

As a result, I can report to you today that the state of our state is sound. Wisconsin is solvent. It is strong. It is secure. And it is up to us to keep it that way.

Over the past two years, more than 20 states increased taxes. Wisconsin has not. Wisconsin will not. Property tax rates here actually have gone down -- the share of total state and local government taxes collected through the property tax has been cut by 19 per cent in these five years -- and, more importantly, the average family's state and local tax burden has decreased in relation to its income. In addition, the relative tax climate for new jobs continues to improve, and there has been no increase in the rate of any state-administered general tax.

Many states and municipalities have been forced to increase their borrowing substantially, sometimes just to cover operating costs. And in the wake of New York's brush with bankruptcy, that often has meant borrowing at high interest rates. Wisconsin, however, has resisted the temptation to borrow beyond its means. Today, Wisconsin's per capita state and local long-term debt ranks in the bottom third of all states.

When the state does borrow -- as it did late last year for the veterans' housing loan program, road and bridge construction, and state facilities -- the interest rate is low because of the state's reputation for fiscal integrity. This year, as in the past, I will resist borrowing that threatens either our creditability with the people or our credit with the financial community.

To balance the budget, some states have had to resort to massive public employee layoffs and wholesale reductions in state programs. Illinois cut its medicaid program. Virginia reduced school aids. New Jersey shifted part of the burden of welfare to the counties. New York will have to fire 11,000 public employees, including 1500 faculty and staff from the university system.

Wisconsin has fared much better. Local assistance, school aids, and property tax relief are all at record levels. The Homestead Tax Credit program -- in effect, a pioneer negative income tax -- is helping more people than ever before. The number of state employees has remained essentially stable, leaving the state ranked 44th in the number of employees for its population.

Five years of austere and moderate public policy have served us well. But inflation and serious unemployment continue. The scars of a national recession still have not faded. This year, many states must ask themselves whether they can continue to provide some vital public services. Wisconsin can ask itself how to continue to deliver all its essential services more effectively and more efficiently.

Today, at the midpoint of the state's two-year budget cycle, this is what I propose; not retreat, not expansion, but stability and continuity -- continuity of purpose, continuity of resolve to serve the people of Wisconsin responsibly.

This Administration -- and, I would hope, this legislature -- will continue to practice the policies that have protected Wisconsin's economy and its taxpayers. I do not expect the people of this state to lower their expectations of government. Instead, I expect government to meet the high expectations demanded of it by Wisconsin's people and its progressive traditions. And one of the most important of those traditions is that every tax dollar yields a full dollar's worth of public service.

ANNUAL REVIEW

This eight-week session gives us a chance to decide which policies have worked and which have not, to tally the state's revenues and make a detailed accounting of the state's costs. We began the current budget period last July with a balance of \$78.1 million. If all goes well, the state will end the budget period in June 1977, with a balance of \$50.1 million. This balance, however, reflects a \$28 million assumption that revenue sharing will continue and it also assumes that one per cent of all state appropriations will be returned to the general fund -- both uncertain propositions at best.

In absolute terms, it is a small state surplus -- but a surplus nonetheless. In relative terms, that small surplus puts Wisconsin well ahead of most states.

My annual review proposals will require a \$7.5 million increase in appropriations. But that cost will be paid for by a series of complementary proposals that generate virtually the same amount of revenues.

For all practical purposes, therefore, the price tag on this budget review bill is zero.

These days, government must be judged as much by what it does not attempt to do as by what it does do. This annual review legislation should be judged by that standard. There is no traditional appeal to a variety of interests, no attempt to provide

something for everyone. There are no expensive new programs and, as a result, there will be absolutely no new general taxes or tax rate increases.

When you passed the 1975-77 budget last summer, you worked on the basis of projections -- projected revenues, projected costs. After six months, we now can adjust those projections in light of the slight expected improvement in the nation's economy, actual state revenues and expenditures, and legislation passed after the budget was approved. The annual review bill that I submit to you today reflects those adjustments.

Revenue from the state's personal income tax and the sales tax will be greater than expected over this two-year period -- as will revenue from corporate taxes. The net result, an additional \$91 million. But another principal source of government income, departmental revenue, will decrease more than \$9.3 million.

This over-all increase in state revenue is not a bequest, however. For virtually every dollar of increased revenue, there is a dollar of increased costs. Both the state's revenue and the state's costs are growing primarily because of inflation. There is little solace, and little real additional income, in that arithmetic.

The 1975-77 budget's sum-sufficient costs, the essential items and services that must be provided whatever their cost, will increase by \$64.7 million. The same inflationary price increases that burden every Wisconsin family burden the state as well. Higher fuel and utility bills account for \$9.4 million of the increase in sum-sufficient costs. But the most significant expenditure reestimate comes in medical assistance, the state's largest single social program.

It covers about 200,000 people -- the poor, the disadvantaged, the disabled, the elderly -- and helps pay for their health care. The federal government pays 60 percent of medical assistance cost and sets minimum standards for the program. Since its inception, however, Wisconsin's program has gone well beyond the minimum standards to cover virtually every type of medical need -- prescription drugs, dental care, intermediate nursing home care.

Inflation has driven up the costs of medical care nationwide, and the impact of that inflation on such an expensive, yet essential, program as medical assistance inevitably has been substantial. We attempted to confront this over a year ago by freezing the price of prescription drugs, physicians' services, and other benefits. Whatever the success of that freeze, however, it has been more than offset by the growing number of people using Medicaid, an increase in their reliance on the program, and substantially higher health

care costs not covered by the freeze -- nursing home care, for example.

Some states with similar increases in the cost of medical assistance have eliminated services, some have restricted eligibility, while others have charged the patient for additional costs. We considered each of those alternatives, and we rejected them.

While there must be more effective management in this and other social service programs, I do not believe that the recipients of medical assistance -- many of them older Americans -- should bear the burden of either management inefficiency or inflation. The recipients of medical assistance are the victims of higher costs, not their cause, and the state cannot let economic difficulty lessen its commitment to the disadvantaged. This annual review budget reaffirms that commitment.

Wisconsin is not faced with a choice, however, between serving the disadvantaged inefficiently or not serving them at all. Medical assistance, like every other government program, can be provided more efficiently and more effectively. I am recommending that you approve 10 new positions in the Department of Health and Social Services to better control the medical assistance program and strengthen the independent medical review program for nursing homes.

The price of these and other cost-saving recommendations is just over \$750,000, but the projected saving in this biennium will be three times as great, almost \$2.3 million.

The problems inherent in state medical assistance go far beyond the program itself. As long as we continue to build unnecessary hospitals and maintain unused hospital beds, as long as we continue to encourage the use of expensive, brand-name drugs, costs will continue to rise. And the people of this state, as consumers and as taxpayers, will feel the impact.

I urge the legislature to act quickly on the medical cost-containment proposals before them -- the generic drug bill, mandatory prospective rate setting for hospitals, and certificate of need legislation. For my part, I have directed the Department of Health and Social Services to take a number of specific administrative actions to tighten its control over medical assistance.

NEW PROPOSALS

Government can be -- indeed, must be -- innovative, especially in difficult times. This annual review legislation is not just a compilation of reestimates. There are a limited number of important initiatives as well. I strongly recommend them -- both because they are necessary and because their cost will be minimal.

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Next year, for the first time, a handful of school districts will begin making "negative aids" payments to share their superior tax resources. In accordance with my own, and -- I am sure -- the legislature's original intent, the budget review bill will add that \$3 million dollars in payments to the general school fund. This simple change will enable the state to offset a projected deficit in the school fund and increase by \$200 the guaranteed per pupil valuation.

As important as the appropriate distribution of "negative aids" is, a more critical question for Wisconsin's school system is the future of federal revenue sharing. The failure of the Congress to renew this program would devastate our modest surplus. Since the state's portion of revenue sharing always has been channeled into our massive equalized school aid fund, I have no choice but to ask for authorization to decrease school aids if revenue sharing is not renewed.

The denial of federal revenue sharing dollars to the state and to local communities would force an annual increase in property taxes of nearly \$150 million. Regrettably, this message has not reached the Congress or even our own congressional delegation. I trust I can count on each of you to help deliver that message.

The budget review bill recommends significant changes in the fee schedule for vocational adult education. The current practice of tying fees to the cost of education in each district has led to some inequities. In vocational -- technical districts with large numbers of tuition -- exempt students, other students necessarily pay higher fees. This legislation would require that fees be calculated on the basis of average VTAE costs for all districts, establishing a uniform fee schedule statewide. In addition, it would exempt VTAE students 62 and over from tuition and fees, an exemption consistent with the university system's policy.

I am recommending a variety of amendments to the state's tax law. First, as I pledged in September, I am proposing partial relief from the intangible corporate income tax in the special case of dividends received from controlled subsidiaries. I also recommend that we prohibit corporations from reducing their tax liability by deducting the cost of meals or gifts for public officials. It is not sound policy to encourage and subsidize, however indirectly, this type of corporate lobbying.

For individuals, the tax legislation proposes several reforms already enacted at the federal level -- increased deductions for child care expenses and extended deferral of capital gains for home purchases. To broaden participation in the democratic process, we should increase deductions for political contributions. and, we

should repeal the oil depletion allowance allowed individuals, ending our subsidy of the oil industry.

For property taxpayers, a loophole in the levy limit law should be removed so the limits more closely reflect actual local needs; other adjustments are needed as well to make it easier for local officials to comply with the limits.

There also are changes proposed in other areas -- a realignment within the Department of Local Affairs and Development to enable it to expand benefits for local governments, for example, and a provision to permit counties to keep fees they collect from social service programs. But whatever the area, the proposals in this review bill attempt to improve government efficiency and performance without threatening the state's fiscal integrity.

The additional state hiring in the budget comes principally in two areas. First, there is short-term authorization for the university system to hire up to 130 new faculty and staff members to meet unanticipated increases in work-load. (Their salaries will be paid for by student fees.) Second, there is authorization for 22 new employees in the Department of Agriculture to administer an expanded milk inspection program should the state have to assume that burden as a result of a court order.

For the rest of state government, there is a net reduction in authorized positions in this budget.

Those individual departments which are requesting additional employees are doing so in the interest of stronger regulation -- more bank examiners, for instance, and staff to enforce the new power plant siting law -- or in the interest of greater government efficiency - medical assistance analysts in the Department of Health and Social Services, for example.

The only promise implicit in this budget review bill -- and the other legislation that will come to you from my office -- is the promise of responsible and frugal government. I remain committed to property tax limits to restrain local spending because we know they have worked -- the statewide average mill rate has gone down this year. I remain committed to the closing of unnecessary state institutions because we know those institutions are wasting taxpayers' money and because there are better ways to help people now living there. And I remain committed to providing leadership that recognizes the limits both on state government and on the means of its taxpayers, because it is good public policy.

ADDITIONAL LEGISLATION

In the next eight weeks, you will have the time and the need to consider more than just this budget review legislation. I will bring

several other important proposals to your attention and urge that you approve them. The very first item for your consideration should be the state's cash flow problem.

Even with Wisconsin's sound financial condition, the day-to-day pattern of state revenues may prevent the state from meeting all of its obligations as they come due. The problem first will arise early in March when the state is scheduled to make substantial payments to local governments for property tax relief. It will recur in July and, perhaps, in March, 1977. To help solve the problem, I will support legislation to create a voluntary pool to invest state funds due local units of government until local governments actually need them. Besides eliminating the cash flow difficulty, the pool would enable most local governments to improve earnings on the funds they now invest.

Welfare reform also must be high on the list.

Some people may have forgotten how far Wisconsin already has come in this area. At my request, the legislature has enacted several major welfare reforms -flat grants, supplementary payments to SSI recipients, complete state assumption of local welfare costs (a \$77 million savings to the property taxpayers in 1975-77) and, most recently, major child support legislation. As you know, I have joined other governors in asking the President to consider a complete reorganization of the welfare system to replace present inefficient and overlapping programs with a single program funded by the federal government. While that proposal moves forward, Wisconsin should not stand still.

The annual review bill provides additional positions for the continued development of a computerized data system to improve the processing of applications and assistance checks. In addition, I have directed Secretary Carballo to study the feasibility of a state-administered income maintenance system, modifications of the fair hearings process, recoupment of overpayments, and other improvements. These and other responsible proposals, put forward by legislators of both parties, will help us create a fair and efficiently administered welfare system.

In this area of public assistance, Wisconsin has been relatively free of the scandal and the fraud that have characterized some federal and state programs. There is certainly a need to improve the administration of the system -- it is often frustrating, confusing, and burdensome to recipients and taxpayers alike. However, I am not willing to accept vindictiveness or recrimination against the poor disguised as "reform".

Other items have been carried over from the previous floor period: Judicial reform, no-fault insurance, the campaign finance

check-off proposal, lobbying reform, legislation to strengthen the rape laws, crime victims' compensation, and others. You know my position on these proposals: I strongly support each of them, and I will continue to work with you for their enactment. Bills will be forthcoming as well on medical care in the state's correctional facilities and on the student loan program.

In transportation, there will be no additional initiatives from this Administration. I have asked the Department of Transportation to make every effort to maintain the state's highways, bridges, rail and public transit systems with its present resources. But there will not be a single district in the state that does not feel the impact of the legislature's decision to postpone action on a comprehensive, energy-conserving transportation program for Wisconsin. And that impact will become more apparent with each passing day.

On other energy questions, difficult policy decisions are still before us. The state has had a relatively mild winter so far, and the anticipated gas shortages nationally and in Wisconsin have not materialized. Fuel oil and gasoline prices and availability remain relatively stable. But the need for vigilance and conservation has not ended.

In light of the \$9.4 million increase in the state's fuel and utility bill, I have asked the director of the state Emergency Energy Office and the Secretary of the Department of Administration to recommend within 90 days concrete suggestions for further cuts in state energy consumption. To encourage conservation in the private sector, I will continue to emphasize the need for air conditioning efficiency, uniform residential building codes, and state certification of manufactured homes.

The number of fuel cut-offs that threaten individual families is increasing. The Public Service Commission has come up with an interim solution. The offices of Emergency Energy and Emergency Government have established a "hotline" to aid those threatened with utility cut-offs. However, the chronic problem of rising fuel costs for those least able to pay must be faced, not on a temporary basis, but permanently.

Finally, the legislature itself should confront the question of open meetings. It is a responsibility that should not be left by default to the courts. You can guarantee that Wisconsin will enhance its national reputation for open government by resolving the dispute over closed caucuses. I would urge consideration of some form of legislation that places a strong presumption on openness but which would permit closed caucuses on those

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occasions when there is a legitimate need to discuss political strategy.

This year, the nation's bicentennial anniversary again reminds us that Wisconsin is but one small part of a federal system. What I do as governor, what you do as the state's legislators, will have a profound effect on the quality of life in Wisconsin. But to a large extent, our fortunes as a state will depend on our fortunes as a country.

I long have felt that 1976 will be a turning point in this country's history, not because it is the bicentennial year, but because this year we will elect a President whose policies and programs will determine the course of this nation well into the next century. Wisconsin always has played a decisive role in that electoral process, a role far out of proportion to its size. I would like that role to continue -- in the primaries of both political parties.

In the Democratic Party, we face an unhappy choice: A closed primary that modifies the current system but retains Wisconsin's political tradition, or a caucus system that violates a basic principle of democratic government. The legislature -- by its action or inaction in the next two weeks -- will make that choice.

I again urge you to enact legislation which will satisfy the requirements of a national party without destroying the tradition of the open primary in Wisconsin. And I would suggest to our Republican friends that they no longer have the luxury of enjoying, as spectators, this intramural battle among their Democratic colleagues. Failure to restore the significance of the Democratic primary could well result in distortion of Republican primary results.

1976 will be a turning point -- for Wisconsin, for the nation -- for this will be the beginning of a brief period of decision that determines whether our best 200 years are behind us or still lie ahead. From what I have seen in this chamber, from what I have seen in Wisconsin, there is reason for optimism and for hope.

10:50 A.M.

The senate reconvenes.

President pro tempore of the senate in the chair.

President of the senate in the chair.

10:55 P.M.

Senate Bill 415

The question was: Adoption of senate substitute amendment 2?

Adopted.

Ordered to a third reading.

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

Senate Bill 415

Read a third time.

Senator Bidwell raised the point of order that passage of **Senate Bill 415** required a two-thirds vote.

The chair took the point of order under advisement.

Senate Bill 491

Relating to making municipal restrictions on seaplanes subject to approval of the department of transportation.

Read a second time.

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

Adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Dorman, with unanimous consent, **Senate Bill 491** was referred to joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 491** was withdrawn from joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Senate Bill 491

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:

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

Noes -- None.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the bill passed.

Senate Bill 586

Relating to permitting city, village and town clerks to acknowledge instruments.

Read a second time.

Ordered to a third reading.

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

Senate Bill 586

Read a third time and passed.

Senate Bill 587

Relating to the readability of conveyances and other instruments submitted to the office of the register of deeds.

Read a second time.

Ordered to a third reading.

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

Senate Bill 587

Read a third time.

By request of Senator Flynn, with unanimous consent, **Senate Bill 587** was placed at the foot of the calendar.

RULING OF THE CHAIR

As it relates to the point of order raised on **Senate Bill 415** the chair ruled that 22 affirmative votes would be required for passage.

The question was: Passage of **Senate Bill 415**?

The ayes and noes were required and the vote was: ayes, 26; noes, 5; absent or not voting, 2; as follows:

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Ayes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 26.

Noes -- Senators Berger, Bidwell, Cullen, Frank and Murphy -- 5.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

More than two-thirds having voted in the affirmative the bill passed.

Assembly Bill 146

Relating to prescribing controlled substances and providing a penalty.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 146

Read a third time and concurred in.

Assembly Bill 224

Relating to the inclusion of fair market value decline and homeowner improvements in the determination of compensation in condemnation proceedings.

Read a second time.

Ordered to a third reading.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 224** was referred to joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 224** was withdrawn from joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 224

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:

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

Noes -- None.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the bill was concurred in.

Assembly Bill 481

Relating to miscellaneous changes requested by various state agencies, granting rule-making authority and providing penalties.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Whittow moved rejection.

Senator Parys raised the point of order that senate amendment 1 was not germane.

The chair put the question to the senate body.

The question was: Shall senate amendment 1 be ruled germane?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 19; absent or not voting, 2; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Knowles, Krueger, Lorge, Murphy, Petri, Sensenbrenner and Theno -- 12.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, LaFave, McKenna, Martin, Maurer, Morrison, Parys, Risser, Swan, Thompson and Whittow -- 19.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the amendment was ruled not germane.

The question was: Adoption of senate amendment 2?

Adopted.

By request of Senator Devitt, with unanimous consent, senate amendment 3 was withdrawn and returned to the author.

The question was: Adoption of senate amendment 4?

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Senator McKenna raised the point of order that senate amendment 4 was not germane.

The chair took the point of order under advisement.

Assembly Bill 516

Relating to highway access controls.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 516

Read a third time and concurred in.

Assembly Bill 599

Relating to court costs in traffic ordinance forfeiture actions, entering pleas and demands for jury trial.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 599** was referred to joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 599** was withdrawn from joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 599

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

Noes -- None.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the bill was concurred in.

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Assembly Bill 652

Relating to review boards of physicians and optometrists to determine qualifications of persons to operate motor vehicles.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Senator Bablitch moved rejection.

The motion prevailed.

Senate amendment 3 to **Assembly Bill 652** offered by Senator Murphy.

Senate amendment 3 adopted.

Senate amendment 4 to **Assembly Bill 652** offered by Senator Murphy.

Senate amendment 4 adopted.

Senator Bablitch moved reconsideration of the vote by which senate amendment 2 was rejected.

The motion prevailed.

The question was: Rejection of senate amendment 2?

The motion did not prevail.

Senate amendment 2 adopted.

Ordered to a third reading.

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

Assembly Bill 652

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

Noes -- None.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the bill was concurred in as amended.

Assembly Bill 793

Relating to special registration of driver education vehicles.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 793** was referred to joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 793** was withdrawn from joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 793

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

Noes -- None.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the bill was concurred in.

Assembly Bill 889

Relating to the numbering of highway signs, the unauthorized possession of such signs, increasing the penalties for the injury, defacement, removal or possession of such signs, and requiring a notice of the penalties to be affixed thereto.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 889** was referred to joint committee on Finance.

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By request of Senator Dorman, with unanimous consent, **Assembly Bill 889** was withdrawn from joint committee on Finance and considered for action at this time.

Read a second time.

Senate amendment 1 to **Assembly Bill 889** offered by Senators Berger, Parys, LaFave and Frank.

Senator Kleckza raised the point of order that senate amendment 1 was not germane.

The chair ruled the point of order well taken.

LEAVE OF ABSENCE

By request of Senator Berger, with unanimous consent, he was granted a leave of absence for the balance of the day.

Assembly Bill 889

Ordered to a third reading.

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

Assembly Bill 889

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:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Harnisch, Hollander, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 28.

Noes -- Senators Berger, Goyke and Knowles -- 3.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the bill was concurred in.

Senator Bablitch moved reconsideration of the vote by which **Assembly Bill 889** was concurred in.

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By request of Senator Bablitch, with unanimous consent, the motion for reconsideration of **Assembly Bill 889** was laid on the table.

RULING OF THE CHAIR

As it relates to senate amendment 4 to **Assembly Bill 481**, the chair ruled the amendment not germane.

Assembly Bill 481

Senator McKenna moved reconsideration of the vote by which senate amendment 2 was adopted.

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

Ayes -- Senators Bablitch, Chilsen, Dorman, Flynn, Frank, Harnisch, Krueger, LaFave, Lorge, McKenna, Martin, Risser and Thompson -- 13.

Noes -- Senators Berger, Bidwell, Cullen, Devitt, Goyke, Hollander, Keppler, Kleczka, Knowles, Maurer, Morrison, Murphy, Parys, Petri, Sensenbrenner, Swan, Theno and Whittow -- 18.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the motion did not prevail.

Senate amendment 5 to **Assembly Bill 481** offered by Senators Swan and Cullen.

Senator Hollander moved rejection.

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

Ayes -- Senators Bidwell, Hollander, Keppler, Krueger, LaFave, Martin, Murphy, Petri, Sensenbrenner and Theno -- 10.

Noes -- Senators Bablitch, Berger, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, Knowles, Lorge, McKenna, Maurer, Morrison, Parys, Risser, Swan, Thompson and Whittow -- 21.

Absent or not voting -- Senators Knutson and Peloquin -- 2.

So the motion did not prevail.

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By request of Senator McKenna, with unanimous consent, senate amendment 5 was laid aside pending completion of action on other amendments to the bill.

Senate amendment 6 to **Assembly Bill 481** offered by Senator Petri.

Senate amendment 6 adopted.

Senate amendment 1 to senate amendment 5 to **Assembly Bill 481** offered by Senator McKenna.

Senate amendment 1 to senate amendment 5 adopted.

Senate amendment 5 adopted.

By request of Senator Whittow, with unanimous consent, **Assembly Bill 481** was placed after **Senate Bill 587** at the foot of the calendar.

By request of Senator Flynn, with unanimous consent, **Senate Bill 587** was referred to committee on Senate Organization.

By request of Senator Thompson, with unanimous consent, **Senate Bill 743** was withdrawn from committee on Agriculture, Human Services, Labor and Taxation and referred to committee on Governmental and Veterans' Affairs.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 889** was taken from the table and considered for action at this time.

By request of Senator Bablitch his motion for reconsideration was withdrawn.

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

Assembly Bill 481

Senator Sensenbrenner raised the point of order that the bill must be referred to the Joint Survey Committee on Retirement Systems.

The chair took the point of order under advisement.

By request of Senator Whittow, with unanimous consent, a motion for reconsideration of the vote by which senate amendment 6 to **Assembly Bill 481** was adopted was entered at this time.

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By request of Senator Whittow, with unanimous consent, **Assembly Joint Resolution 11** was taken from the table and considered for action at this time.

The question was: Shall the senate agree to a Committee of Conference on **Assembly Joint Resolution 11**?

The senate agreed to a Committee of Conference.

Pursuant to its previous action of September 26, 1975, (page 1460), the chair appointed Senators Flynn, Cullen and Murphy as conferees on its part.

AMENDMENTS OFFERED

Senate substitute amendment 2 to **Senate Bill 391** by Senators Swan, Hollander, Cullen, Harnisch, Goyke, Morrison, LaFave, McKenna, Flynn, Peloquin, Berger, Dorman, Risser, Maurer and Thompson.

Senate amendment 1 to **Senate Bill 668** by Senator Lorge.

Senate substitute amendment 1 to **Senate Bill 743** by Senator Thompson, by request of Representative Miller.

Upon motion of Senator Whittow the senate adjourned until 10:00 A.M. Tuesday, February 3.

12:34 P.M.