

JOURNAL OF THE SENATE [February 10, 1976]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

TUESDAY, February 10, 1976.

10:00

The senate met.

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

Prayer was offered by Reverend Jon C. Schultz, Pastor of Memorial United Church of Christ.

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

LEAVE OF ABSENCE

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

By request of Senator Krueger, with unanimous consent, Senator Knutson was granted a leave of absence 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, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, 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 Knutson -- 2.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 784

Relating to creating the crime of trespass to land or to a home with a firearm and providing penalties.

By Senator Parys.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends for introduction:

Senate Bill 785

Relating to establishing a joint survey committee on licensing and certification, and making an appropriation.

By request of Governor's Council on Consumer Affairs.

Introduction; Ayes, 3; Noes, 0.

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

and further recommends:

Senate Bill 388

Relating to the probate of estates, inheritance and gift taxes and powers of attorney.

Introduction of senate amendment 1 to senate substitute amendment 1; Ayes, 3; Noes, 0.

Adoption of senate amendment 1 to senate substitute amendment 1; Ayes, 3; Noes, 0.

Adoption of senate substitute amendment 1; Ayes, 3; Noes, 0.

Passage as amended; Ayes, 3; Noes, 0.

JAMES F. FLYNN

Chairman

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

DUNN, ROBERT H., of Madison, as Secretary of the Department of Administration, to succeed Anthony Earl, to serve at the pleasure of the Governor, effective December 15, 1975.

Confirmation; Ayes, 5; Noes, 0.

CARBONNEAU, RICHARD J., of Racine, as a member of the Veterans' Affairs Board, effective November 10, 1975, to serve for the term ending May 1, 1979.

Confirmation; Ayes, 5; Noes, 0.

DEWITT, LAURENE, of Marinette, as a member of the Personnel Board, to succeed William Ahrens, to serve for the term ending May 1, 1979.

Confirmation; Ayes, 5; Noes, 0.

Senate Bill 630

Relating to open meetings of governmental bodies and providing a penalty.

Introduction of senate substitute amendment 1; Ayes, 3; Noes, 2.

Adoption of senate substitute amendment 1; Ayes, 3; Noes, 2.

Passage as amended; Ayes, 4; Noes, 1.

Senate Bill 605

Relating to increasing the number of members on property assessment boards to review and decreasing the number of members constituting a quorum for hearings.

Passage; Ayes, 5; Noes, 0.

Senate Bill 665

Relating to thermal performance standards in construction of public buildings and places of employment.

Passage; Ayes, 5; Noes, 0.

Senate Bill 602

Relating to liquor licenses for veterans organizations and fraternal clubs and organizations.

Passage; Ayes, 5; Noes, 0.

Senate Bill 647

Relating to citizenship requirements for bartenders.

Passage; Ayes, 5; Noes, 0.

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Senate Bill 413

Relating to making Susan B. Anthony's birthday a legal holiday.

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

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

MONROE SWAN

Chairman

The committee on Commerce reports and recommends:

Senate Bill 557

Relating to clearance of railroad wrecks or derailments and restoration of damaged property.

Introduction of senate amendment 1; Ayes, 9; Noes, 0.

RONALD G. PARYS

Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 119

A petition signed by 579 residents of the State of Wisconsin asking for the exemption of electricity, oil, coal, gas and all fuels used to heat private dwellings.

By Senator Theno.

Read and referred to Joint Survey Committee on Tax Exemptions.

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Assembly Bill 617

Assembly Bill 794

and

Concurred in:

Senate Bill 519

Senate Bill 238

and

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Amended and concurred in as amended:

Senate Bill 185, assembly substitute amendment 1 adopted

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 617

Relating to regulation of parking during snow emergencies.

By Representatives Otte and Potter.

Read first time and referred to committee on Commerce.

Assembly Bill 794

Relating to the revision of civil and criminal contempt procedures and providing penalties.

By Representative N.C. Anderson, by request of Judge Norris Maloney.

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

MOTIONS

By request of Senator Dorman, with unanimous consent, **Senate Bill 113** was withdrawn from joint committee on Finance and referred to committee on Agriculture, Human Services, Labor and Taxation.

CALENDAR OF FEBRUARY 10

Senate Bill 296

Relating to the required number of school days for state aid purposes.

Read a second time.

Senator Peloquin asked unanimous consent that **Senate Bill 296** be referred to committee on Senate Organization.

Senator Petri objected.

Senator Peloquin asked unanimous consent that **Senate Bill 296** be placed on the calendar of February 17.

Senator Bablitch objected.

Senator Peloquin moved that **Senate Bill 296** be referred to committee on Senate Organization.

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The motion prevailed.

Senate Bill 413

Relating to making Susan B. Anthony's birthday a legal holiday.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 413** offered by Senator Cullen.

Senate substitute amendment 1 adopted.

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 413

Read a third time and passed.

Ordered immediately messaged.

By request of Senator Whittow, with unanimous consent, all actions from Thursday's session were ordered immediately messaged.

Senate Bill 496

Relating to procedure in county court in small claims type actions.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 496** offered by Senator Flynn.

Senate amendment 1 adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

By request of Senator Dorman, with unanimous consent, **Senate Bill 496** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 496** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Senate Bill 496

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 4; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, LaFave, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 27.

Noes -- Senators Bidwell, Chilsen, Krueger and Lorge -- 4.

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

So the bill passed.

Senate Bill 512

Relating to unclaimed ownership interest in, and ownership of a debt of, a business association and the abandonment thereof.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 512** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 512** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Senate Bill 512

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, LaFave, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 29.

Noes -- Senators Krueger and Lorge -- 2.

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

So the bill passed.

Senate Bill 513

Relating to prohibiting the levying of service charges on abandoned property.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 513** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 513** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Senate Bill 513

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, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 31.

Noes -- None.

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

So the bill passed.

Senate Bill 579

Relating to excluding loans guaranteed by a state or federal agency from bank lending limits.

Read a second time.

Senate amendment 1 to **Senate Bill 579** offered by Senator Sensenbrenner.

Senate amendment 1 adopted.

By request of Senator Dorman, with unanimous consent, **Senate Bill 579** was referred to the joint committee on Finance.

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By request of Senator Dorman, with unanimous consent, **Senate Bill 579** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Senate Bill 579

Read a third time.

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

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

Noes -- Senator Berger -- 1.

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

So the bill passed.

Senate Bill 588

Relating to the transition to the August 1 commencement of terms of circuit and county judges.

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 588

Read a third time and passed.

Senate Bill 699

Relating to an interstate compact creating an interstate port authority commission to study the feasibility of merging the port authorities at Duluth, Minnesota, and Superior, Wisconsin, and making appropriations.

Read a second time.

By request of Senator Theno, with unanimous consent, **Senate Bill 699** was referred to the Interstate Cooperation Commission.

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By request of Senator Theno, with unanimous consent, **Senate Bill 699** was withdrawn from Interstate Cooperation Commission and considered for action at this time.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 699** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 699** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Senate Bill 699

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, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 31.

Noes -- None.

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

So the bill passed.

Assembly Joint Resolution 44

Relating to a legislative council study of the feasibility of establishing mandatory airplane insurance legislation.

Read.

By request of Senator Dorman, with unanimous consent, **Assembly Joint Resolution 44** was referred to joint committee on Finance.

Assembly Bill 48

Relating to regulation of buying clubs or plans and providing penalties.

Read a third time.

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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, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 31.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 244

Relating to requiring a jury at an inquest if the death involved a law enforcement officer and the use of a firearm.

Read a third time.

Senator Murphy moved nonconcurrency.

The motion prevailed.

Senator Swan moved reconsideration of the vote by which **Assembly Bill 244** was nonconcurrent in.

By request of Senator Swan, with unanimous consent, the motion for reconsideration was laid on the table.

AMENDMENTS OFFERED

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 296** by Senators Morrison and Bablitch.

Senate substitute amendment 2 to **Senate Bill 296** by Senator Peloquin.

Senate amendment 1 to **Senate Bill 609** by Senator Petri.

Senate amendment 2 to **Senate Bill 642** by Senator Parys.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 651** by Senators Murphy and Martin.

Senate substitute amendment 1 to **Senate Bill 712** by Senator Parys.

Senate substitute amendment 2 to **Senate Bill 743** by Senator Dorman.

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Senate amendment 1 to **Senate Bill 755** by Senator Petri, by request of Representative Rogers.

Senate amendment 2 to **Senate Bill 755** by Senators Berger, McKenna and Flynn, by request of Representatives Wahner and Plewa.

Senate amendments 5, 6 and 7 to **Assembly Bill 163** by Senator Hollander.

Senate substitute amendment 1 to **Assembly Bill 248** by Senator Theno.

Senate amendment 1 to **Assembly Bill 660** by Senator Petri, by request Representative Rogers.

Upon motion of Senator Whittow the senate adjourned until 9:30 A.M. Wednesday, February 11.

11:20 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to **Senate Bill 258**

In enrolling, line 9 on page 2 was corrected from "~~committees in members of~~", to read "~~committees in~~ committee members of".

Relating to assembly substitute amendment 1 to **Senate Bill 456**

In enrolling 1975 Senate Bill 456, it was noted that a stricken word "~~the~~" was missing preceding "assembly" on line 18 of page 1 of assembly substitute amendment 1. Because the outcome was the same, no change was made.

Relating to **Senate Bill 509**

On page 2, line 12, substitute "or" for "of".

Relating to senate substitute amendment 1 to **Senate Bill 613**

On page 1, Line 8, after "(2) (b)" insert "of the statutes".

Relating to **Senate Bill 642**

On page 14, line 20, delete "(a)".