

JOURNAL OF THE SENATE [March 11, 1976]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

THURSDAY, March 11, 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 Father Dennis Ganshert, Associate Pastor of St. Paul's University Catholic Center Chapel, Madison.

The senate remained standing and Senator Dorman 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 Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 29.

Absent -- Senators Bablitch and Murphy -- 2.

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

COMMITTEE REPORTS

The committee on Urban Affairs reports and recommends:

Assembly Bill 717

Relating to audits of the public debt amortization fund in cities of the first class.

Concurrence; Ayes, 5; Noes, 0.

JOURNAL OF THE SENATE [March 11, 1976]

Assembly Bill 1118

Relating to loans to municipalities for loss of property tax receipts caused by the lowering of assessment of manufacturing property by a district board of review and making an appropriation.

Concurrence; Ayes, 5; Noes, 0.

KURT A. FRANK

Chairman

The committee on Natural Resources reports and recommends:

Assembly Bill 678

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

Concurrence; Ayes, 5; Noes, 0.

Senate Bill 777

Relating to authorizing towns to receive county forest road aid.

Passage; Ayes, 5; Noes, 0.

Senate Bill 778

Relating to increasing the amount of county forest timber sales that may be made without sealed bid or public auction.

Passage; Ayes, 5; Noes, 0.

Assembly Bill 384

Relating to leaving unguarded ice holes and providing a penalty.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 1183

Relating to shooting preserves, game farms, fur animal farms, hunting without a license in certain areas and increasing certain license fees.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 1243

Relating to retaining a fee for issuing fish and game licenses.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 858

Relating to maximum contract amount for municipal soil conservation work.

Concurrence; Ayes, 5; Noes, 0.

JOURNAL OF THE SENATE [March 11, 1976]

Assembly Bill 988

Relating to issuance of commercial fishing licenses to nonresidents.

Concurrence; Ayes, 5; Noes, 0.

JEROME A. MARTIN

Chairman

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 585

Relating to a penalty for locking toilets.

Concurrence; Ayes, 3; Noes, 1.

Assembly Bill 594

Relating to notice of termination of group hospital, surgical or medical expense insurance due to cessation of business or default in payment of premiums.

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 616

Relating to the date of evaluation and the rules governing determination of just compensation in condemnation proceedings.

Concurrence; Ayes, 4; Noes, 0.

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JOURNAL OF THE SENATE [March 11, 1976]

Assembly Bill 1194

Relating to increasing penalties for acting in restraint of trade.
Concurrence; Ayes, 3; Noes, 2.

JAMES T. FLYNN
Chairman

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Claims Board

March 5, 1976.

Mr. Glenn Bultman
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Bultman:

Enclosed is a copy of the report and recommendation of the State Claims Board covering claims heard on February 2, 1976.

The amounts recommended for payment under \$500 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the journal to inform the members of the Legislature.

Sincerely
EDWARD MAIN
Secretary

BEFORE THE
CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on February 2, 1976, upon the following claims.

<i>Name of Claimant</i>	<i>Amount of Claim</i>
1. Renate Ciampi-----	\$ 64.55
2. Christian Orf-----	1,886.00

JOURNAL OF THE SENATE [March 11, 1976]

In addition to the above claims, the Claims Board also rendered decisions during executive session on February 2, 1976, upon the following claims.

3. Amado Garcia -----	\$ 125.50
4. Hammersly Construction Co., Inc. -----	80,000.00
5. Mrs. Donald Hunter-----	50,900.70

THE BOARD FINDS:

1. *Renate Ciampi*

Renate Ciampi, 301, Eagle Heights Apartments, Madison, Wisconsin, 53705, claims \$64.55 for damages to her laundry, consisting of clothes, sheets, pillow cases, towels, and other items, when a clothes dryer in her apartment caught on fire. Claimant is provided the use of the clothes dryer as part of the rental she pays to the University of Wisconsin. The incident occurred on Friday, August 1, 1975. Flames were coming from the top of the dryer plus a lot of smoke. The fire department was called in order to avoid the spreading of the fire. The University of Wisconsin Security Guard checked the clothes remaining from the load in the dryer and determined there was nothing flammable amongst them. The Board concludes the claim should be paid on equitable principles.

2. *Christian Orf*

Christian Orf, Route 2, Hudson, Wisconsin, 54016, claims \$1,884.00 in damages to his crops occurring on June 22, 1975, near the Willow River State Park near Hudson, Wisconsin. The Department of Natural Resources allowed water in the Willow River at the mill pond to rise too highly, causing the washout of a dike and the flooding of claimant's field, completely ruining an oat field of over 10 acres. After the field dried up, claimant plowed it four times with a field cultivator to control the excessive amount of weeds brought in by the flooding waters. The claimant has computed his claim on the basis of 80 bushels of oats per acre being lost on the 10 acres at \$1.58 per bushel, and on the further basis of 50 bales of straw per acre being lost on the 10 acres at \$1.00 per bale. In addition, \$120.00 is attributed to the cultivating of the 10 acres four times at the rate of \$3.00 per acre. The Board concludes that a more reasonable measure of loss, based upon information supplied to it by the Department of Natural Resources, is 55 bushels of oats per acre for the 10 acres at \$1.58 per bushel, for a total of \$869.00. Similarly, the Board finds that the loss of straw should be computed on the basis of 35 bales of straw for the 10 acres at \$1.00 per bale, for a total of \$350.00. Accordingly, the

JOURNAL OF THE SENATE [March 11, 1976]

Board concludes that the claim should be paid on equitable principals in the reduced amount of \$1,339.00.

3. *Amado Garcia*

Amado Garcia, P.O. Box 331, Wautoma, Wisconsin, 54982, claims \$125.50 for medical expenses not reimbursed by insurance as the result of an occurrence in rural Juneau County on August 15, 1974, while performing official duties by rendering support services to migrant workers. Claimant was accompanying Amancio Chapa, a state building inspector, to the farm of the Huebner brothers in Juneau County. When Mr. Chapa and Mr. Garcia encountered the Huebner brothers on the road after leaving the migrant worker's camp, after Mr. Chapa had served closing orders for the camp, the claimant asserts that the Huebner brothers assaulted both men, resulting in their hospitalization. The Board concludes the claim should be paid on equitable principles.

4. *Hammersley Construction Company, Inc.*

Hammersley Construction Company, Inc., claims \$80,000.00 for the return of proposal guarantees forfeited to the State of Wisconsin. On April 16, 1974, claimant submitted bid proposals to the State of Wisconsin on two highway projects associated with the construction of STH 15 near Elkhorn, Wisconsin. The bids were submitted according to all of the requirements of the Department of Transportation, and each proposal was accompanied by a proposal guarantee as required by the Standard Specifications. The claimant was the low bidder on both projects. Awarding both contracts to the claimant provided the claimant with an amount of work in excess of its prequalification rating. The two bids submitted by Hammersley were in the amounts of \$1,342,997.48 and \$1,478,939.04 and totalled \$2,722,936.52, which exceeded Hammersley's prequalification rating of \$2,600,000.00 by \$122,936.48. It is the claimant's position that the Department of Transportation could not award contracts to the claimant in excess of its prequalification rating.

Although claimant asserts that it was under the impression that it could and would receive only one of the two contracts, its actions were inconsistent with such an assertion. Claimant did not, in any way, qualify either one of its bids or initially make known to the Department of Transportation that its bids were intended to be accepted in the alternative, and that both of its bids were not to be accepted by the Department of Transportation. As a matter of fact, after the Department of Transportation had accepted and awarded both of the bids to the claimant, the claimant did not

protest to having both bids awarded to it, but attempted to obtain the necessary performance bonds for both projects.

The Board finds that the Department of Transportation is not prevented from awarding contracts to successful bidders in excess of their prequalification rating. However, if this case is an example of the type of confusion that can exist over such a policy, the Claims Board would urge the Department of Transportation to explain to prospective bidders the significance of its prequalification rating procedures.

The Highway Commission awarded both contracts to the claimant on April 18, 1974. On April 25, 1974, the claimant sent a letter to the Division of Highways requesting a ten-day extension of time for the execution of the subject contracts. The extension was granted. On May 15, 1974, the claimant requested an additional ten-day extension of time for the execution of subject contracts. This request was also granted. On May 15, 1974, the claimant informed the Division of Highways of its problems in trying to obtain the necessary bonding. Subsequently, the claimant advised the Highway Commission that it could not obtain bonding for both contracts, but thought it may be able to gain bonding for one of the contracts if one of the two awards was annulled by the Highway Commission. Consequently, on June 11, 1974, the Highway Commission annulled its award for the one project which was the least favorable to the claimant, and the claimant forfeited the guarantee proposal of \$40,000.00 for that project. Unfortunately, this forfeiture may have added to the claimant's difficulty in obtaining bonding for the remaining contract, and subsequently the claimant was unable to obtain bonding for the remaining contract, resulting in its forfeiture of the proposal guarantee on the remaining contract on June 24, 1974. Subsequently, the projects were both rebid by the State of Wisconsin, resulting in awards exceeding the claimant's original bids by over \$850,000.00.

The claimant was under no compulsion to submit bids on both projects. The Department of Transportation simply evaluated all bids received and determined that the claimant's bids were the lowest of the responsible bidders. Claimant's bids were in excess of \$835,000.00 below the second lowest bidders on these two projects. Although the Department of Transportation had reached the conclusion that the claimant was responsible and could do the jobs as bid, the claimant's sureties apparently disagreed with such a conclusion.

This is not a situation where a bidder is claiming the discovery of errors in his bid after the bids have been opened. Forfeitures are recognized under the law to enhance the competitive bidding process. By providing a proposal guarantee, the contractor is warranting that its bid is valid, that it is responsible, and that it will execute the contract if it becomes the successful bidder. The Board concludes the claim is one for which the state is not legally liable nor one which the state should assume and pay on equitable principles.

5. *Mrs. Donald Hunter*

Mrs. Donald Hunter, Route 2, Rhinelander, Wisconsin, claims \$50,900.70 for damages incurred on January 5, 1973, at the claimant's home when she was attacked by Francis Beson, Jr., with a knife, causing her injury.

Francis Beson, Jr., was placed in the custody of the Vilas County Department of Social Services in June of 1966 after having been abandoned by his parents. He was unsuccessfully placed in foster homes, and eventually placed at the Winnebago Children's Home in June of 1967 where he remained until September of 1969, at which time he was placed in the foster home of Mr. and Mrs. Donald Hunter. At that time the Department of Health and Social Services received the guardianship of Francis. He left the foster home in May of 1972 for placement at the Kicking Horse Job Corps Center in Montana. He returned to Rhinelander in November of 1972 at which time the Hunters indicated they did not wish to have him return to their home. He was provided with independent living quarters in a Rhinelander hotel and began to suffer from severe depression. He became involved in an incident which resulted in his arrest and conviction on a disorderly conduct charge and the serving of a two-week sentence in the Oneida County jail. Immediately prior to his release from jail, the Hunters volunteered to have him return to their home upon his release. By then they were feeling a considerable amount of sympathy for him and recognized the problems he was having in attempting to make his independent living adjustment.

He lived in the Hunter home until the stabbing incident occurred on January 5, 1973. There was no prior record of him having done physical harm to another person prior to the stabbing incident. The disorderly conduct charge for which he was sent to jail mostly involved a shoving and drunken behavior incident, rather than the infliction of any real physical harm. His history was one of passive-aggressive reaction to conflict, in that he

JOURNAL OF THE SENATE [March 11, 1976]

typically sought to withdraw from situations. The State of Wisconsin, its agents, officers and employees did not have reason to anticipate such a stabbing incident would occur. The Board concludes that there is no showing of negligence on the part of officers, agents or employees of the state, and that the State is not legally liable for the payment of the claim, but concludes that the medical expenses of \$900.70 should be paid to the claimant on equitable principles.

THE BOARD CONCLUDES:

1. The claim of the Hammersley Construction Company, Inc., should be denied.
2. Payment of the following amounts to the following claimants respectively is justified under sec. 16.007 (6), Stats.:
 1. Renate Ciampi----- \$ 64.55
 2. Amado Garcia ----- 125.50

THE BOARD RECOMMENDS:

1. That payment of \$1,339.00 be made to Christian Orf for damage to his crops on his farm near Hudson, Wisconsin, on June 22, 1975.
2. That payment of \$900.70 be made to Mrs. Donald Hunter for medical expenses as the result of being stabbed on January 5, 1973, at her home in Rhineland, Wisconsin, by Francis Beson, Jr., a ward of the state.

Dated at Madison, Wisconsin, this 18th day of February, 1976.

GERALD D. KLECZKA
Senate Finance Committee

GEORGE MOLINARO
Assembly Finance Committee

DAVID RIEMER
Representative of Governor

JOURNAL OF THE SENATE [March 11, 1976]

EDWARD D. MAIN
Representative of Secretary of
Administration

ALLAN P. HUBBARD
Representative of Attorney
General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 10, 1976.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
185 -----	167 -----	March 10, 1976

Sincerely,
PATRICK J. LUCEY
Governor

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 1067

and

JOURNAL OF THE SENATE [March 11, 1976]

Concurred in:

Senate Bill 139

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1067

Relating to the licensing of medical practitioners, creating a council on physicians' assistants, granting rule-making authority and providing a penalty.

By Committee on Health and Social Services, by request of the Medical Examining Board.

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

MOTIONS

Senator Swan asked unanimous consent that **Senate Joint Resolution 59** be withdrawn from the committee on Governmental and Veterans' Affairs and referred to committee on Senate Organization.

Senator Harnisch objected.

Senator Swan moved that **Senate Joint Resolution 59** be withdrawn from the committee on Governmental and Veterans' Affairs and referred to committee on Senate Organization.

Senator Theno moved that the motion to withdraw **Senate Joint Resolution 59** from committee be laid on the table.

Senator Hollander moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

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

Senators Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka,

JOURNAL OF THE SENATE [March 11, 1976]

Krueger, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 28.

Absent -- Senators Bablitch, LaFave and Murphy -- 3.

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

Senator Chilsen moved that **Senate Bill 48** 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, 11; noes, 18; absent or not voting, 4; as follows:

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

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

Absent or not voting -- Senators Bablitch, Knowles, Knutson and Murphy -- 4.

So the motion did not prevail.

Senator Harnisch asked unanimous consent that **Senate Bill 617** be withdrawn from the committee on Natural Resources and referred to committee on Senate Organization.

Senator Sensenbrenner objected.

Senator Harnisch moved that **Senate Bill 617** be withdrawn from the committee on Natural Resources and referred to committee on Senate Organization.

By request of Senator Parys, with unanimous consent, the senate recessed until 9:50 A.M.

9:25 A.M.

RECESS

9:50 A.M.

The senate reconvened.

Senator Martin moved that the motion to withdraw **Senate Bill 617** from committee be laid on the table.

JOURNAL OF THE SENATE [March 11, 1976]

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

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

Noes -- Senators Bidwell, Chilsen, Harnisch, Murphy and Petri -- 5.

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

So the motion prevailed.

By request of Senators Whittow and Krueger, pursuant to senate rule 76, a 3 minute limit was placed on debate on each member for every question.

By request of Senator Swan, with unanimous consent, his motion to withdraw **Senate Joint Resolution 59** from committee was withdrawn.

The question on which the call of the senate was put having been disposed of the call was raised.

By request of Senator Swan, with unanimous consent, **Senate Joint Resolution 59** was withdrawn from the committee on Governmental and Veterans' Affairs and referred to joint committee on Finance.

Senator Whittow moved a

CALL OF THE SENATE

(on Calendar of March 11)

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

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, Krueger, LaFave, Lorge, McKenna, Martin, Maurer,

JOURNAL OF THE SENATE [March 11, 1976]

Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 31.

Absent -- None.

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

CALENDAR OF March 11

Senate Bill 133

Relating to the quantity of wine which may be sold by holders of "Class B" retail licenses.

Read a second time.

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

The question was: Adoption of senate substitute 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.

Senate Bill 133

Read a third time and passed.

Senate Bill 333

Relating to making the state, counties and municipalities responsible for the cost of constructing and maintaining streets and highways located at railroad crossings.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 333** was referred to joint committee on Finance.

Senate Bill 567

Relating to empowering electors at a town meeting to authorize the town board to select assessors by appointment.

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 567

Read a third time and passed.

JOURNAL OF THE SENATE [March 11, 1976]

Senate Bill 806

Relating to processing air contaminant project applications.
Read a second time.

The question was: Adoption of 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 806

Read a third time and passed.

Senate Bill 817

Relating to permitting counties to offer bounties for rattlesnakes.

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 817

Read a third time and passed.

Assembly Joint Resolution 36

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

Read and concurred in.

Assembly Bill 67

Relating to accounting for dedicated lands in determining assessments for public improvements in the city of Milwaukee.

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 67

Read a third time and concurred in.

Assembly Bill 137

Relating to representation of minority and disadvantaged groups in the administration of programs affecting them, and granting rule-making power to the secretary of administration.

Read a second time.

Senate amendment 1 to **Assembly Bill 137** offered by Senator Sensenbrenner.

Senator Berger moved rejection.

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

Ayes -- Senators Bablitch, Berger, Dorman, Flynn, Harnisch, McKenna, Morrison, Peloquin, Petri, Risser, Swan and Thompson -
- 12.

Noes -- Senators Bidwell, Chilsen, Devitt, Frank, Goyke, Hollander, Keppler, Kleczka, Krueger, LaFave, Lorge, Martin, Maurer, Murphy, Parys, Sensenbrenner, Theno and Whittow -- 18.

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

So the motion did not prevail.

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

The chair took the point of order under advisement.

LEAVE OF ABSENCE

By request of Senator Cullen, with unanimous consent, he was granted a leave of absence for half an hour.

Assembly Bill 163

Relating to a revision of procedure concerning contested cases under the administrative procedure act.

Read a second time.

Senator Frank asked unanimous consent that **Assembly Bill 163** be referred to committee on Commerce.

Senator Flynn objected.

JOURNAL OF THE SENATE [March 11, 1976]

Senator Frank moved that **Assembly Bill 163** be referred to committee on Commerce.

Senator Flynn moved that the motion to refer **Assembly Bill 163** to committee be laid on the table.

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

Ayes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Harnisch, Kleczka, McKenna, Morrison, Petri, Risser, Swan and Thompson -- 13.

Noes -- Senators Bidwell, Chilsen, Devitt, Frank, Goyke, Hollander, Keppler, Krueger, LaFave, Lorge, Martin, Maurer, Murphy, Parys, Peloquin, Sensenbrenner, Theno and Whittow -- 18.

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

So the motion did not prevail.

The question was: Shall **Assembly Bill 163** be referred to committee on Commerce?

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

Ayes -- Senators Bidwell, Devitt, Frank, Hollander, Keppler, Krueger, LaFave, Lorge, Martin, Murphy, Parys, Peloquin, Theno and Whittow -- 14.

Noes -- Senators Bablitch, Berger, Chilsen, Cullen, Dorman, Flynn, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Petri, Risser, Sensenbrenner, Swan and Thompson -- 17.

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

So the motion did not prevail.

By request of Senator Flynn, with unanimous consent, **Assembly Bill 163** was rereferred to committee on Judiciary and Consumer Affairs.

Assembly Bill 175

Relating to making various changes in town laws.

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.

JOURNAL OF THE SENATE [March 11, 1976]

Assembly Bill 175

Read a third time and concurred in.

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.

Assembly Bill 392

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

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 392

Read a third time and concurred in.

Assembly Bill 433

Relating to increasing the maximum dollar amounts of contracts which certain housing authorities and redevelopment authorities may let without competitive bidding.

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 433

Read a third time and concurred in.

Assembly Bill 620

Relating to extending closing hours for holders of retail Class "B" and "Class B" liquor licenses in counties under 500,000.

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 620

Read a third time.

JOURNAL OF THE SENATE [March 11, 1976]

The ayes and noes were demanded and the vote was: ayes, 24; noes, 7; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Parys, Peloquin, Petri, Sensenbrenner, Swan, Theno and Whittow -- 24.

Noes -- Senators Berger, Chilsen, Hollander, Morrison, Murphy, Risser and Thompson -- 7.

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

So the bill was concurred in.

LEAVE OF ABSENCE

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

By request of Senator Thompson, with unanimous consent, he was granted a leave of absence at 4:45 P.M. for the balance of the day.

Assembly Bill 628

Relating to determinations of the department of natural resources as to the sufficiency of local flood plain zoning regulations.

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 628

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, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, LaFave, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 27.

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

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

JOURNAL OF THE SENATE [March 11, 1976]

So the bill was concurred in.

Assembly Bill 674

Relating to the time within which snowmobile certificate applications must be submitted to the department of natural resources.

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 674

Read a third time and concurred in.

Assembly Bill 776

Relating to claims for crop damage caused by deer and bear.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 776** was referred to joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 776** 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.

Assembly Bill 776

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.

JOURNAL OF THE SENATE [March 11, 1976]

Assembly Bill 876

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

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 876

Read a third time and concurred in.

Assembly Bill 1010

Relating to maintenance of drainage ditches.

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 1010

Read a third time and concurred in.

Assembly Bill 1127

Relating to authorizing the department of natural resources to issue deer proof fencing contracts.

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 1127

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.

JOURNAL OF THE SENATE [March 11, 1976]

So the bill was concurred in.

RULING OF THE CHAIR

As it relates to senate amendment 1 to **Assembly Bill 137**, the chair ruled the amendment not germane pursuant to senate rule 50 (1). Therefore, the point of order raised by Senator Berger was well taken.

Assembly Bill 137

Relating to representation of minority and disadvantaged groups in the administration of programs affecting them, and granting rule-making power to the secretary of administration.

Read a second time.

Senate amendment 2 to **Assembly Bill 137** offered by Senator Kleczka.

Senator Berger moved rejection.

By request of Senator Whittow, with unanimous consent, **Assembly Bill 137** was referred to committee on Senate Organization.

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

By request of Senator Chilsen, with unanimous consent, senate amendment 1 to **Assembly Bill 163** was withdrawn and returned to the author.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 113** by Senator Morrison.

Senate amendment 1 to **Senate Bill 771** by Senator Krueger.

Senate amendment 1 to **Senate Bill 780** by Senator Cullen.

Senate amendment 3 to **Assembly Bill 137** by Senator Sensenbrenner.

Senate substitute amendment 1 to **Assembly Bill 442** by Senators Maurer and Dorman.

JOURNAL OF THE SENATE [March 11, 1976]

Upon motion of Senator Whittow the senate adjourned until
10:00 A.M. Tuesday, March 16.

12:03

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Relating to: Assembly substitute amendment 1 to Senate Bill
126 (as affected by amendment 17 to the substitute)**

1. On page 5, line 9, after the semicolon insert "and".
2. On page 5, line 13, delete the semicolon and substitute a period.