

JOURNAL OF THE SENATE [March 3, 1976]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

WEDNESDAY, March 3, 1976.

9:00 P.M.

The senate met.

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

Prayer was offered by Reverend Frank R. Gaylord, Pastor of Bethany United Methodist Church, Madison. t 1

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

LEAVE OF ABSENCE

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

By request of Senator Knowles, with unanimous consent, he was granted a leave of absence for Thursday, March 11 to attend the Advisory Commission on Intergovernmental Relations in Washington D.C.

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, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno and Whittow -- 31.

Absent -- None.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 821

Relating to successor liability for sales taxes.

By Senator Frank, cosponsored by Representative Gerlach, by request of Mr. Donald Hermann, Mayor of the city of Oak Creek.

To joint committee on Finance.

Senate Bill 822

Relating to distribution of manufacturing machinery and equipment aid.

By Senator Frank, cosponsored by Representative Gerlach, by request of Mr. Donald Hermann, Mayor of the city of Oak Creek.

To joint committee on Finance.

Senate Bill 823

Relating to increasing the compensation and mileage rate paid to jury commissioners in counties under 100,000 population.

By Senator Bidwell.

To committee on Judiciary and Consumer Affairs.

PETITIONS AND COMMUNICATIONS

Senate Petition 121

Petition containing the signatures of 37 residents of Racine county, urging support for Assembly Bill 507.

By Senator Dorman.

Read and referred to committee on Commerce.

Senate Petition 122

Twenty five senior citizens from Walworth County have petitioned the Joint Committee on Finance to report Senate Bill 218, which would consider Social Security as income for the Homestead Tax Credit Program, and Assembly Bill 1135, which is the Omnibus Aging Services Bill, out of committee favorable.

By Senator Dorman.

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Read and referred to Joint Committee on Finance.

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 831
Assembly Bill 979
Assembly Bill 1093
Assembly Bill 1227
Assembly Bill 1277
Assembly Bill 504
Assembly Bill 943
Assembly Bill 1194**

Adopted and asks concurrence in:

Motions under Joint Rule 26:

A Joint Certificate of Commendation by Representative Tuczynski; cosponsored by Senator Kleczka for WILLIAM KOWALKOWSKI on his receipt of the Gold Cross of Merit.

A Joint Certificate of Commendation by Representative Tuczynski; cosponsored by Senator Kleczka for PELAGIA WOJTCZAK on her receipt of the Gold Cross of Merit.

A Joint Certificate of Commendation by Representative Tuczynski; cosponsored by Senator Kleczka for GLADYS PODKOMORSKI on her receipt of the Gold Cross of Merit.

A Joint Certificate of Commendation by Representative Tuczynski; cosponsored by Senator Kleczka for LEONNE D. WOZINSKI on her receipt of the Order of Polonia Restituta.

A Joint Certificate of Commendation by Representative Tuczynski; cosponsored by Senator Kleczka for MARYANNA PARYS on her receipt of the Gold Cross of Merit.

A Joint Certificate of Congratulations by Representative Pabst; cosponsored by Senator Whittow for BERNIE STRACHOTA on his election as President of the Wisconsin Broadcasters Association.

and

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A Joint Certificate of Commendation by Representative Tuczynski; cosponsored by Senator Kleczka for EDWARD S. KERSTEIN on his receipt of the Silver Distinction of the Order of Merit of the Polish People's Republic.

Concurred in:

Senate Bill 142
Senate Bill 208
Senate Bill 278
Senate Bill 304
Senate Bill 324
Senate Bill 357
Senate Bill 431
Senate Bill 488
Senate Bill 514
Senate Bill 522
Senate Bill 572
Senate Bill 628

Amended and concurred in as amended:

Senate Bill 196, assembly amendment 2 adopted.
Senate Bill 372, assembly amendment 1 adopted.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 831

Relating to permitting trolling by certain persons on inland waters in the state on which trolling is otherwise prohibited by rules of the department of natural resources.

By Representatives Porter, Willkom, Molinaro, Vanderperren, Dorff, Lallensack, Day, McEssy, Tregoning, Byers, Murray, Olson, DeLong, Shabaz, Wackett, Lewison, Hasenohrl, Gower, Early, Roth, Everson, Opitz, Schmidt, Kincaid and Schricker; cosponsored by Senator Cullen.

Read first time and referred to committee on Natural Resources.

Assembly Bill 979

Relating to the requirement for school board primary elections.
By Representative Kedrowski.
Read first time and referred to committee on Education.

Assembly Bill 1093

Relating to the computation of interest on death benefits payable under the Milwaukee teachers retirement fund.

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By Representatives Rutkowski and Looby; cosponsored by Senator Thompson.

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

Assembly Bill 1227

Relating to authorizing the department of administration to purchase materials for local governmental units.

By Representatives Hanson and Rooney.

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

Assembly Bill 1277

Relating to establishing a priority system for removal of nonconforming outdoor advertising and granting rule-making authority.

By Representative Duren.

Read first time and referred to committee on Commerce.

Assembly Bill 504

Permitting common and union high school and city school districts to contract for courses with private nonprofit nonsectarian organizations offering educational services.

By Representatives Tropman and Schneider.

Read first time and referred to committee on Education.

Assembly Bill 943

Relating to transportation of school children in unified school districts.

By Representative Dandeneau.

Read first time and referred to committee on Education.

Assembly Bill 1194

Relating to increasing penalties for acting in restraint of trade.

By Representatives Schneider, Otte, Elconin, Ferrall, McClain, Roberts, Conta, Tropman and Mittness.

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

Motions under Joint Rule 26:

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A Joint Certificate of Commendation by Representative Tuczynski; cosponsored by Senator Kleczka for EDWARD S. KERSTEIN on his receipt of the Silver Distinction of the Order of Merit of the Polish People's Republic.

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

MOTIONS

MOTIONS UNDER JOINT RULE 26

A Joint Certificate of Congratulations by Senator Krueger; cosponsored by Representative Donoghue for the BIBLE PRESBYTERIAN CHURCH on the 25th anniversary of the dedication of their building.

A Joint Certificate of Commendation by Senator Devitt; cosponsored by Representative Snyder for ROSE M. NAMMACHER on her retirement as a Waukesha County Supervisor.

A Joint Certificate of Commendation by Senator Kleczka; cosponsored by Representative Tuczynski for the MAZUR POLISH DANCERS OF MILWAUKEE, INC., on their 35th anniversary.

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

MOTION UNDER SENATE RULE 96

A Certificate of condolence by Senator Swan for the family of MR. HOYT LOCKE on his death.

Read and Adopted.

Senator Krueger asked unanimous consent that **Senate Bill 457** be withdrawn from the joint committee on Finance and referred to committee on Senate Organization.

Senator Bablitch objected.

Senator Krueger moved that **Senate Bill 457** be withdrawn from the joint committee on Finance and referred to committee on Senate Organization.

By request of Senator Parys, with unanimous consent, the senate recessed for 20 minutes.

9:20 A.M.

RECESS

9:40 A.M.

The senate reconvened.

The question was: Shall **Senate Bill 457** be withdrawn from the joint committee on Finance and referred to committee on Senate Organization?

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

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

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Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Swan and Whittow -- 18.

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

So the motion did not prevail.

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

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Senate Bill 16
Senate Bill 38
Senate Bill 45
Senate Bill 57
Senate Bill 97
Senate Bill 215
Senate Bill 226
Senate Bill 379
Senate Bill 415
Senate Bill 418
Senate Bill 458
Senate Bill 473
Senate Bill 475
Senate Bill 585
Senate Bill 631
Senate Bill 632
Senate Bill 643
Senate Bill 683
Senate Bill 690

and

Amended and concurred in as amended:

Senate Bill 62, assembly amendment 1 adopted.

Senate Bill 198, assembly amendment 2 adopted.

Senate Bill 345, assembly amendments 1 and 2 to assembly substitute amendment 1 adopted; assembly substitute amendment 1 adopted.

Senate Bill 423, assembly amendment 1 to assembly substitute amendment 1 adopted; assembly substitute amendment 1 adopted.

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Senate Bill 470, assembly amendment 1 adopted.

Senate Bill 483, assembly amendment 1 adopted.

Senate Bill 484, assembly amendment 1 adopted.

Senate Bill 126, assembly amendments 1, 3, 9, 11, 13, 14, 15, 16, 17, 18, 21 to assembly substitute amendment 1 adopted; assembly substitute amendment 1 adopted.

and

Nonconcurrent in:

Senate Bill 620

President pro tempore of the senate in the chair.

9:43 A.M.

By request of Senators Whittow and Krueger, pursuant to senate rule 76, a 3 minute limit was placed on debate on all amendments to **Senate Bill 755**. Each member is to be recognized only once on each question under this limitation.

CALENDAR OF MARCH 2

Senate Bill 755

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

Read a second time.

The question was: Adoption of senate amendment 12 to senate substitute amendment 1?

Senate amendment 12 adopted.

The question was: Adoption of senate amendment 13 to senate substitute amendment 1?

So the amendment was not adopted.

The question was: Adoption of senate amendment 1 to senate amendment 14 to senate substitute amendment 1?

Senator Berger moved rejection.

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, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, Lorge, Martin, Maurer, Morrison, Murphy, Risser, Sensenbrenner, Swan and Theno -- 24.

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Noes -- Senators Bidwell, McKenna, Parys, Peloquin, Petri and Whittow -- 6.

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

So the motion prevailed.

Senator Devitt moved reconsideration of the vote by which senate amendment 1 to senate amendment 14 was rejected.

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

The motion did not prevail.

The question was: Shall the vote by which senate amendment 1 to senate amendment 14 was rejected be reconsidered?

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

Ayes -- Senators Bablitch, Bidwell, Devitt, Goyke, Keppler, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner and Whittow -- 19.

Noes -- Senators Berger, Chilsen, Cullen, Dorman, Flynn, Frank, Harnisch, Hollander, Kleczka, Knowles, Swan and Theno -- 12.

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

So the motion prevailed.

By request of Senator Berger, with unanimous consent, senate amendment 14 to senate substitute amendment 1 was withdrawn and returned to the author.

The question was: Adoption of senate amendment 15 to senate substitute amendment 1?

Senator Knowles moved rejection.

The motion prevailed.

By request of Senator Whittow, with unanimous consent, senate amendment 8 to senate substitute amendment 1 was considered for action at this time.

Senate amendment 8 adopted.

President of the senate in the chair.

10:15 A.M.

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The question was: Adoption of senate amendment 16 to senate substitute amendment 1?

Senate amendment 16 adopted.

The question was: Adoption of senate amendment 17 to senate substitute amendment 1?

Senate amendment 17 adopted.

The question was: Adoption of senate amendment 18 to senate substitute amendment 1?

Senator Chilsen moved rejection.

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Harnisch, Knowles, Martin, Maurer, Morrison, Murphy, Risser and Theno -- 11.

Noes -- Senators Berger, Cullen, Devitt, Flynn, Frank, Goyke, Hollander, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Parys, Peloquin, Petri, Sensenbrenner, Swan and Whittow -- 19.

Absent or not voting -- Senators Dorman, Knutson and Thompson -- 3.

So the motion did not prevail.

Senator Harnisch in the chair.

10:30 A.M.

Senator Risser moved that senate amendment 18 be laid on the table.

The motion did not prevail.

President of the senate in the chair.

10:35 A.M.

Senate amendment 1 to senate amendment 18 to senate substitute amendment 1 to Senate Bill 755 offered by Senator Risser.

Senate amendment 1 to senate amendment 18 adopted.

Senate amendment 18 adopted.

The question was: Adoption of senate amendment 19 to senate substitute amendment 1?

Senate amendment 19 adopted.

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The question was: Adoption of senate amendment 20 to senate substitute amendment 1?

Senate amendment 20 adopted.

The question was: Adoption of senate amendment 21 to senate substitute amendment 1?

Senate amendment 21 adopted.

The question was: Adoption of senate amendment 22 to senate substitute amendment 1?

Senator Risser moved rejection.

The motion did not prevail.

Senate amendment 22 adopted.

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

10:45 A.M.

RECESS

11:35 A.M.

The senate reconvened.

AMENDMENTS OFFERED

Senate amendment 55 to senate substitute amendment 1 to **Senate Bill 755** by Senators Frank, Berger, Parys, Flynn, Devitt, Whittow, Swan, Theno, and Cullen.

Senate amendment 56 to senate substitute amendment 1 to **Senate Bill 755** by Senators Risser, Chilsen and McKenna.

Senate amendment 57 to senate substitute amendment 1 to **Senate Bill 755** by Senators Risser and Chilsen.

Senate amendment 58 to senate substitute amendment 1 to **Senate Bill 755** by Senator Petri, by request of Representative Rogers.

Senate amendment 59 to senate substitute amendment 1 to **Senate Bill 755** by Senator Sensenbrenner.

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Senate amendment 60 to senate substitute amendment 1 to Senate Bill 755 by Senator Cullen.

Senate amendment 61 to senate substitute amendment 1 to Senate Bill 755 by Senators Martin and Krueger.

Senate amendment 62 to senate substitute amendment 1 to Senate Bill 755 by Senators Theno and Chilsen.

Senate amendment 63 to senate substitute amendment 1 to Senate Bill 755 by Senator Risser.

Senate amendment 64 to senate substitute amendment 1 to Senate Bill 755 by Senator Parys.

Senate amendment 1 to Senate Bill 791 by Senator Keppler, by request of Mrs. Agnes Melanz.

Senate amendment 1 to Senate Bill 804 by Senator Bidwell.

Upon motion of Senator Whittow the senate adjourned until 9:00 A.M. Thursday, March 4.

11:38 A.M.