

JOURNAL OF THE SENATE [February 26, 1976]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

THURSDAY, February 26, 1976.

9:00 A.M.

The senate met.

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

Prayer was offered by Reverend Don Upton, Pastor of the First Assembly of God Church, Madison.

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

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

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

Absent -- Senator Flynn -- 1.

JOURNAL OF THE SENATE [February 26, 1976]

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

LEAVE OF ABSENCE

By request of Senator Frank, with unanimous consent, he was granted a leave of absence until 3:00 P.M.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 810

Relating to allowing jury trials on primary and general election days.

By Senators Flynn, Sensenbrenner and Frank, by request of Judge Michael Sullivan.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Commerce reports and recommends for introduction:

Senate Bill 811

Relating to trust funds of contractors and subcontractors and fiduciary duties in connection with trust funds.

Introduction; Ayes, 8; Noes, 0.

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

and further recommends

Senate Bill 135

Relating to imposing limitations on the use of interest adjustment clauses in connection with certain first lien residential mortgage loans and creating a penalty.

Introduction of senate substitute amendment 1; Ayes, 7; Noes, 1.

Adoption of senate substitute amendment 1; Ayes, 7; Noes, 1.

Passage as amended; Ayes, 7; Noes, 1.

JOURNAL OF THE SENATE [February 26, 1976]

Senate Joint Resolution 51

Memorializing congress to preserve railroad lines and rail traffic.

Adoption; Ayes, 8; Noes, 0.

RONALD G. PARYS

Chairman

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 75

Granting the use of the legislative chambers on Saturday, February 28, 1976, for the 1976 Model Legislative Session of the Wisconsin Junior Chamber of Commerce.

Concurrence; Ayes, 5; Noes, 0.

FRED A. RISSER

Chairman

The committee on Natural Resources reports and recommends:

Assembly Bill 806

Relating to regulation of the use of watercraft on the lower St. Croix river, granting rule-making authority and providing a penalty.

Concurrence; Ayes, 5; Noes, 0.

JEROME A. MARTIN

Chairman

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 495

Assembly Bill 560

Assembly Bill 635

Assembly Bill 689

Assembly Bill 981

Assembly Bill 95

Assembly Bill 384

Assembly Bill 575

Assembly Bill 630

Assembly Bill 688

JOURNAL OF THE SENATE [February 26, 1976]

Assembly Bill 724
Assembly Bill 819
Assembly Bill 876
Assembly Bill 959
Assembly Bill 965
Assembly Bill 984
Assembly Bill 361
Assembly Bill 609
Assembly Bill 678
Assembly Bill 817
Assembly Bill 895
Assembly Bill 911
Assembly Bill 392
Assembly Bill 933

and

Adopted and asks concurrence in:

Assembly Joint Resolution 36

and

Concurred in:

Senate Bill 321
Senate Bill 154
Senate Bill 242
Senate Bill 320
Senate Bill 322
Senate Bill 323
Senate Bill 136
Senate Bill 447
Senate Bill 581
Senate Bill 582

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 495

Relating to prescribing the methods by which cities of the 1st class may establish or improve pedestrian malls in business districts.

By Representative Czerwinski; co-sponsored by Senator Parys, by request of the City of Milwaukee.

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

Assembly Bill 560

Relating to acknowledgment of signatures on zoning protest petitions.

By Representative Rogers.

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

Assembly Bill 635

Relating to exempting lands adjacent to certain farm drainage ditches from flood plain zoning jurisdiction.

By Representatives Groshek, Day, Thompson, Ellis, McEssy, Bradley, Byers and Hanson.

Read first time and referred to committee on Natural Resources.

Assembly Bill 689

Relating to appointment of U.S. senator-elect for balance of unexpired term.

By Representatives Pabst, Ellis, Kedrowski and Norquist: co-sponsored by Senators Parys, Kleczka and Frank.

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

Assembly Bill 981

Relating to procedures for the repeal or repeal and reenactment of zoning regulations by cities.

By Representative Donoghue; co-sponsored by Senator Krueger.

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

Assembly Bill 95

Relating to a tax exemption for property of humane societies.

By Representatives Lallensack, Vanderperren, Hasenohrl, Looby, O'Malley, Murray and Tesmer.

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

Assembly Bill 384

Relating to leaving unguarded ice holes and providing a penalty.

By Representative Mittness, by request of the Natural Resources Board.

Read first time and referred to committee on Natural Resources.

JOURNAL OF THE SENATE [February 26, 1976]

Assembly Bill 575

Relating to residential facilities for the severely physically disabled.

By Representative Wahner.

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

Assembly Bill 630

Relating to a commanding officer's authority to impose nonjudicial punishment under the Wisconsin code of military justice.

By Committee on Veterans and Military Affairs, by request of the Wisconsin Department of Military Affairs.

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

Assembly Bill 688

Relating to authorization for nurses to perform certain acts under the direction of a dentist.

By Representatives Schroeder, Lewis, Menos, Schmidt, Wahner and Donoghue.

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

Assembly Bill 724

Relating to analyses of legislation prepared by the legislative reference bureau.

By Representatives Jackamonis, Rutkowski, Kirby, Duren, Miller, Lingren, Wahner, Mittness, Willkom, Sanasarian, Tuczynski, Gerlach and Elconin; co-sponsored by Senators Risser and Berger.

Read first time and referred to committee on Senate Organization.

Assembly Bill 819

Relating to increasing the minimum compensation level for Wisconsin national guardsmen ordered to state active duty by the governor.

By Committee on Veterans and Military Affairs.

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

Assembly Bill 876

Relating to management, discipline and release of certain veterans, patients and probationers, and granting rule-making authority.

JOURNAL OF THE SENATE [February 26, 1976]

By Representatives Ferrall, Clarenbach, Tropman, Conta, Jackamonis, Rutkowski, Flintrop, Lewis, Sicula, Czerwinski, Barbee, Schricker, Plewa, Tesmer, Munts and Azim; co-sponsored by Senator Berger.

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

Assembly Bill 959

Relating to battery to persons age 62 or older and providing a penalty.

By Representatives Hauke and Behnke.

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

Assembly Bill 965

Relating to designating a member of the council on veterans programs.

By Representative Early.

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

Assembly Bill 984

Deleting references to "assessors of incomes" (suggested as remedial legislation by the department of revenue).

By Committee on Remedial Legislation.

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

Assembly Bill 361

Relating to family court commissioner substitution.

By Representative Sicula.

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

Assembly Bill 609

Relating to permitting the common council of a city to override a mayoral veto by a two-thirds vote.

By Representatives Miller, McClain, Kedrowski, Ward, Rooney, Hasenohrl, Jackamonis, Kirby, Barbee, Giese, Hanson, Elconin, Munts, Ferrall, Rutkowski, Potter, Conta, Willkom, Ellis, Porter, Thompson, Ausman, Gower, Clarenbach, Barczak, Duren, Dueholm, Johnson, Gerlach, Mohn, Everson, Tesmer, Otte and Flintrop; co-sponsored by Senators Flynn, Chilsen, Goyke, Morrison, Thompson, Krueger, Risser, Bablitch, Cullen and McKenna.

JOURNAL OF THE SENATE [February 26, 1976]

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

Assembly Bill 678

Relating to deleting the limitation on the amount a town may raise for establishing and operating a recreation department.

By Representative Dandeneau.

Read first time and referred to committee on Natural Resources.

Assembly Bill 817

Relating to requiring city or village approval of certain amendments to county zoning ordinances affecting lands located within the extraterritorial zoning jurisdiction of such cities or villages.

By Representative DeLong, by request of the Walworth County Park and Planning Commission.

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

Assembly Bill 895

Relating to alteration in town sanitary district jurisdiction in certain cases of municipal annexation.

By Representative Ellis.

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

Assembly Bill 911

Relating to allowing assessments for sidewalk work to be paid in up to 10 annual instalments.

By Representative Offner, by request of the City of LaCrosse.

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

Assembly Bill 392

Relating to dam inspections, map scales, aquatic nuisance treatment charges, mercury user reports and pollution discharge, permit requirements and procedures.

By Representative Mittness, by request of the Natural Resources Board.

Read first time and referred to committee on Natural Resources.

Assembly Bill 933

Relating to curtains and lighting requirements for retail liquor stores.

JOURNAL OF THE SENATE [February 26, 1976]

By Representative Behnke, by request of the Wisconsin Tavern Keepers Association.

Read first time and referred to committee on Commerce.

Assembly Joint Resolution 36

Requesting the federal government to assume responsibility commensurate with its authority over migrating Canada geese in Wisconsin.

By Legislative Council.

Read and referred to committee on Natural Resources.

MOTIONS

Senator Whittow asked unanimous consent that the motion for reconsideration of the vote by which **Senate Bill 680** was passed be taken from the table and considered for action at this time.

Senator Chilsen objected.

Senator Whittow moved that the motion for reconsideration of the vote by which **Senate Bill 680** passed be taken from the table and considered for action at this time.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 7; absent or not voting, 4; as follows:

Ayes -- Senators Berger, Cullen, Devitt, Dorman, Goyke, Harnisch, Keppler, Kleczka, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Swan, Theno, Thompson and Whittow -- 22.

Noes -- Senators Bablitch, Bidwell, Chilsen, Hollander, Krueger, Risser and Sensenbrenner -- 7.

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

So the motion prevailed.

The question was: Reconsideration of the vote by which **Senate Bill 680** passed?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 3; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Dorman, Flynn, Goyke, Harnisch, Hollander, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison,

JOURNAL OF THE SENATE [February 26, 1976]

Murphy, Parys, Peloquin, Petri, Swan, Theno, Thompson and Whittow -- 27.

Noes -- Senators Chilsen, Risser and Sensenbrenner -- 3.

Absent or not voting -- Senators Frank, Knowles and Knutson -- 3.

So the motion prevailed.

Senator McKenna moved reconsideration of the vote by which **Senate Bill 680** was ordered to a third reading.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 4; absent or not voting, 4; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Dorman, Goyke, Harnisch, Hollander, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Swan, Theno, Thompson and Whittow -- 25.

Noes -- Senators Chilsen, Petri, Risser and Sensenbrenner -- 4.

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

So the motion prevailed.

Senator Harnisch moved reconsideration of the vote by which senate amendment 1 was rejected.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 7; absent or not voting, 4; as follows:

Ayes -- Senators Berger, Bidwell, Cullen, Devitt, Dorman, Goyke, Harnisch, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Maurer, Morrison, Parys, Peloquin, Petri, Swan, Theno, Thompson and Whittow -- 22.

Noes -- Senators Bablitch, Chilsen, Hollander, Martin, Murphy, Risser and Sensenbrenner -- 7.

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

So the motion prevailed.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 7; noes, 22; absent or not voting, 4; as follows:

Ayes -- Senators Bablitch, Chilsen, Harnisch, Hollander, Murphy, Risser and Sensenbrenner -- 7.

JOURNAL OF THE SENATE [February 26, 1976]

Noes -- Senators Berger, Bidwell, Cullen, Devitt, Dorman, Goyke, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Swan, Theno, Thompson and Whittow -- 22.

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

So the amendment was not rejected.

The question was: Adoption of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 8; absent or not voting, 4; as follows:

Ayes -- Senators Berger, Bidwell, Cullen, Devitt, Dorman, Goyke, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Maurer, Morrison, Parys, Peloquin, Petri, Swan, Theno, Thompson and Whittow -- 21.

Noes -- Senators Bablitch, Chilsen, Harnisch, Hollander, Martin, Murphy, Risser and Sensenbrenner -- 8.

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

So the amendment was adopted.

Ordered to a third reading.

Senator Whittow asked unanimous consent that the bill be considered for final action at this time.

Senator Chilsen objected.

Senator Whittow moved that the rules be suspended and the bill be considered for final action at this time.

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

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

Noes -- Senators Chilsen and Sensenbrenner -- 2.

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

More than two-thirds having voted in the affirmative the motion prevailed.

JOURNAL OF THE SENATE [February 26, 1976]

Senate Bill 680

Read a third time.

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

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

Noes -- Senators Chilsen and Sensenbrenner -- 2.

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

So the bill passed.

Ordered immediately messaged.

LEAVE OF ABSENCE

By request of Senator Keppler, with unanimous consent, he was granted a leave of absence at 4:00 P.M. for the balance of the day.

By request of Senator Petri, with unanimous consent, he was granted a leave of absence at 6:00 P.M. for the balance of the week.

By request of Senator Bidwell, with unanimous consent, senate amendments 1, 2 and 3 to **Assembly Bill 469** were withdrawn and returned to the author.

Senator Chilsen asked unanimous consent that **Senate Bill 24** be withdrawn from the Joint Survey Committee on Tax Exemptions and referred to joint committee on Finance.

Senator Berger objected.

President pro tempore of the senate in the chair.

9:55 A.M.

Senator Theno moved that **Senate Bill 24** be withdrawn from the Joint Survey Committee on Tax Exemptions and referred to joint committee on Finance.

Senator Berger raised the point of order that the motion to withdraw from committee was not proper pursuant to 13.52 (6) of the statutes.

The chair took the point of order under advisement.

JOURNAL OF THE SENATE [February 26, 1976]

Senator Sensenbrenner moved that **Senate Joint Resolution 37** be withdrawn from committee on Agriculture, Human Services, Labor and Taxation and referred to committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 11; noes, 17; absent or not voting, 5; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Krueger, LaFave, Lorge, Petri, Sensenbrenner and Theno -- 11.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Goyke, Harnisch, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 17.

Absent or not voting -- Senators Flynn, Frank, Kleczka, Knowles and Knutson -- 5.

So the motion did not prevail.

Senator Chilsen moved that **Senate Bill 717** be withdrawn from committee on Agriculture, Human Services, Labor and Taxation and referred to committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 12; noes, 17; absent or not voting, 4; as follows:

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

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Goyke, Harnisch, Kleczka, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 17.

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

So the motion did not prevail.

CALENDAR OF FEBRUARY 26

By request of Senator Dorman, with unanimous consent, **Senate Bill 609** was placed at the foot of the calendar.

Senate Bill 636

Relating to nutritional improvement programs for the elderly in private schools.

Read a second time.

JOURNAL OF THE SENATE [February 26, 1976]

By request of Senator Dorman, with unanimous consent, **Senate Bill 636** was referred to joint committee on Finance.

Senate Bill 665

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

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 665

Read a third time.

Senator Bablitch moved indefinite postponement.

The ayes and noes were demanded and the vote was: ayes, 11; noes, 17; absent or not voting, 5; as follows:

Ayes -- Senators Bablitch, Dorman, Harnisch, Hollander, McKenna, Martin, Peloquin, Petri, Risser, Thompson and Whittow -- 11.

Noes -- Senators Berger, Bidwell, Chilsen, Devitt, Goyke, Keppler, Kleczka, Krueger, LaFave, Lorge, Maurer, Morrison, Murphy, Parys, Sensenbrenner, Swan and Theno -- 17.

Absent or not voting -- Senators Cullen, Flynn, Frank, Knowles and Knutson -- 5.

So the motion did not prevail.

LEAVE OF ABSENCE

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

The question was: Passage of **Senate Bill 665**?

The ayes and noes were required and the vote was: ayes, 19; noes, 10; absent or not voting, 4; as follows:

Ayes -- Senators Berger, Chilsen, Devitt, Goyke, Keppler, Kleczka, Krueger, LaFave, Lorge, Martin, Maurer, Morrison, Murphy, Parys, Petri, Sensenbrenner, Swan, Theno and Whittow -- 19.

Noes -- Senators Bablitch, Bidwell, Cullen, Dorman, Harnisch, Hollander, McKenna, Peloquin, Risser and Thompson -- 10.

JOURNAL OF THE SENATE [February 26, 1976]

Absent or not voting -- Senators Flynn, Frank, Knowles and Knutson -- 4.

So the bill passed.

Senate Bill 709

Relating to regulation of lobbying, granting rule-making authority and providing penalties.

Read a second time.

Senator Whittow asked unanimous consent that the bill be rereferred to committee on Governmental and Veterans' Affairs.

Senator Cullen objected.

Senator Whittow moved that **Senate Bill 709** be rereferred to committee on Governmental and Veterans' Affairs.

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

Ayes -- Senators Bidwell, Devitt, Dorman, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Murphy, Parys, Peloquin, Swan and Whittow -- 16.

Noes -- Senators Bablitch, Berger, Chilsen, Cullen, Flynn, Goyke, Harnisch, Hollander, Morrison, Petri, Risser, Sensenbrenner, Theno and Thompson -- 14.

Absent or not voting -- Senators Frank, Knowles and Knutson -- 3.

So the motion prevailed.

By request of Senator Theno, with unanimous consent, the senate recessed until 11:35 A.M.

11:10 A.M.

RECESS

11:35 A.M.

The senate reconvened.

Senator Whittow asked unanimous consent, that **Senate Bill 500** be considered for final action at this time.

Senator Chilsen objected.

JOURNAL OF THE SENATE [February 26, 1976]

Senator Whittow moved that the rules be suspended and **Senate Bill 500** be considered for final action at this time.

The ayes and noes were required and the vote was: ayes, 23; noes, 7; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Goyke, Harnisch, Hollander, Keppler, Kleczka, LaFave, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Swan, Theno, Thompson and Whittow -- 23.

Noes -- Senators Bidwell, Chilsen, Krueger, Lorge, Murphy, Petri and Sensenbrenner -- 7.

Absent or not voting -- Senators Frank, Knowles and Knutson -- 3.

More than two-thirds having voted in the affirmative the motion prevailed.

Senate Bill 500

Read a third time.

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

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 17.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Krueger, LaFave, Lorge, Martin, Murphy, Petri, Sensenbrenner and Theno -- 13.

Absent or not voting -- Senators Frank, Knowles and Knutson -- 3.

So the bill passed.

Senator Whittow asked unanimous consent that **Senate Bill 500** be ordered immediately messaged.

Senator Murphy objected.

Senator Whittow moved that **Senate Bill 500** be ordered immediately messaged.

The ayes and noes were required and the vote was: ayes, 21; noes, 9; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Goyke, Harnisch, Keppler, Kleczka, LaFave, McKenna,

JOURNAL OF THE SENATE [February 26, 1976]

Martin, Maurer, Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow -- 21.

Noes -- Senators Bidwell, Chilsen, Hollander, Krueger, Lorge, Murphy, Petri, Sensenbrenner and Theno -- 9.

Absent or not voting -- Senators Frank, Knowles and Knutson -- 3.

More than two-thirds having voted in the affirmative the motion prevailed.

By request of Senators Whittow and Krueger, pursuant to senate rule 76, a three minute limit was placed on debate on each member for each question.

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 812

Relating to a temporary sales and use tax exemption for electricity, natural gas, propane, coal and oil for use in a private dwelling.

By Senators LaFave, Keppler, Devitt, Murphy, Chilsen, Krueger and Hollander.

To Joint Survey Committee on Tax Exemptions.

Upon motion of Senator Whittow the senate recessed until 2:30 P.M.

12:02 P.M.

RECESS

2:30 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

JOURNAL OF THE SENATE [February 26, 1976]

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 65

Relating to proclaiming the date of May 1, 1976, as "Law Day U.S.A." and to granting to the state bar of Wisconsin the use of the senate and assembly chambers.

By Senators Risser and Krueger, cosponsored by Representatives N. Anderson and Shabaz, by request of the State Bar of Wisconsin.

Read and referred to committee on Senate Organization.

COMMITTEE REPORTS

The committee on Agriculture, Human Services, Labor and Taxation reports and recommends for introduction:

Senate Bill 813

Relating to licensing youth camps, creating a youth camp advisory council, granting rule-making authority and imposing a penalty.

Introduction; Ayes, 5; Noes, 3.

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

Senate Bill 814

Relating to revision of municipal employment collective bargaining impasse resolution procedures, providing for final and binding arbitration, authorizing a limited right to strike, granting rule-making authority and providing penalties.

Introduction; Ayes, 7; Noes, 0.

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

CARL W. THOMPSON

Chairman

JOURNAL OF THE SENATE [February 26, 1976]

The committee on Commerce reports and recommends:

Senate Joint Resolution 63

Memorializing congress to establish a National Consumer Cooperative Bank.

Adoption; Ayes, 8; Noes, 0.

RONALD G. PARYS
Chairman

The committee on Natural Resources reports and recommends:

Senate Bill 747

An act authorizing and directing the department of natural resources to sell or exchange certain state lands in the county of Oneida.

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

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

JEROME A. MARTIN
Chairman

By request of Senator Thompson, with unanimous consent, **Senate Bill 381** was withdrawn from committee on Agriculture, Human Services, Labor and Taxation and referred to joint committee on Finance.

LEAVE OF ABSENCE

By request of Senator Theno, with unanimous consent, he was granted a leave of absence at 4:30 P.M. for the balance of the day.

CALENDAR OF FEBRUARY 26

Assembly Joint Resolution 22

Relating to town government (first consideration).
Read a second time.

Senator Sensenbrenner asked unanimous consent that **Assembly Joint Resolution 22** be rereferred to committee on Governmental and Veterans' Affairs.

Senator Dorman objected.

Senate amendment 1 to **Assembly Joint Resolution 22** offered by Senator Risser.

JOURNAL OF THE SENATE [February 26, 1976]

Senate 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.

Assembly Joint Resolution 22

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, 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 Knowles and Knutson -- 2.

More than seventeen members having voted in the affirmative the resolution was concurred in.

Ordered immediately messaged.

Assembly Joint Resolution 75

Granting the use of the legislative chambers on Saturday, February 28, 1976, for the 1976 Model Legislative Session of the Wisconsin Junior Chamber of Commerce.

Read and concurred in.

Assembly Bill 469

Relating to generic drug pricing and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 4?

Senator Berger moved rejection.

The ayes and noes were demanded and the vote was: ayes, 15; noes, 14; absent or not voting, 4; as follows:

Ayes -- Senators Bablitch, Berger, Dorman, Flynn, Frank, Goyke, Keppler, LaFave, Lorge, McKenna, Maurer, Petri, Risser, Theno and Thompson -- 15.

Noes -- Senators Bidwell, Chilsen, Cullen, Harnisch, Hollander, Kleczka, Krueger, Martin, Morrison, Murphy, Parys, Peloquin, Sensenbrenner and Swan -- 14.

JOURNAL OF THE SENATE [February 26, 1976]

Absent or not voting -- Senators Devitt, Knowles, Knutson and Whittow -- 4.

So the motion prevailed.

The question was: Adoption of senate amendment 5?

Senator Berger moved rejection.

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

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, LaFave, Lorge, McKenna, Morrison, Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 21.

Noes -- Senators Bidwell, Chilsen, Hollander, Kleczka, Krueger, Martin, Maurer, Murphy, Parys and Sensenbrenner -- 10.

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

So the motion prevailed.

Senate amendment 6 to **Assembly Bill 469** offered by Senator Sensenbrenner.

Senator Berger moved rejection.

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

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Keppler, McKenna, Morrison, Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 17.

Noes -- Senators Bidwell, Chilsen, Devitt, Harnisch, Hollander, Kleczka, Krueger, LaFave, Lorge, Martin, Maurer, Murphy, Parys and Sensenbrenner -- 14.

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

So the motion prevailed.

Senate amendment 7 to **Assembly Bill 469** offered by Senators Bidwell and Martin.

Senator Berger moved rejection.

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

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, McKenna, Maurer, Morrison,

JOURNAL OF THE SENATE [February 26, 1976]

Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 19.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Kleczka, Krueger, LaFave, Lorge, Martin, Murphy, Parys and Sensenbrenner -- 12.

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

So the motion prevailed.

Senate amendment 8 to **Assembly Bill 469** offered by Senators Bidwell and Martin.

Senator Berger moved rejection.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 9; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, LaFave, McKenna, Morrison, Parys, Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 22.

Noes -- Senators Bidwell, Chilsen, Hollander, Krueger, Lorge, Martin, Maurer, Murphy and Sensenbrenner -- 9.

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

So the motion prevailed.

Senate amendment 9 to **Assembly Bill 469** offered by Senators Bidwell and Martin.

Senator Berger moved rejection.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 12; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, LaFave, McKenna, Morrison, Peloquin, Petri, Swan, Theno and Thompson -- 18.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Krueger, Lorge, Martin, Maurer, Murphy, Parys, Risser and Sensenbrenner -- 12.

Absent or not voting -- Senators Knowles, Knutson and Whittow -- 3.

So the motion prevailed.

Senate amendment 10 to **Assembly Bill 469** offered by Senator Sensenbrenner.

Senator Berger moved rejection.

JOURNAL OF THE SENATE [February 26, 1976]

The ayes and noes were demanded and the vote was: ayes, 24; noes, 6; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Swan, Theno, Thompson and Whittow -- 24.

Noes -- Senators Bidwell, Chilsen, Krueger, Lorge, Murphy and Sensenbrenner -- 6.

Absent or not voting -- Senators Knowles, Knutson and LaFave -- 3.

So the motion prevailed.

Senate amendment 11 to Assembly Bill 469 offered by Senator Murphy.

Senator Berger moved rejection.

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

Ayes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, LaFave, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 25.

Noes -- Senators Bidwell, Chilsen, Hollander, Krueger, Lorge and Murphy -- 6.

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

So the motion prevailed.

Senator LaFave moved reconsideration of the vote by which senate amendment 4 was rejected.

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

The motion did not prevail.

The question was: Reconsideration?

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

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Kleczka, Krueger, LaFave, Martin, Murphy and Parys -- 10.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Lorge, McKenna, Maurer,

JOURNAL OF THE SENATE [February 26, 1976]

Morrison, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 21.

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

So the motion did not prevail.

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 469

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, 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 Knowles and Knutson -- 2.

So the bill was concurred in.

Senate Bill 609

Relating to requiring authorization of nonschool related persons to be on school property and providing a penalty.

Read a second time.

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

Senate substitute amendment 2 to **Senate Bill 609** offered by Senator Dorman.

Senate amendment 1 to senate substitute amendment 2 to **Senate Bill 609** offered by Senator Petri.

Senate amendment 1 to senate substitute amendment 2 adopted.

JOURNAL OF THE SENATE [February 26, 1976]

Senate substitute amendment 2 adopted.

LEAVE OF ABSENCE

By request of Senator Harnisch, with unanimous consent, he was granted a leave of absence at 4:00 P.M. for the balance of the day.

Senate Bill 609

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 609

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 3; absent or not voting, 4; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Hollander, Kleczka, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 26.

Noes -- Senators Chilsen, Keppler and Krueger -- 3.

Absent or not voting -- Senators Harnisch, Knowles, Knutson and LaFave -- 4.

So the bill passed.

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

AMENDMENTS OFFERED

Senate substitute amendment 1 to Senate Joint Resolution 37 by Senator Thompson.

Senate amendment 1 to Senate Bill 707 by Senator Sensenbrenner.

Senate amendment 3 to senate substitute amendment 1 to Senate Bill 755 by Senator Cullen.

JOURNAL OF THE SENATE [February 26, 1976]

Senate amendment 4 to senate substitute amendment 1 to **Senate Bill 755** by Senators Sensenbrenner, Berger and Goyke.

Senate amendment 5 to senate substitute amendment 1 to **Senate Bill 755** by Senator Dorman.

Senate substitute amendment 2 to **Senate Bill 709** by Senators Parys and Bidwell.

By request of Senator Flynn, the journal showed that had he been present he would have voted with the majority on all questions relating to **Senate Bill 680** in today's journal.

Upon motion of Senator Whittow the senate adjourned until 10:00 A.M. Tuesday, March 2.

4:07 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 652, senate substitute amendment 1

On page 12, line 17, delete "9the" and substitute "the".

Senate Bill 652, senate substitute amendment 1

On page 53, line 14, strike through "he".

Senate Joint Resolution 59

On page 4, lines 22 to 23, delete "initiative referendum" and substitute "initiative-referendum".

Assembly Bill 595

On page 4, line 7, change "semimonthly" to read "monthly as indicated by handwritten corrections in the official JACKET copy and in the LRB FILE copy.