

JOURNAL OF THE SENATE [March 24, 1976]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

WEDNESDAY, March 24, 1976.

9:00 A.M.

The senate met.

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

Prayer was offered by Joseph Washington, retired Baptist Minister of Madison

The senate remained standing and Senator Whittow 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, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Knutson -- 1.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 24

Memorializing the president and congress to support the Arctic Gas Project.

By Senators Whittow and Krueger.

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Read and referred to committee on Commerce.

By request of Senator Whittow, with unanimous consent, the resolution was referred to committee on Senate Organization.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 840

Relating to the G. A. R. memorial hall in the state capitol and making an appropriation.

By Senator Swan.

To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

The committee on Natural Resources reports and recommends:

COUGHLIN, JAMES P., of Winneconne, as a member of the Solid Waste Recycling Authority, to succeed James Lynn, to serve for the term ending January 1, 1982.

Confirmation; Ayes, 5; Noes, 0.

BERNSTEIN, JOSEPH M., of Milwaukee, as a member of the Solid Waste Recycling Authority, to succeed Bettie Harriman, to serve for the term ending January 1, 1982.

Confirmation; Ayes, 5; Noes, 0.

JEROME A. MARTIN

Chairman

The committee on Education reports and recommends:

Assembly Bill 408

Relating to changing the composition of school boards in 1st class cities.

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

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

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.

Concurrence; Ayes, 5; Noes, 0.

BRUCE S. PELOQUIN

Chairman

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The joint committee on Finance reports and recommends:

Assembly Bill 604

Relating to establishing a wetlands protection program, granting rule-making authority and making an appropriation.

Adoption of senate amendment 1; Ayes, 13; Noes, 0.

Concurrence as amended; Ayes, 12; Noes, 2.

Assembly Bill 22

Relating to holidays on the day of the assassination of Dr. Martin Luther King, Jr. and the birthdate of Malcolm X.

Concurrence; Ayes, 11; Noes, 2.

HENRY DORMAN

Chairman

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Joint Resolution 49

Relating to directing the legislative council to study methods of informing attorneys and the public concerning criminal penalties not contained in the criminal code.

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 267

Relating to sentencing and treatment of persons who are convicted of delivering narcotics.

Nonconcurrence; Ayes, 2; Noes, 2.

Concurrence; Ayes, 2; Noes, 2.

Without Recommendation.

Assembly Bill 1013

Relating to permitting irrevocable burial trusts.

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 1038

Relating to certified public accountants being independent of any enterprise on which they offer financial opinions.

Concurrence; Ayes, 2; Noes, 2.

Without Recommendation.

Assembly Bill 1108

Relating to the priority status of bank mortgages over liens upon the mortgaged premises.

Concurrence; Ayes, 4; Noes, 0.

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Assembly Bill 1325

Relating to allowing presiding judges in counties having a population of 500,000 or more to authorize judicial court commissioners to hold preliminary examinations.

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

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

Senate Bill 808

Relating to the granting of intoxicating liquor licenses to premises formerly licensed only for the sale of fermented malt beverages.

Passage; Ayes, 3; Noes, 0.

JAMES T. FLYNN

Chairman

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

Senate Bill 451

Relating to removing limitations on the owning of land by aliens.

Introduction of senate substitute amendment 2; Ayes, 6; Noes, 0.

Adoption of senate substitute amendment 2; Ayes, 6; Noes, 0.

Passage as amended; Ayes, 6; Noes, 0.

Senate Bill 792

Relating to various changes in nursing regulations.

Adoption of senate amendment 1; Ayes, 7; Noes, 0.

Passage as amended; Ayes, 6; Noes, 0.

Assembly Bill 114

Relating to increasing the rate of interest to be paid upon delinquent property taxes and forest cropland acreage shares.

Concurrence; Ayes, 7; Noes, 0.

Assembly Bill 355

Relating to authorizing the board of regents of the university of Wisconsin system to establish and maintain a school of veterinary medicine and satellite food animal clinical facility and increasing appropriations.

Concurrence; Ayes, 8; Noes, 1.

Assembly Bill 455

Relating to revision of child abuse law.

Introduction of senate amendment 2; Ayes, 6; Noes, 0.

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Adoption of senate amendment 2; Ayes, 6; Noes, 0.

Concurrence as amended; Ayes, 6; Noes, 0.

Assembly Bill 856

Relating to control and supervision of probationers.

Concurrence; Ayes, 5; Noes, 1.

Assembly Bill 1193

Relating to income continuation insurance for local employes.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 1067

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

Introduction of senate substitute amendment 1; Ayes, 6; Noes, 3.

Assembly Bill 412

Relating to requiring the testing of infants for genetic diseases and creating a council on infant health screening.

Concurrence; Ayes, 8; Noes, 0.

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Assembly Bill 1313

Relating to name changes for minors in permanent foster homes.

Concurrence; Ayes, 7; Noes, 1.

CARL W. THOMPSON
Chairman

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Claims Board

March 19, 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 March 8, 1976.

The amounts recommended for payment under \$500 on claims included in this report have, under the provisions of s. 16.007, Wis. Stats., 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 March 8, 1976, upon the following claims:

<i>Claimant</i>	<i>Amount of Claim</i>
1. James Lingl	\$ 50.00
2. Barbara J. Russell	12.36
3. Barbara and Roy Saigo.....	47.80

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	and-----	135.20
4.	Herman Benzin-----	96.78
5.	Estate of Patrick J. Sheridan----- (Pers. Rep. William T. Greenen)	24.70
6.	Margaret C. Meydem-----	35.22
7.	Clarence W. Schwarten-----	19.70
8.	Michael Francis Dolan-----	33.25
9.	Dwain Naragon -----	50.00
10.	John Knight -----	51.00
11.	Steven L. Kramer-----	75.00
12.	Robert E. Tenges -----	98.28
13.	Wisconsin Electric Power Co. ----- and-----	167.74 185.33
14.	Dennis Cannaday -----	39.59
15.	Gilbert W. Schultz -----	72.80
16.	Earl R. Miller -----	10.00
17.	American Family Mutual Ins. Co. -----	358.25
18.	John C. Brophy-----	192.22

THE BOARD FINDS:

1. *James Lingl*

James Lingl, 327 North Sixth Street, DePere, Wisconsin, claims \$50.00 as a result of an accident occurring on January 19, 1976, at the west entrance to the Hill Farms State Office Building in Madison, Wisconsin. As he was leaving the building, the door slammed against his left shoulder. The door handle had been removed. When the door slammed against the claimant's shoulder the washer cut into his leather coat causing the damage upon which his claim is based. The Board concludes the claim should be paid on equitable principles.

2. *Barbara J. Russell*

Barbara J. Russell, 618 Vernon Avenue, Madison, Wisconsin 53714, claims \$12.36 for damages to her clothing incurred while performing her job as an employee of the State of Wisconsin in September of 1975 at GEF 1. The claimant's employer, the Department of Industry, Labor and Human Relations, advised the Board that Ms. Russell had a legitimate claim which should be honored. The Board concludes the claim should be paid on equitable principles.

3. *Dr. Roy H. Saigo and Mrs. Barbara W. Saigo*

Dr. Roy H. Saigo and Mrs. Barbara W. Saigo, Route 5, 4544 Bonnie Avenue, Madison, Wisconsin 53704, claim a total of \$183.00 in the respective amounts of \$135.20 and \$47.80 for two

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stale checks which were rediscovered in the autumn of 1975. The checks were dated May 2, 1969, and were for income tax refunds. The Board concludes the claims should be paid on equitable principles.

4. *Herman Benzin*

Herman Benzin, Rural Route 1, Rio, Wisconsin 53960, claims \$96.75 for a stale check dated January 19, 1966, for a Wisconsin gas tax refund. The Board concludes the claim should be paid on equitable principles.

5. *William T. Geenen*

William T. Geenen, personal representative of the Estate of Patrick J. Sheridan, Glidden, Wisconsin 54527, claims \$24.70 for a stale check dated July 15, 1963, for a refund of overpaid Wisconsin income taxes. The Board concludes the claim should be paid on equitable principles.

6. *Margaret C. Meydem*

Margaret C. Meydem, 813 Higgins Avenue, Neenah, Wisconsin 54956, claims \$35.22 for a stale check dated April 19, 1968, for an income tax refund. The Board concludes the claim should be paid on equitable principles.

7. *Clarence W. Schwarten*

Clarence W. Schwarten, c/o The Baraboo National Bain, P.O. Box 50, Baraboo, Wisconsin 53913, claims \$3.50 for a stale check dated June 21, 1965, and \$16.20 for a stale check dated June 9, 1969, for income tax refunds. The Board concludes the claims should be paid on equitable principles.

8. *Michael Francis Dolan*

Michael Francis Dolan, 2850 Coho Street, Madison, Wisconsin 53713, claims \$33.25 for a pair of safety boots which were destroyed in the course of his job with the University of Wisconsin Stores Department on August 22, 1975, while loading a truck. His employer recommended payment of the claim. The Board concludes the claim should be paid on equitable principles.

9. *Dwain Naragon*

Dwain Naragon, 1664 Cass Street, Green Bay, Wisconsin 54302, claims \$50.00 for a piece of art work which he placed on exhibition at the University of Wisconsin -- Marinette on August 16, 1975. The art work was taken during the rush of the crowd leaving the theater after the performance. Claimant had been advised by the University of Wisconsin system that the art work he

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exhibited would be insured. The Board concludes the claim should be paid on equitable principles.

10. *John Knight*

John Knight, Superior, Wisconsin 54880, claims \$51.00 for a pair of eyeglasses which were destroyed on June 13, 1975, at the University of Wisconsin system Field Station at Wisconsin Point in Superior while saving a University-owned vessel which had gone adrift. The claimant's action saved the vessel from serious damage along with several research programs which depended upon its use. The Board concludes the claim should be paid on equitable principles.

11. *Steven L. Kramer*

Steven L. Kramer, Route 4, Box 162, Whitewater, Wisconsin 53190, claims \$75.00 for a pair of specialized eyeglass frames which were destroyed while he was voluntarily assisting practice of a wheelchair basketball team on February 12, 1975, at the Roseman Gymnasium in WHITEWATER. The Board concludes the claim should be paid on equitable principles.

12. *Robert E. Tenges*

Robert E. Tenges, 2217 Cottage Court, Waukesha, Wisconsin 53186, claims \$98.28 for damage to his automobile while parked on September 27, 1975, at the University of Wisconsin -- Milwaukee Union Indoor Parking Facility. The Board concludes the claim should be paid on equitable principles.

13. *Wisconsin Electric Power Company*

Wisconsin Electric Power Company, 231 West Michigan Street, Milwaukee, Wisconsin 53201, seeks damages of \$185.33 and \$167.74 1975, respectively, at the south side of STH 11 east of Elwood Drive, Mt. Pleasant, Wisconsin. In the first incident, underground conductors were damaged by a backhoe operated under the direction of the Wisconsin Department of Transportation. In the second incident underground conductors were damaged by a trencher operated under the direction of the Wisconsin Department of Transportation. In both instances the underground cable which was damaged had not been installed at the proper indicated depth. The actual depth of installation was closer to the surface than the proper depth indicated. The Board finds there is not a sufficient showing of negligence on the part of officers, agents or employes of the State, and the State is not legally liable for the payment of the claim, and the claim is not one which should be paid on equitable principles.

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14. *Dennis Cannaday*

Dennis Cannaday, 3001 Elm Lane, Racine, Wisconsin 53403, claims \$39.59 as a result of an incident occurring on September 18, 1975, on North Main Street in Racine, Wisconsin. Claimant was driving down the street and had his tires spiked by a counter being used by the Wisconsin Department of Transportation. The Board concludes the claim should be paid on equitable principles.

15. *Gilbert W. Schultz*

Gilbert W. Schultz, 5530 South Kurtz Road, Hales Corners, Wisconsin 53130, claims \$72.80 as a result of an incident occurring on or about September 26, 1975, south of Three Lakes, Wisconsin, on Highway 32. Claimant's automobile was sprayed with yellow paint by a vehicle being operated under the supervision of the Department of Transportation which was in the process of painting a center line on the highway. Normally a trailing vehicle is provided to warn approaching traffic of the hazard, but in this instance there was no trailing vehicle. The Board concludes the claim should be paid on equitable principles.

16. *Earl R. Miller*

Earl R. Miller, 940 Perkins Avenue, Waukesha, Wisconsin 53186, claims that he should be reimbursed for \$10.00 which he lost on October 9, 1975, in Waukesha County. The claimant collects driver license fees as part of his job. During the 20 years of his employment with the Division of Motor Vehicles, this was the first time that the claimant ever lost any of the fees he had collected. In spite of this distinguished record, the Board finds the claim is one for which the State is not legally liable nor one which the State should assume and pay on equitable principles, and therefore denies same.

17. *American Family Mutual Insurance Company*

American Family Mutual Insurance Company, Box 471, Madison, Wisconsin 53701, claims \$358.25 for subrogation damages paid to one of its insured motorists. As a result of an accident occurring on July 18, 1975, on the West Belt Line Highway in the City of Madison. Inconsistent with what appears on the police report relating to this accident, the State of Wisconsin has no record of repairing any light at the intersection of the West Belt Line and Verona Road near the date of this accident. It appears that the motorist proceeded on the assumption that the light was green because it showed red for cross traffic. The Board finds there is not sufficient evidence of negligence on the part of officers, employees or agents of the State and that the claim is one

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for which the State is not legally liable, nor one which the State should assume and pay on equitable principles. Also, payment of such a claim would be inconsistent with the longstanding policy of the Board not to honor subrogation claims.

18. *John C. Brophy*

John C. Brophy, 36 East Platt, Lansing, Iowa 52151, claims \$192.22 for damages to the aerial on his boat as a result of an incident occurring on July 2, 1975, at the Prescott Bridge. Claimant was bringing his boat out of the St. Croix River into the Mississippi River, necessitating the opening of a bridge being operated by the State of Wisconsin. Because the center span of the bridge was not raised high enough, the claimant's communication aerial was broken. A majority of the Board expressed concern over the fact that the claimant proceeded to go through the bridge even though it had not been raised high enough. A majority of the Board finds that there is not sufficient evidence of negligence on the part of officers, employees or agents of the State, and that the claim is not one for which the State is legally liable, nor one which the State should assume and pay on equitable principles.

THE BOARD CONCLUDES:

1. The claims of the following named claimants should be denied:

Wisconsin Electric Power Company
Earl R. Miller
American Family Mutual Insurance Company
John C. Brophy

2. Payment of the following amounts to the following claimants, respectively, is justified under sec. 16.007 (6), Stats.:

1. James Lingl-----	\$ 50.00
2. Barbara J. Russell-----	12.36
3. Barbara and Roy Saigo-----	183.00
(\$47.80 and \$135.20)	
4. Herman Benzin - 96.78	
5. William T. Greenen-----	24.70
6. Margaret C. Meydem-----	35.22
7. Clarence W. Schwarten-----	19.70
8. Michael Francis Dolan-----	33.25
9. Dwain Naragon-----	50.00
10. John Knight-----	51.00
11. Steven L. Kramer-----	75.00

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12. Robert E. Tenges-----	98.28
13. Dennis Cannaday-----	39.59
14. Gilbert W. Schultz-----	72.80

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

GERALD D. KLECZKA
Senate Finance Committee

GEORGE MOLINARO
Assembly Finance Committee

DAVID RIEMER
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of
Administration

ALLAN P. HUBBARD
Representative of Attorney
General

State of Wisconsin
Department of Justice
Madison, Wisconsin

March 19, 1976

The Honorable Fred A. Risser
Senate President Pro Tempore
State Capitol
Madison, Wisconsin

Dear Senator Risser

You state that a proposed constitutional amendment relating to internal improvements for transportation facilities was approved by a majority of each house of the 1973 and 1975 legislatures and then submitted to a vote of the people in April, 1975.

You further state that the election has been voided by the Dane County Circuit Court and that the order of the court has been appealed and stayed in part by the circuit court.

You therefore ask my opinion:

"Is it now the duty of the current Legislature to prescribe a new date (November 1976) to resubmit the proposed

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amendment to the people as provided in Article XII, section 1 of the Wisconsin Constitution?"

Article XII, sec. 1, Wis. Const., requires the legislature "...to submit...proposed... amendments to the people in such manner and at such time as the legislature shall prescribe..."

The question then is whether the legislature has already complied with this constitutional mandate by submitting the proposed amendment to the people in April, 1975.

In order to answer this question, it is necessary to determine the effect, if any, of the circuit court's order and of the appeal taken therefrom. That is, it is necessary to determine whether the order or appeal in any way nullifies the legislature's prior action, leaving it with a continuing duty to resubmit the proposed amendment to the people.

In State ex rel. La Follette v. Kohler (1930), 200 Wis. 518, 549, 228 N.W. 895, 69 A.L.R. 348, it was held:

"... In cases where... it (is) impossible to ascertain the true result of the election, there was held to be no election, or, as the phrase goes, 'the election was held void.'..."

And, on page 550, *id.*, the court held:

"... The general feature of these laws is that ... where a candidate for an office violates ... the law his election thereto shall be void; that is, it shall be no election..."

By voiding the April, 1975, transportation facilities referendum election, therefore, the court has declared that there was no election. In view of this, the legislature cannot, as yet, be said to have complied with the constitutional mandate to submit the proposed amendment to the people. The effect of the order voiding the election, therefore, is to nullify the legislature's previous submission of the proposed amendment to the people, leaving the legislature with a continuing duty to resubmit the proposed amendment to the people and to prescribe the manner and time of such submission.

As you indicate, an appeal to the Wisconsin Supreme Court has been taken from the whole of the circuit court's order, and a part of the order has been stayed by the circuit court. Specifically, the stay has been granted by the circuit court only of that part of the order relating to the destruction of paper ballots. The stay does not affect the order insofar as it voids the election. Therefore, it has no

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effect on the question of whether or not the legislature is obliged to resubmit the proposed amendment to the people.

The appeal, however, as indicated, has been taken from the whole of the order, including that part which voids the election.

In Slabosheske v. Chikowske (1956), 273 Wis. 144, 153, 77 N.W. 2d 497, the court held that, in the absence of positive statutory provisions to the contrary, an appeal perfected as the law requires, does by its own force stay proceedings under the order appealed from. However, the court also held that such a stay merely stays the proceedings of the court which made the determination sought to be reviewed and does not affect the order itself. Id. at 154.

The court in Slabosheske held that an appeal from a judgment of the circuit court, holding that a school district referendum election was valid, operated to stay the execution of the judgment of the trial court but that the appeal did not nullify the judgment.

Hence, although a stay has been effected in this case by the appeal itself, the stay does not nullify the order voiding the election but operates only against its enforcement; that is, in only prevents further proceedings in the subordinate court in the action in which the order was rendered. Slabosheske, supra, at 154; 4Am. Jur. 2d, Appeal and Error, sec. 371, p. 845; 4A C.J.S., Appeal and Error, sec. 632, p. 431.

Furthermore, as stated in 4A C.J.S., Appeal and Error, id.

“... it is generally held that, as a... (stay) has the effect of merely staying proceedings without destroying the force and effect of the judgment and leaves the proceedings in the condition in which it finds them, a judgment, order, or decree which does not command or permit any act to be done, or is not of a nature to be actively enforced by execution or otherwise, but is self-executing, is not ... (stayed) ...”

This general rule that self-executing orders cannot be stayed is applicable to orders in election contests. 4A C.J.S., Appeal and Error, supra, at 433. As stated in 4 Am. Jur. 2d, Appeal and Error, sec. 379, p. 850,

“Where judgments of the court in an election contest are reviewable by appeal... the judgment is generally viewed as self-executing and therefore cannot be stayed...”

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Hence, the order of the circuit court voiding the April, 1975, transportation facilities referendum election is unaffected by the appeal and remains in full force and effect.

Therefore, it is my opinion that the legislature has a continuing duty, pursuant to Art. XII, sec. 1, Wis. Const., to resubmit the proposed constitutional amendment relating to internal improvements for transportation facilities to the people in such manner and at such time as the legislature shall prescribe.

I am not unmindful of the chance that the Supreme Court may either reverse the circuit court or find that the circuit court had no jurisdiction to act, in which case the April, 1975 election would be reinstated. However, I must base my advice on the facts as they currently exist and the legal precepts that govern under the current facts.

Sincerely yours,
BRONSON C. LA FOLLETTE
Attorney General

CAPTION:

The legislature has the duty to resubmit a proposed constitutional amendment to the people when the previous election at which the amendment was submitted has been voided by court order, notwithstanding the fact that an appeal has been taken from the order voiding the election.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 23, 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:

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Senate Bill	Chapter No.	Date Approved
233 -----	184-----	March 23, 1976

Sincerely,
PATRICK J. LUCEY
Governor

COUGHLIN, JAMES P., of Winneconne, as a member of the Solid Waste Recycling Authority, to succeed James Lynn, to serve for the term ending January 1, 1982.
Read.

BERNSTEIN, JOSEPH M., of Milwaukee, as a member of the Solid Waste Recycling Authority, to succeed Bettie Harriman, to serve for the term ending January 1, 1982.
Read.

By request of Senator Parys, with unanimous consent, the senate recessed until 10:20 A.M.

9:15 A.M.

RECESS

10:20 A.M.

The senate reconvened.

By request of Senator Risser, with unanimous consent, the appointments of Coughlin and Bernstein were referred to committee on Senate Organization.

By request of Senator Risser, with unanimous consent, **Senate Resolution 21** was placed at the foot of the calendar.

Senate Bill 519

Relating to postponement of the requirement to make negative aid payments of school aids to the state.

Senator Whittow 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.

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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, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Knutson -- 1.

The question was: Shall **Senate Bill 519** pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Goyke, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Petri, Sensenbrenner and Theno -- 24.

Noes -- Senators Berger, Frank, Harnisch, Peloquin, Risser, Swan, Thompson and Whittow -- 8.

Absent or not voting -- Senator Knutson -- 1.

More than two-thirds having voted in the affirmative, the bill passed notwithstanding the objections of the Governor.

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

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 1438

Assembly Bill 787

Assembly Bill 559

and

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Concurred in:

Assembly Joint Resolution 43 senate amendment 1
Assembly Bill 128 senate substitute amendment 2
Assembly Bill 1 senate amendment 1
Assembly Bill 92 senate amendments 5, 6, and 7
Assembly Bill 573 senate amendment 1
Assembly Bill 688 senate amendment 1
Senate Joint Resolution 68
Senate Bill 652

and

Amended and concurred in as amended:

Senate Bill 130 assembly substitute amendment 1 adopted.
Senate Bill 528 assembly substitute amendment 1 adopted

Adopted and asks concurrence in:

Motions under Joint Rule 26:

A joint certificate of congratulations by Representative Offner; cosponsored by Senator Knutson for GERALD HEBERLEIN on his selection as chapter RESTAURATEUR OF THE YEAR for the LaCrosse Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative Donoghue; cosponsored by Senator Krueger for HEINZ FISCHER on his selection as chapter RESTAURATEUR OF THE YEAR for the Northwoods Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative Matty; cosponsored by Senator LaFave for LOUIS BEMIS on his selection as chapter RESTAURATEUR OF THE YEAR for the Green Bay Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative O'Malley; cosponsored by Senator Thompson for WILLIAM AND ALICE MINNICK on their selection as chapter RESTAURATEUR OF THE YEAR by the Madison Area Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative Molinaro; cosponsored by Senator Maurer for HENRY "ANDY" ANDERSON on his selection as chapter RESTAURATEUR OF THE YEAR by the Southeast Chapter of the Wisconsin Restaurant Association;

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A joint certificate of congratulations by Representative Looby; cosponsored by Senator Peloquin for ROBERT VOGLER on his selection as chapter RESTAURATEUR OF THE YEAR for the Eau Claire Chapter of Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative Dueholm; cosponsored by Senator Knowles for MRS. ALICE PITTINGER ERWIN on her 100th birthday;

A joint certificate of congratulations by Representatives Otte and N.C. Anderson; cosponsored by Senator Dorman for THE WISCONSIN MUSIC TEACHERS ASSOCIATION on their 60th anniversary;

A joint certificate of commendation by Representative Lewis; cosponsored by Senator Hollander for RAMON A. GRAY on his termination of service.

A joint certificate of commendation by Representative Gerlach; cosponsored by Senator Frank for THE SOUTH MILWAUKEE HIGH SCHOOL BASKETBALL TEAM on their Class A state basketball championship victory.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1438

Relating to allowing personal and corporate income tax deductions in the 1975 taxable year for flood, wind, ice and precipitation damage losses suffered March 1 to 15, 1976.

By Representatives Azim and Willkom.

Read first time and referred to Joint Survey Committee on Tax Exemptions.

Assembly Bill 787

Relating to recodification of the mental health act, and making appropriations.

By Representatives Munts, Schricker, Czerwinski, Flintrop and Tropman; cosponsored by Senators Thompson, Chilsen, Dorman and Devitt, by request of the Health Policy Board.

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

Assembly Bill 559

Relating to an exemption from sales and use taxes for shoppers guides.

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By Representatives Giese, Matty, Tregoning, McEssy, Swoboda, Goodrich, Groshek, L.F. Anderson, Ausman, Schmidt, Roth, Donoghue, Gunderson, Mittness, Kincaid, Conradt, Bradley, Hanson, Looby, Menos, Wackett, Hasenohrl, Duren and Snyder; cosponsored by Senators Bidwell, Martin, Krueger, Morrison, Knutson, Hollander and Cullen, by request of the Wisconsin Advertising Publishers Association.

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

Motions under Joint Rule 26:

A joint certificate of congratulations by Representative Offner; cosponsored by Senator Knutson for GERALD HEBERLEIN on his selection as chapter RESTAURATEUR OF THE YEAR for the LaCrosse Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative Donoghue; cosponsored by Senator Krueger for HEINZ FISCHER on his selection as chapter RESTAURATEUR OF THE YEAR for the Northwoods Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative Matty; cosponsored by Senator LaFave for LOUIS BEMIS on his selection as chapter RESTAURATEUR OF THE YEAR for the Green Bay Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative O'Malley; cosponsored by Senator Thompson for WILLIAM AND ALICE MINNICK on their selection as chapter RESTAURATEUR OF THE YEAR by the Madison Area Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative Molinaro; cosponsored by Senator Maurer for HENRY "ANDY" ANDERSON on his selection as chapter RESTAURATEUR OF THE YEAR by the Southeast Chapter of the Wisconsin Restaurant Association;

A joint certificate of congratulations by Representative Looby; cosponsored by Senator Peloquin for ROBERT VOGLER on his selection as chapter RESTAURATEUR OF THE YEAR for the Eau Claire Chapter of Wisconsin Restaurant Association;

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A joint certificate of congratulations by Representative Dueholm; cosponsored by Senator Knowles for MRS. ALICE PITTENGER ERWIN on her 100th birthday;

A joint certificate of congratulations by Representatives Otte and N.C. Anderson; cosponsored by Senator Dorman for THE WISCONSIN MUSIC TEACHERS ASSOCIATION on their 60th anniversary;

A joint certificate of commendation by Representative Lewis; cosponsored by Senator Hollander for RAMON A. GRAY on his termination of service.

A joint certificate of commendation by Representative Gerlach; cosponsored by Senator Frank for THE SOUTH MILWAUKEE HIGH SCHOOL BASKETBALL TEAM on their Class A state basketball championship victory.

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

Senate Bill 193

Relating to determining just and reasonable attorney's fees for services performed in connection with formal, informal and summary probate proceedings.

The question was; Shall assembly amendment 1 be concurred in?

Senator Berger moved nonconcurrency.

The motion prevailed.

Ordered immediately messaged.

Senate Bill 257

Relating to the number of legislators on the joint survey committee on tax exemptions.

The question was: Shall assembly amendment 1 be concurred in?

Concurred in.

Senate Bill 422

Relating to allocating costs of utility replacement due to freeway and expressway construction.

The question was: Shall assembly amendment 1 be concurred in?

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Concurred in.

Senate Bill 614

Relating to the "organization of Wisconsin state government" preprint from the biennial Blue Book.

Senator Risser moved that the senate recede from its position and concur in assembly amendment 1.

The motion prevailed.

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

MOTIONS

Senator Petri moved that **Senate Bill 537** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 538** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

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Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 539** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 540** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 541** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 542** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 543** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

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Senator Petri moved that **Senate Bill 544** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 545** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 546** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Martin, Maurer,

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Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow -
- 19.

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 547** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 548** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 549** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 550** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 551** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

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Senator Petri moved that **Senate Bill 552** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 553** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that **Senate Bill 554** be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Martin, Maurer,

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**Morrison, Parys, Peloquin, Risser, Swan, Thompson and Whittow -
- 19.**

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

Senator Petri moved that Senate Bill 555 be withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

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

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

Absent or not voting -- Senator Knutson -- 1.

So the motion did not prevail.

MOTIONS UNDER JOINT RULE 26

A joint certificate of congratulations by Senator Frank; cosponsored by Representative Tesmer for COACH HAROLD "BUTCH" MCKEON and the ST. FRANCIS HIGH SCHOOL BASKETBALL TEAM on winning the 1976 61st WIAA Class B. State Basketball Championship;

A joint certificate of congratulations by Senator McKenna; cosponsored by Representative Wackett for the HELENVILLE MUTUAL INSURANCE COMPANY on its 100th anniversary;

A joint certificate of congratulations by Senator Bablitch; cosponsored by Representative Goodrich for the MOUNT MORRIS MUTUAL FIRE INSURANCE COMPANY on its 100th anniversary;

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

CALENDAR OF MARCH 24

Senate Resolution 22

Authorizing the chairperson of the senate committee on commerce to appoint a committee to study methods used by the public service commission and various energy questions.

Read and adopted.

By request of Senator Whittow, with unanimous consent, **Senate Resolution 23** was placed at the foot of the calendar.

Senate Bill 451

Relating to removing limitations on the owning of land by aliens.

Read a second time.

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

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

Senate amendment 1 adopted.

Senate amendment 2 to senate substitute amendment 2 offered by Senator Petri.

Senate amendment 2 adopted.

The question was: Adoption of senate substitute amendment 2?

Senator Dorman raised the point of order that senate substitute amendment 2 was not germane.

The chair took the point of order under advisement.

LEAVE OF ABSENCE

By request of Senator Chilsen, with unanimous consent, he was granted a leave of absence for fifteen minutes.

Senate Bill 464

Relating to unlisted telephone service.

Read a second time.

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Senator LaFave moved indefinite postponement.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Frank, Goyke, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, Martin, Parys, Peloquin, Risser, Sensenbrenner, Theno and Whittow -- 19.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Harnisch, McKenna, Maurer, Morrison, Murphy, Petri, Swan and Thompson -- 13.

Absent or not voting -- Senator Knutson -- 1.

So the motion prevailed.

By request of Senator Dorman, with unanimous consent, Senate Bill 713 was placed at the foot of the calendar.

Senate Bill 745

Relating to polling places for special referenda conducted by a school district.

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 745

Read a third time and passed.

Senate Bill 780

Relating to use of private facilities by state departments and agencies.

Read a second time.

Senator Risser moved indefinite postponement.

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

Ayes -- Senators Bidwell, Chilsen, Devitt, Dorman, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Martin, Maurer, Murphy, Parys, Risser, Theno, Thompson and Whittow -- 18.

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Noes -- Senators Bablitch, Berger, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Morrison, Petri, Sensenbrenner and Swan -- 13.

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

So the motion prevailed.

President pro tempore of the senate in the chair.

11:55 A.M.

Senate Bill 792

Relating to various changes in nursing regulations.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 to Senate Bill 792 offered by Senator Petri.

Senator Devitt moved rejection.

LEAVE OF ABSENCE

By request of Senator Murphy, with unanimous consent, he was granted a leave of absence at 5:00 P.M. for the balance of today's session.

Upon motion of Senator Whittow the senate recessed until 2:00 P.M.

12:10 P.M.

RECESS

2:00 P.M.

The senate reconvened.

Senator Whittow 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.

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

Senators Berger, Bidwell, Chilsen, Cullen, Devitt, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Pelouquin, Petri, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 27.

Absent -- Senators Bablitch, Dorman, Kleczka, Murphy and Swan -- 5.

Absent with leave -- Senator Knutson -- 1.

By request of Senator Whittow, with unanimous consent, the call was raised.

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

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

COMMITTEE REPORTS

The committee on Urban Affairs reports and recommends:

Assembly Bill 1415

Relating to municipal housing authorities and the Wisconsin housing finance authority and legal opinions upon municipal obligations.

Concurrence; Ayes, 5; Noes, 0.

KURT A. FRANK
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 1150

and

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Nonconcurrent in:

Assembly Bill 1194 (senate amendment 1)

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1150

An act to appropriate \$11,654.17 from the general fund for payment of a claim made by the city of Cumberland against the state.

By Representative Molinaro; cosponsored by Senator Kleczka, by request of the State Claims Board.

Read first time and referred to joint committee on Finance.

Senator Whittow introduced Congressman Udall and, with unanimous consent, he addressed a few remarks to the senate.

Upon motion of Senator Whittow, the senate adjourned until 3:45 P.M.

2:25 P.M.

RECESS

3:45 P.M.

The senate reconvened.

President of the senate in the chair.

Senator Whittow moved a

CALL OF THE SENATE

on the calendar of March 24

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:

Senators Bablitch, Berger, Bidwell, Chilsen, Devitt, Dorman, Flynn, Goyke, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, Morrison, Murphy, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 25.

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Absent -- Senators Cullen, Frank, Harnisch, McKenna, Martin, Maurer and Parys -- 7.

Absent with leave -- Senator Knutson -- 1.

By request of Senator Whittow, with unanimous consent, the senate proceeded under call.

LEAVE OF ABSENCE

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

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 71

Relating to the life and public service of Walter J. Kohler, Jr.

By The Entire Membership of the Senate, cosponsored by Representatives Otte, Potter and Opitz.

Read.

Considered as privileged.

Adopted by unanimous rising vote.

Ordered immediately messaged.

CALENDAR OF MARCH 24

The question was: Rejection of senate amendment 2 to **Senate Bill 792?**

By request of Senator Petri, with unanimous consent, senate amendment 2 was withdrawn and returned to the author.

Senate amendment 3 to **Senate Bill 792** offered by Senator Kleczka.

Senate amendment 3 adopted.

Ordered to a third reading.

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

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Senate Bill 792

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 4; as follows:

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

Noes -- None.

Absent or not voting -- Senators Knutson, McKenna, Parys and Swan -- 4.

So the bill passed.

Senate Bill 813

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

Read a second time.

Senator Petri moved indefinite postponement.

The motion prevailed.

Senate Bill 824

Relating to revision of welfare laws, granting rule-making authority, providing a penalty and making an appropriation.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Thompson, Berger, Maurer, Martin, Bablitch, Kleczka, Flynn and Morrison.

Senate amendment 1 adopted.

Senate amendments 2, 3, 4, 5, 6, 7 and 8 to senate substitute amendment 1 offered by Senators Petri, Sensenbrenner, Devitt, Keppler, Chilsen, Murphy, Lorge, Krueger, LaFave, Knowles, Hollander, Bidwell and Theno.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Senator Flynn moved rejection.

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

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

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

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

So the motion prevailed.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator Morrison moved rejection.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Martin, Maurer, Morrison, Peloquin, Risser, Thompson and Whittow -- 16.

Noes -- Senators Berger, Bidwell, Chilsen, Devitt, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Murphy, Parys, Petri, Sensenbrenner and Theno -- 15.

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

So the motion prevailed.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

Senator Flynn moved rejection.

The ayes and noes were demanded and the vote was: ayes, 15; noes, 16; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, McKenna, Martin, Maurer, Morrison, Peloquin, Risser, Thompson and Whittow -- 15.

Noes -- Senators Berger, Bidwell, Chilsen, Devitt, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, Murphy, Parys, Petri, Sensenbrenner and Theno -- 16.

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

So the motion did not prevail.

The question was: Adoption?

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The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Devitt, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, Murphy, Parys, Petri, Sensenbrenner and Theno -- 16.

Noes -- Senators Bablitch, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, McKenna, Martin, Maurer, Morrison, Peloquin, Risser, Thompson and Whittow -- 15.

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

So the amendment was adopted.

The question was: Adoption of senate amendment 5 to senate substitute amendment 1?

Senator Morrison moved rejection.

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

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

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

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

So the motion prevailed.

The question was: Adoption of senate amendment 6 to senate substitute amendment 1?

Senator Flynn moved rejection.

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, Dorman, Flynn, Goyke, Harnisch, McKenna, Maurer, Morrison, Peloquin, Risser, Thompson and Whittow -- 13.

Noes -- Senators Bidwell, Chilsen, Cullen, Devitt, Frank, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, Martin, Murphy, Parys, Petri, Sensenbrenner and Theno -- 18.

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

So the motion did not prevail.

The question was: Adoption?

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

Ayes -- Senators Bidwell, Chilsen, Devitt, Frank, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, Martin, Murphy, Parys, Petri, Sensenbrenner and Theno -- 17.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, Flynn, Goyke, Harnisch, McKenna, Maurer, Morrison, Peloquin, Risser, Thompson and Whittow -- 14.

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

So the amendment was adopted.

The question was: Adoption of senate amendment 7 to senate substitute amendment 1?

Senator Morrison 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, Harnisch, Kleczka, McKenna, Martin, Maurer, Morrison, Peloquin, Risser, Thompson and Whittow -- 17.

Noes -- Senators Bidwell, Chilsen, Devitt, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Murphy, Parys, Petri, Sensenbrenner and Theno -- 14.

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

So the motion prevailed.

The question was: Adoption of senate amendment 8 to senate substitute amendment 1?

Senator Flynn moved rejection.

The motion prevailed.

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 824

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:

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

Noes -- Senator McKenna -- 1.

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

So the bill passed.

Ordered immediately messaged.

Senate Resolution 21

Relating to senate committee procedures.

Read.

Senate amendment 1 to Senate Resolution 21 offered by Senator Flynn.

Senate amendment 1 adopted.

Senate amendments 2, 3, 4, and 5 to Senate Resolution 21 offered by Senator Sensenbrenner.

Senator Bablitch in the chair.

5:32 P.M.

LEAVE OF ABSENCE

By request of Senator Hollander, with unanimous consent, he was granted a leave of absence at 6:10 P.M. for the balance of the day.

By request of Senator Parys, with unanimous consent, the senate recessed for 5 minutes.

5:50 P.M.

RECESS

5:55 P.M.

The senate reconvened.

President of the senate in the chair.

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By request of Senator Risser, with unanimous consent, **Senate Resolutions 21 and 23** and **Senate Bill 713** were referred to the committee on Senate Organization.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 713** by Senators Dorman and LaFave.

Senate amendment 1 to senate amendment 2 to **Senate Bill 713** by Senator Dorman.

Senate substitute amendment 1 to **Assembly Bill 1075** by Senator Murphy.

Senate amendment 1 to **Assembly Bill 1243** by Senator Kleczka.

Upon motion of Senator Whittow the senate adjourned until 10:00 A.M. Thursday, March 25.

6:08 P.M.

GUESTS

During today's session, the following visitors honored the senate with their presence:

Mr. Meier and 33 students from Silver Spring Elementary School, Milwaukee, guests of Senator Sensenbrenner.

Mary Carpenter, Pat Ayers, Diane L. Cowen, Madelyn Ortner, Lillian Krmpotick, Sharon Hause, Pat Mazza, Marion LaPlant, Mary Jean Johannes, Eileen Shannon, and Mrs. Gregory Genal, guests of Senator Devitt.

Students of the 4th grade at Atwater School, Shorewood, guests of Senator Sensenbrenner.

Students of the 7th grade class of Mount Olive Lutheran School, Milwaukee, guests of Senator Whittow.