

JOURNAL OF THE SENATE [March 26, 1976]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

FRIDAY, March 26, 1976.

9:00 A.M.

The senate met.

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

Prayer was sung by Mrs. Sue Theno, Ashland.

The senate remained standing and Senator Theno 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, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno and Whittow -- 30.

Absent -- Senators Berger and Thompson -- 2.

Absent with leave -- Senator Knutson -- 1.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 26

Relating to a study of senate committee procedures by the committee on senate organization.

By Senators Flynn, Goyke, Knowles and Bidwell.

Read and referred to committee on Senate Organization.

Senate Resolution 27

Commending Glenn E. Bultman for his service to the Wisconsin state senate.

By The Entire Membership of the Senate.

Read.

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Considered as privileged.

Adopted.

Senate Resolution 28

Commending Robert M. Thompson for his service to the Wisconsin state senate.

By The Entire Membership of the Senate

Read.

Considered as privileged.

Adopted.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 843

Relating to raising the age for purchasing beer or liquor to 19.

By Senators Chilsen and McKenna, by request of Mr. George Longo, Supt. of Schools, D. C. Everest School District.

To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

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

Assembly Bill 1306

Relating to reimbursement for visiting nurses' services and home health aides' services.

Concurrence; Ayes, 9; Noes, 0.

CARL W. THOMPSON
Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 128

Thirty-seven AFSCME union members and other interested constituents petition the legislature to keep the Wisconsin School for Girls at Oregon and the Wisconsin Child Center at Sparta open.

By Senator Dorman.

Read and referred to joint committee on Finance.

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Senate Petition 129

A petition by 284 residents of the state of Wisconsin in support of Senate Bill 669 relating to altering current penalties for the possession of marijuana.

By Senator Lorge.

Read and referred to committee on Judiciary and Consumer Affairs.

Senate Petition 130

A petition by 59 residents of the state of Wisconsin in support of Senate Bill 755, including an increase in snowmobile registration to \$6.00 per year.

By Senator Lorge.

Read and referred to joint committee on Finance.

Senate Petition 131

A petition by 40 residents of the state of Wisconsin in support of Assembly Bill 559 relating to an exemption from sales and use taxes for shoppers' guides.

By Senator Lorge

Read and referred to joint committee on Finance.

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Assembly Joint Resolution 91

and

Passed and asks concurrence in:

Assembly Bill 1019

Assembly bill 1396

Assembly Bill 1449

Assembly Bill 1454

and

Concurred in:

Senate Bill 828

Senate Bill 811

Assembly Bill 163 senate amendments 3, 4, 9, 10, 11, 12, and 13

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and

Nonconcurrent in:

Assembly Bill 163 senate amendment 2

and

Amended and concurred in as amended:

Senate Bill 630 (assembly substitute amendment 3 adopted.)

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 91

Directing the legislative council to study the feasibility of income taxes being paid on a staggered basis throughout the year.

By Representative Pabst.

Read and referred to joint committee on Finance.

Assembly Bill 1019

Relating to assessor's plats.

By Representatives Vanderperren, Conradt and McEssy; cosponsored by Senator Goyke.

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

Assembly Bill 1396

Relating to defining payments to be excluded from final average salary calculations for 3 state retirement funds.

By Representatives Rutkowski and DeLong; cosponsored by Senator Thompson.

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

Assembly Bill 1449

Relating to labeling of drugs and drug products.

By Representatives Jackamonis and Tropman.

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

Assembly Bill 1454

Relating to miscellaneous insurance provisions.

By Committee on Insurance and Banking.

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Read first time and referred to committee on Commerce.

MOTIONS

Senator Chilsen asked unanimous consent that the record of proceedings of March 25 be expunged as it relates to **Senate Bill 500** because the Lieutenant Governor should not have been presiding, pursuant to senate rule 2(1).

Senator Whittow objected.

Senator Chilsen moved that the record of **Senate Bill 500** be expunged from the journal of March 25.

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

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

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

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

Less than two-thirds having voted in the affirmative the motion did not prevail.

LEAVE OF ABSENCE

By request of Senator Whittow, with unanimous consent, Senator Thompson was granted a leave of absence for the balance of the morning's session.

MOTIONS UNDER JOINT RULE 26

A joint certificate of congratulations by Senator Whittow; cosponsored by Representative Pabst for ARTHUR GRUNER on his selection as Chef of the Year by the Professional Chefs Guild of Wisconsin.

A joint certificate of congratulations by Senator Keppler; cosponsored by Representative Potter for the KOHLER

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BASKETBALL TEAM on placing second in the Class C finals in the WIAA Basketball Tournament.

A joint certificate of congratulations by Senator Morrison; cosponsored by Representative Tregoning for the MT. PLEASANT -- PERRY MUTUAL INSURANCE COMPANY on their 100th anniversary.

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

MOTIONS UNDER SENATE RULE 96

A certificate of commendation by Senator Flynn for MAYOR FRANCIS KUCKUCK on his retirement.

A certificate of commendation by Senator Bidwell for ANTHONY "TONY" MADLER on his retirement.

The above motions under senate rule 96 were read and adopted enmasse.

By request of Senator Parys, with unanimous consent, the senate recessed until 11:15 A.M.

9:34 A.M.

RECESS

11:15 A.M.

The senate reconvened.

Upon motion of Senator Whittow the senate recessed until 1:30 P.M.

11:17 A.M.

RECESS

1:30 P.M.

The senate reconvened.

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

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Assembly Bill 729

Concurred in:

Senate Joint Resolution 72

and

Amended and concurred in as amended:

Senate Bill 388 assembly amendment 3 adopted.

and

Recedes from its position on:

Senate Bill 193 assembly amendment 1

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 729

Relating to creating a conservation work projects board, establishing a conservation work projects program, granting rule-making authority and making an appropriation.

By Representatives Murray, Groshek, Day, Mittness, Vanderperren, Molinaro, Lallensack, O'Malley, Menos, Swoboda, Early, Dandeneau, Pabst, Rogers, Miller, Sanasarian, Schricker, Dorff, Kirby, Soucie, Lewison, Everson, Potter and Klicka; cosponsored by Senators McKenna, Chilsen, Bidwell, Lorge and Theno.

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Read first time and referred to committee on Natural Resources

SCHEDULING REPORT #1

Senate Joint Resolution 15

Senate Bill 388

Senate Bill 630

Assembly Bill 163

Appointment -- Joseph M. Bernstein

Appointment -- James P. Coughlin

Assembly Joint Resolution 49

Assembly Bill 22

Assembly Bill 114

Assembly Bill 559

Assembly Bill 575

Assembly Bill 609

Assembly Bill 710

Assembly Bill 766

Assembly Bill 819

Assembly Bill 895

Assembly Bill 911

Assembly Bill 912

Assembly Bill 925

Assembly Bill 933

Assembly Bill 965

Assembly Bill 1062

Assembly Bill 1094

Assembly Bill 1096

Assembly Bill 1108

Assembly Bill 1227

Assembly Bill 1229

Assembly Bill 1239

Assembly Bill 1246

Assembly Bill 1342

Assembly Bill 1373

Assembly Bill 1415

Senator Whittow asked unanimous consent that scheduling report #1 be considered for action at this time.

Senator Knowles objected.

Senator Whittow moved that scheduling report #1 be considered for action at this time.

Senator Knowles asked for a division of the question.

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Senator Whittow asked unanimous consent that **Senate Joint Resolution 15** be considered for action at this time.

Senator Knowles objected.

Senator Whittow moved that **Senate Joint Resolution 15** be considered for action at this time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

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

Noes -- Senators Bidwell, Keppler, Knowles, Lorge and Murphy -- 5.

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

So the motion prevailed.

Senate Joint Resolution 15

To amend article IV, section 24 of the constitution, relating to authorizing state-operated lotteries (1st consideration).

The question was: Concurrence in assembly amendment 2?
Concurred in.

The question was: Concurrence in assembly amendment 3?
Concurred in.

By request of Senator Whittow with unanimous consent, **Senate Bill 388** was considered for action at this time.

Senate Bill 388

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

The question was: Concurrence in assembly amendment 3?
Concurred in.

Ordered immediately messaged.

Senator Whittow asked unanimous consent that **Senate Bill 630** be considered for action at this time.

Senator Knowles objected.

Senator Whittow moved that **Senate Bill 630** be considered for action at this time.

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The ayes and noes were demanded and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes -- Senators Ablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Kleczka, Krueger, LaFave, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 28.

Noes -- Senators Keppler, Knowles, Lorge and Murphy -- 4.

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

So the motion prevailed.

Senate Bill 630

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

The question was: Concurrence in assembly substitute amendment 3?

Senator Goyke moved nonconcurrency.

By request of Senator Whittow, with unanimous consent, consideration of **Senate Bill 630** was laid aside until action on the executive appointments was complete.

By request of Senator Whittow, with unanimous consent, **Assembly Bill 163** was considered for action at this time.

Assembly Bill 163

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

Senator Whittow moved that the senate recede from its position on senate amendment 2.

The motion prevailed.

Ordered immediately messaged.

By request of Senator Whittow, with unanimous consent, the appointments of Bernstein and Coughlin were considered for action at this time.

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.

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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.

By request of Senator Whittow, with unanimous consent, the above appointments were considered enmasse.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Devitt, Dorman, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, Lorge, McKenna, Martin, Maurer, Morrison, Peloquin, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 25.

Noes -- Senators Berger, Flynn, LaFave, Murphy, Parys, Petri and Swan -- 7.

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

So the appointments were confirmed.

Senate Bill 630

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

The question was: Nonconcurrency in assembly substitute amendment 3?

The motion prevailed.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 73

Relating to creating a conference committee to propose a compromise on Senate Bill 630 (open meetings).

By Senators Chilsen, Bablitch and Goyke.

Read.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 73** was considered for action at this time.

Adopted.

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Ordered immediately messaged.

COMMITTEE REPORTS

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

Assembly Bill 1396

Relating to defining payments to be excluded from final average salary calculations for 3 state retirement funds.

Concurrence; Ayes, 9; Noes, 0.

Assembly Bill 1449

Relating to labeling of drugs and drug products.

Concurrence; Ayes, 9; Noes, 0.

CARL W. THOMPSON

Chairman

Senator Whittow asked unanimous consent that the rest of scheduling report #1 be considered for action at this time.

Senator Knowles objected.

Senator Knowles moved that the rules be suspended and **Assembly Bill 355** be considered for action at this time.

The ayes and noes were required and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Devitt, Harnisch, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, Martin, Murphy, Petri, Sensenbrenner and Theno -- 14.

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

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

Less than two-thirds having voted in the affirmative the motion did not prevail.

By request of Senator Parys, with unanimous consent, the senate recessed for 10 minutes.

2:20 P.M.

RECESS

2:30 P.M.

The senate reconvened.

By request of Senator Whittow, with unanimous consent, the balance of scheduling report #1 was considered for action at this time.

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.

Read.

By request of Senator Dorman, with unanimous consent, **Assembly Joint Resolution 49** was referred to the joint committee on Finance.

Assembly Bill 22

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

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 22

Read a third time and concurred in.

Assembly Bill 114

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

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 114

Read a third time and concurred in.

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Assembly Bill 559

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

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 559

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Devitt, Dorman, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 28.

Noes -- Senators Berger, Flynn, Kleczka and Swan -- 4.

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

So the bill was concurred in.

Assembly Bill 575

Relating to residential facilities for the severely physically disabled.

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 575

Read a third time and concurred in.

Assembly Bill 609

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

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 609

Read a third time and concurred in.

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Assembly Bill 710

Relating to maintenance of traffic accident record systems, assignment of names to roads under town board jurisdiction and required reporting of traffic accidents to county and local agencies.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 710** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 710** 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 710

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

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

Noes -- Senators Cullen, Dorman and Murphy -- 3.

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

So the bill was concurred in.

Assembly Bill 766

Relating to revising certain agricultural laws (suggested as remedial legislation by the department of agriculture).

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 766

Read a third time and concurred in.

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Assembly Bill 819

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

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 819** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 819** 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 819

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- 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.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 895

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

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 895

Read a third time and concurred in.

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Assembly Bill 911

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

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 911

Read a third time and concurred in.

Assembly Bill 912

Relating to beer sales in municipal liquor stores.

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 912

Read a third time and concurred in.

Assembly Bill 925

Relating to revisions of certain laws affecting the plant industry.

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 925

Read a third time and concurred in.

Assembly Bill 933

Relating to curtains and lighting requirements for retail liquor stores.

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 933

Read a third time and concurred in.

Assembly Bill 965

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

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Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 965** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 965** 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 965

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Kepler, Kleczka, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 32.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 1062

Relating to vehicle registration replacement credit.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1062** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1062** 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 1062

Read a third time.

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The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- 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.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 1094

Relating to excluding termination payments in benefit calculations under the Wisconsin retirement fund.

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 1094

Read a third time and concurred in.

Assembly Bill 1096

Relating to transporting persons in fifth wheel mobile homes and providing a penalty.

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 1096

Read a third time and concurred in.

Assembly Bill 1108

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

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 1108

Read a third time.

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The ayes and noes were demanded and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- 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.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 1227

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

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1227** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1227** 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 1227

Read a third time and concurred in.

Assembly Bill 1229

Relating to directing the department of agriculture to design an official logotype for cheese produced in this state.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1229** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1229** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 1229

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, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Whittow -- 31.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 1239

Relating to furnishing highway paint to local authorities.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1239** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1239** 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 1239

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- 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.

Noes -- None.

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

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So the bill was concurred in.

Assembly Bill 1246

Relating to adopting the uniform child custody jurisdiction act and making an appropriation.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1246** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1246** 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 1246

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- 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.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 1342

Relating to prohibiting the manufacture, sale and use of polychlorinated biphenyls.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1342** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1342** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 1342

Read a third time and concurred in.

Assembly Bill 1373

Relating to permitting county boards to establish the fiscal year of the county.

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 1373

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- 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.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 1415

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

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 1415

Read a third time and concurred in.

By request of Senator Frank, with unanimous consent, **Assembly Joint Resolution 49** was withdrawn from the joint committee on Finance and considered for action at this time.

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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.

Read and concurred in.

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

By request of Senator Whittow, with unanimous consent, **Assembly Bill 1313** was considered for action at this time.

Assembly Bill 1313

Relating to name changes for minors in permanent foster homes.

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 1313

Read a third time and concurred in.

Ordered immediately messaged.

By request of Senator Theno, with unanimous consent, the senate recessed until 3:25 P.M.

3:10 P.M.

RECESS

3:25 P.M.

The senate reconvened.

Senator Bablitch asked unanimous consent that **Assembly Bill 1040** be considered for action at this time.

Senator Swan objected.

Senator Bablitch moved that the rules be suspended and **Assembly Bill 1040** be considered for action at this time.

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

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Ayes -- Senators Bablitch, Berger, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 24.

Noes -- Senators Bidwell, Devitt, Hollander, Knowles, LaFave, Murphy, Petri and Swan -- 8.

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

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

Assembly Bill 1040

Relating to the creation of transfer programs between certain schools and school districts and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

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

The chair ruled the point of order well taken.

Senate amendments 2 and 3 to **Assembly Bill 1040** offered by Senator Swan.

Senator Swan moved nonconcurrency in **Assembly Bill 1040**.

By request of Senators Bablitch and Krueger, pursuant to senate rule 76, a 2 minute limit was placed on debate on each member for each question. Members were limited to addressing each question only once.

Senator Murphy objected to the time limit and moved that the question be put to the members.

The question was: Shall the time limit agreed to by the majority and minority floor leaders be enacted pursuant to senate rule 76?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Kleczka, Knowles, Krueger, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 27.

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Noes -- Senators Devitt, Keppler, LaFave, Murphy and Swan --
5.

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

So the time limit on debate was enacted.

The question was: Nonconcurrence in **Assembly Bill 1040?**

The ayes and noes were demanded and the vote was: ayes, 10;
noes, 22; absent or not voting, 1; as follows:

Ayes -- Senators Devitt, Flynn, Frank, Goyke, Hollander,
LaFave, Lorge, Martin, Murphy and Swan -- 10.

Noes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen,
Dorman, Harnisch, Keppler, Kleczka, Knowles, Krueger,
McKenna, Maurer, Morrison, Parys, Peloquin, Petri, Risser,
Sensenbrenner, Theno, Thompson and Whittow -- 22.

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

So the motion did not prevail.

The question was: Adoption of senate amendment 2?

Senator Sensenbrenner moved rejection.

The ayes and noes were demanded and the vote was: ayes, 23;
noes, 9; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Dorman,
Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Knowles,
Krueger, Lorge, McKenna, Maurer, Morrison, Parys, Peloquin,
Risser, Sensenbrenner, Theno and Thompson -- 23.

Noes -- Senators Chilsen, Devitt, Hollander, LaFave, Martin,
Murphy, Petri, Swan and Whittow -- 9.

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

So the motion prevailed.

The question was: Adoption of senate amendment 3?

Senator Berger moved rejection.

The motion prevailed.

Ordered to a third reading.

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

Senator Swan objected.

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

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 27.

Noes -- Senators Devitt, LaFave, Lorge, Murphy and Swan -- 5.
Absent or not voting -- Senator Knutson -- 1.

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

Assembly Bill 1040

Read a third time.

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

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Dorman, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Krueger, McKenna, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 24.

Noes -- Senators Devitt, Flynn, Frank, LaFave, Lorge, Martin, Murphy and Swan -- 8.

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

So the bill was concurred in.

Ordered immediately messaged.

Senator Flynn moved that the rules be suspended and **Assembly Bill 421** be withdrawn from the committee on Agriculture, Human Services, Labor and Taxation and considered for action at this time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- 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.

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Noes -- None.

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

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

Assembly Bill 421

Relating to prohibiting state and local subsidy of abortions.

Read a second time.

Senator Dorman raised the point of order that the fiscal note for **Assembly Bill 421** was inaccurate and the senate should not proceed with consideration until a correct fiscal note was obtained.

The chair took the point of order under advisement.

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's session.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 821** was considered for action at this time.

Assembly Bill 821

Relating to permitting 2nd, 3rd and 4th class cities and villages to create community development authorities and making various changes with respect to certain housing authorities and redevelopment authorities.

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 821

Read a third time and concurred in.

Ordered immediately messaged.

By request of Senator Whittow, with unanimous consent, **Assembly Bill 1150** was considered for action at this time.

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.

Read a second time.

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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 1150

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 3; as follows:

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

Noes -- Senator Cullen -- 1.

Absent or not voting -- Senators Knutson, Peloquin and Swan -- 3.

So the bill was concurred in.

Ordered immediately messaged.

Senator Bablitch asked unanimous consent that **Assembly Bill 355** be considered for action at this time.

Senator Kleczka objected.

Senator Bablitch moved that the rules be suspended and **Assembly Bill 355** be considered for action at this 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, Bidwell, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Petri, Risser, Sensenbrenner, Theno and Thompson -- 27.

Noes -- Senators Chilsen, Kleczka, Swan and Whittow -- 4.

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

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

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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.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Bablitch moved rejection.

The motion prevailed.

Ordered to a third reading.

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

Assembly Bill 355

Read a third time.

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

Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Petri, Risser, Sensenbrenner, Theno and Thompson -- 25.

Noes -- Senators Chilsen, Dorman, Kleczka, Murphy, Swan and Whittow -- 6.

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

So the bill was concurred in.

Ordered immediately messaged.

Senator Whittow asked unanimous consent that **Assembly Bill 1306** be considered for action at this time.

Senator Kleczka objected.

Senator Whittow moved that the rules be suspended and **Assembly Bill 1306** be considered for action at this 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, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Goyke, Harnisch, Hollander, Keppler, Knowles, Krueger, LaFave, Lorge, McKenna, Martin, Maurer,

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Morrison, Parys, Petri, Risser, Sensenbrenner, Swan, Theno and Thompson -- 27.

Noes -- Senators Frank, Kleczka, Murphy and Whittow -- 4.

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

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

Assembly Bill 1306

Relating to reimbursement for visiting nurses' services and home health aides' services.

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 1306

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

Noes -- Senators Dorman, Kleczka, Murphy and Whittow -- 4.

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

So the bill was concurred in.

Ordered immediately messaged.

By request of Senator Parys, with unanimous consent, the senate recessed until 5:20 P.M.

4:58 P.M.

RECESS

5:20 P.M.

The senate reconvened.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Justice
Madison, Wisconsin

June 30, 1975

The Honorable, the Senate
State Capitol
Madison, Wisconsin

Dear Senators

The Senate Committee on Organization voted, May 5, 1975, to request my opinion on Senate Joint Resolution 33.

A member of my staff subsequently contacted a member of Senator Parys' staff for clarification of the committee's question. It is now my understanding that the question may be state as follows: May Wisconsin citizens participate in national sweepstakes contests at the present time; and if not, is it necessary to amend the constitution as proposed by Senate Joint Resolution 33 if participation in these contests is to be permitted?

The term "national sweepstakes contests" is not defined, but for the purposed os answering the first part of the question above, I assume that national sweepstakes contests are lotteries. A lottery is defined in sec. 945.01 (2) (a), Stats., as:

"A lottery is an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance, even though accompanied by some skill."

Section 945.01 (2) (b), Stats., then specifies certain activities which do not constitute consideration in determining whether an enterprise is a lottery.

Thus, if a "national sweepstakes contest" conducted in Wisconsin requires for participation only such items as are within the scope of subpar. (b), and which therefore do not constitute consideration, the lottery is legal under present Wisconsin law.

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With respect to the second part of the question above, and assuming that "national sweepstakes contests" are not lotteries, it is impossible to say whether such contests are legal without examining the factual particulars of each such contest. Therefore, I cannot say whether an amendment such as that proposed in Senate Joint Resolution 33 is necessary.

The proposed exception for "national sweepstakes contests" is, however, rather unprecise, and I am not sure adoption of this proposed amendment would add much, if anything, to the present constitutional provision relating to lotteries.

Sincerely yours,
BRONSON C. LA FOLLETTE
Attorney General

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

I am directed to inform you that the assembly adheres to its position on:

Senate Bill 630 assembly substitute amendment 3, requests a committee of Conference and appoints Representatives Jackamonis, Munts and Ferrall as conferees on its part.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Senator Whittow moved that the senate agree to a committee of conference and that the chair appoint members thereto.

The motion prevailed.

The chair appointed Senators Goyke, Flynn and Bablitch as conferees on its part.

By request of Senator Flynn, with unanimous consent, his name was withdrawn from the list of conferees and Senator Chilsen's was substituted.

The question was: Confirmation of the conferees?

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The conferees were confirmed.

LEAVE OF ABSENCE

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

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Senate Bill 105 assembly amendments 1, 4, 7, 9, 10, and 13 adopted

Senate Bill 106 assembly amendments 8, 9, 10, 11 and 13 adopted

Senator Whittow asked unanimous consent that **Assembly Bill 1067** be considered for action at this time.

Senator Goyke objected.

Senator Whittow moved that the rules be suspended and **Assembly Bill 1067** be considered for action at this time.

The ayes and noes were required and the vote was: ayes, 20; noes, 9; absent or not voting, 4; as follows:

Ayes -- Senators Bablitch, Berger, Chilsen, Cullen, Devitt, Dorman, Flynn, Harnisch, Keppler, Krueger, LaFave, Lorge, McKenna, Maurer, Morrison, Murphy, Parys, Petri, Risser and Thompson -- 20.

Noes -- Senators Bidwell, Frank, Goyke, Hollander, Kleczka, Martin, Sensenbrenner, Theno and Whittow -- 9.

Absent or not voting -- Senators Knowles, Knutson, Peloquin and Swan -- 4.

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

Assembly Bill 1067

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

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Read a second time.

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

Senator Goyke moved nonconcurrency in **Assembly Bill 1067**.

The ayes and noes were demanded and the vote was: ayes, 8; noes, 20; absent or not voting, 5; as follows:

Ayes -- Senators Frank, Goyke, Hollander, Kleczka, Krueger, Martin, Sensenbrenner and Whittow -- 8.

Noes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Harnisch, Keppler, Lorge, McKenna, Maurer, Morrison, Murphy, Parys, Petri, Risser, Theno and Thompson -- 20.

Absent or not voting -- Senators Knowles, Knutson, LaFave, Peloquin and Swan -- 5.

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 to **Assembly Bill 1067** offered by Senator Goyke.

Senate amendment 2 adopted.

Senate amendment 3 to **Assembly Bill 1067** offered by Senator Morrison.

By request of Senator Morrison, with unanimous consent, senate amendment 3 was withdrawn and returned to the author.

Ordered to a third reading.

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

Senator Kleczka objected.

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

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

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

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Murphy, Parys, Risser, Sensenbrenner, Theno, Thompson and Whittow -- 26.

Noes -- Senators Kleczka, Krueger and Petri -- 3.

Absent or not voting -- Senators Knowles, Knutson, Peloquin and Swan -- 4.

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

Assembly Bill 1067

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 5; absent or not voting, 4; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Harnisch, Hollander, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Risser, Theno and Thompson -- 24.

Noes -- Senators Goyke, Keppler, Petri, Sensenbrenner and Whittow -- 5.

Absent or not voting -- Senators Knowles, Knutson, Peloquin and Swan -- 4.

So the bill was concurred in as amended.

Ordered immediately messaged.

Senator Whittow asked unanimous consent that **Assembly Bill 604** be considered for action at this time.

Senator Theno objected.

Senator Whittow moved that the rules be suspended and **Assembly Bill 604** be considered for action at this time.

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

Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Dorman, Flynn, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Parys, Risser and Thompson -- 15.

Noes -- Senators Chilsen, Devitt, Frank, Hollander, Keppler, Krueger, LaFave, Lorge, Martin, Murphy, Petri, Sensenbrenner, Theno and Whittow -- 14.

Absent or not voting -- Senators Knowles, Knutson, Peloquin and Swan -- 4.

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Less than two-thirds having voted in the affirmative the motion did not prevail.

Senator Whittow asked unanimous consent that **Senate Bills 105 and 106** be considered for action at this time.

Senator Sensenbrenner objected.

Senator Whittow moved that **Senate Bills 105 and 106** be considered for action at this time.

Senator Sensenbrenner raised the point of order that it required a two-thirds vote to consider **Senate Bills 105 and 106**.

The chair ruled the point of order not well taken in that only a majority vote would be required.

The question was: Shall **Senate Bills 105 and 106** be considered for action at this time?

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

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

Noes -- Senators Frank, Murphy, Petri and Sensenbrenner -- 4.

Absent or not voting -- Senators Knowles, Knutson, Peloquin and Swan -- 4.

So the motion prevailed.

Senate Bill 105

Relating to the adoption of a statewide code for construction of one - and 2-family dwellings, creating a dwelling code council, granting rule-making authority, making appropriations and providing penalties.

The question was: Concurrence in assembly amendment 1?

By request of Senator Whittow, with unanimous consent, the senate stood informal for 1 minute.

5:53 P.M.

5:54 P.M.

The senate reconvened.

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Assembly amendment 1 concurred in.

The question was: Concurrence in assembly amendment 4?

Senator Sensenbrenner moved nonconcurrence.

The ayes and noes were demanded and the vote was: ayes, 10; noes, 17; absent or not voting, 6; as follows:

Ayes -- Senators Chilsen, Frank, Hollander, Keppler, Krueger, LaFave, Murphy, Petri, Sensenbrenner and Theno -- 10.

Noes -- Senators Bablitch, Berger, Cullen, Devitt, Dorman, Flynn, Harnisch, Kleczka, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Risser, Thompson and Whittow -- 17.

Absent or not voting -- Senators Bidwell, Goyke, Knowles, Knutson, Peloquin and Swan -- 6.

So the motion did not prevail.

Assembly amendment 4 concurred in.

The question was: Concurrence in assembly amendment 7?
Concurred in.

The question was: Concurrence in assembly amendment 9?
Concurred in.

The question was: Concurrence in assembly amendment 10?
Concurred in.

The question was: Concurrence in assembly amendment 13?
Concurred in.

Senator Berger asked unanimous consent that action on **Senate Bill 105** be ordered immediately messaged.

Senator Sensenbrenner objected.

Senator Whittow moved that the rules be suspended and action on **Senate Bill 105** be ordered immediately messaged.

The ayes and noes were required and the vote was: ayes, 24; noes, 5; absent or not voting, 4; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Goyke, Harnisch, Hollander, Kleczka, Krueger, LaFave, Lorge, McKenna, Martin, Morrison, Murphy, Parys, Risser, Theno, Thompson and Whittow -- 24.

Noes -- Senators Frank, Keppler, Maurer, Petri and Sensenbrenner -- 5.

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Absent or not voting -- Senators Knowles, Knutson, Peloquin and Swan -- 4.

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

Senate Bill 106

Relating to the adoption of a manufactured building code for dwellings, creating a dwelling code council, granting rule-making authority, making appropriations and providing penalties.

The question was: Concurrence in assembly amendment 8?
Concurred in.

LEAVE OF ABSENCE

By request of Senator Chilsen, with unanimous consent, Senator Knowles was granted a leave of absence for the balance of the day's session.

The question was: Concurrence in assembly amendment 9?
Concurred in.

The question was: Concurrence in assembly amendment 10?
Concurred in.

The question was: Concurrence in assembly amendment 11?
Concurred in.

The question was: Concurrence in assembly amendment 13?
Concurred in.

Ordered immediately messaged.

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

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Assembly Bill 339 senate amendments 1 and 2

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Concurred in:

Assembly Bill 339 senate amendment 3

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 339

Relating to a general "good Samaritan" law.

Senator McKenna moved that the senate recede from its position on senate amendment 1.

The motion did not prevail.

By request of Senator Whittow, with unanimous consent, **Assembly Bill 339** was laid on the table.

Upon motion of Senator Whittow the senate recessed until 6:40 P.M.

STATEMENT OF POSITION

Pursuant to senate rule 74, the journal showed that had Senator Risser been present, he would have voted as indicated on the measures enumerated below. Senator Risser was granted a leave of absence March 16, 17 and 18 due to the death of his wife.

Tuesday March 16.

The appointments of Richard F. Mooney, Marion C. Viste and Paul H. Akers -- Aye for confirmation.

Senate Joint Resolution 47 -- No for adoption.

Senate Bill 247 -- Aye for passage.

Senate Bill 486 -- Aye for indefinite postponement.

Senate Bill 535 -- Aye for passage.

Senate Bill 591 -- Aye for passage.

Senate Bill 648 -- Aye for passage.

Senate Bill 651 -- Aye for passage.

Senate Bill 756 -- Aye for referral to committee on Commerce.

Senate Bill 778 -- Aye for passage.

Senate Bill 779 -- Aye for passage.

Senate Bill 791 -- Aye for passage.

Senate Bill 819 -- Aye for indefinite postponement.

Senate Bill 828 -- Aye for passage.

Senate Bill 830 -- Aye for passage.

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Wednesday, March 17.

Senate Joint Resolutions 46 and 54, Senate Bills 803, 378, 750 and 188 -- No for withdrawal from joint committee on Finance and referral to committee on Senate Organization.

Senate Bill 113 -- Aye for passage.

Senate Bill 753 -- Aye for passage.

Assembly Joint Resolution 43 -- Aye for concurrence.

Assembly Bill 128 -- Aye for concurrence.

Assembly Bill 199 -- Aye for concurrence.

Assembly Bill 546 -- Aye for concurrence.

Assembly Bill 717 -- Aye for concurrence.

Assembly Bill 767 -- Aye for concurrence.

Assembly Bill 908 -- No for nonconcurrence.

Assembly Bill 1118 -- Aye for concurrence.

Assembly Bill 1149 -- Aye for concurrence.

Senate Bill 301 -- Aye for passage.

Senate Bill 399 -- No for indefinite postponement.

Senate Bill 399 -- No for rejection of senate amendment 4.

Assembly Bill 1412 -- No for nonconcurrence.

Thursday, March 18.

Assembly Bill 1 -- Aye for concurrence.

Assembly Bill 105 -- Aye for concurrence.

Assembly Bill 341 -- Aye for concurrence.

Assembly Bill 358 -- Aye for concurrence.

Assembly Bill 594 -- Aye for concurrence.

Assembly Bill 585 -- No for reconsideration of the vote by which concurred in.

Assembly Bill 595 -- Aye for concurrence.

Assembly Bill 616 -- Aye for concurrence.

Assembly Bill 673 -- Aye for concurrence.

Assembly Bill 988 -- Aye for concurrence.

Assembly Bill 1183 -- Aye for concurrence.

Assembly Bill 92 -- No for nonconcurrence.

Assembly Bill 573 -- Aye for concurrence.

Assembly Bill 1412 -- Aye for suspension of the rules to consider for action.

By request of Senator LaFave, with unanimous consent, the senate adjourned in memory of Raymond Tobiasz and Clarence

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Wilger and in honor of Senator **Whittow** who will be leaving the senate.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 534** by Senator **Berger**.

Senate amendment 1 to **Assembly Bill 412** by Senator **Murphy**.

Senate substitute amendment 1 to **Assembly Bill 604** by Senator **LaFave**.

Senate amendments 2, 3, and 4 to **Assembly Bill 604** by Senator **LaFave**.

Senate amendment 5 to **Assembly Bill 604** by Senator **Theno**.

Senator **Whittow** moved that the senate adjourn pursuant to **Assembly Joint Resolution 14**.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 9; absent or not voting, 4; as follows:

Ayes -- Senators **Bablitch, Berger, Bidwell, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Risser, Thompson and Whittow** -- 20.

Noes -- Senators **Chilsen, Devitt, Hollander, Krueger, LaFave, Lorge, Petri, Sensenbrenner and Theno** -- 9.

Absent or not voting -- Senators **Knowles, Knutson, Peloquin and Swan** -- 4.

So the motion prevailed.

6:49 P.M.