

STATE OF WISCONSIN  
**Senate Journal**  
**Eighty-Third Regular Session**

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THURSDAY, January 20, 1977.

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Reverend Julius Stagner, Pastor of Midvale Baptist Church, Madison.

The senate remained standing and the president pro tempore of the senate 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 Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Martin, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 32.

Absent -- Senator Swan -- 1.

Absent with leave -- None.

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INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 10**

Urging congress to tighten federal inspection of imported dairy products.

By Senators Theno, Cullen, Van Sistine, Radosevich and Sensenbrenner; cosponsored by Representatives Kedrowski, Dandeneau, Ausman, Schricker, Gunderson, Dueholm, Vanderperren, Optiz, Schmidt, Murry and DeLong.

Read and referred to committee on Agriculture, Aging and Labor.

## JOURNAL OF THE SENATE [January 20, 1977]

### **Senate Joint Resolution 11**

Memorializing congress and the president to expedite drought relief for Wisconsin farmers.

By Senators Petri, Chilsen, Lorge, Braun and Berger.

Read and referred to committee on Agriculture, Aging and Labor.

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### BILLS INTRODUCED

Read first time and referred:

#### **Senate Bill 58**

Relating to the rights and duties of adjoining landowners with respect to lateral support.

By Senators Flynn, Parys and Berger; cosponsored by Representatives McClain, Johnson and Dueholm, by request of the Department of Industry, Labor and Human Relations.

To committee on Judiciary and Consumer Affairs.

#### **Senate Bill 59**

Relating to changing the observance of Memorial Day to May 30.

By Senators Kleczka, Swan, Offner and Petri; cosponsored by Representatives Lallensack, Dorff, Coggs, Travis, Byers and Schricker, by request of the Wisconsin American Legion.

To committee on Governmental and Veterans' Affairs.

#### **Senate Bill 60**

Relating to fiscal notes for bills causing fiscal impact on the private sector and requiring preparation of an economic impact statement on proposed administrative rules.

By Senators Theno, Martin, Sensenbrenner, Murphy, Bidwell, Flynn, McCallum, Parys, Berger, Keppler, Braun, Cullen, Van Sistine and Chilsen; cosponsored by Representatives Kedrowski, Schricker, Ausman, Gunderson, Opitz, Murray and Schmidt.

To joint committee on Finance.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 60** was withdrawn from the joint committee on Finance and referred to the committee on Senate Organization.

#### **Senate Bill 61**

Relating to fiscal bureaus for school boards in cities of the 1st class.

By Senator Berger.

**JOURNAL OF THE SENATE [January 20, 1977]**

**To committee on Governmental and Veterans' Affairs.**

**Senate Bill 62**

Relating to fire inspection duties of the chief of the fire department in cities of the 1st class.

By Senator Berger.

To committee on Governmental and Veterans' Affairs.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 60** was withdrawn from the committee on Senate Organization and referred to the joint committee on Finance.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 61** was withdrawn from the committee on Governmental and Veterans' Affairs and referred to the committee on Senate Organization.

**Senate Bill 63**

Relating to the veterans first mortgage loan program and the appointment of the secretary of veterans' affairs.

By Senators Kleczka, Swan, Flynn, Krueger, Risser, Maurer, Dorman, Bidwell, Bablitch, Cullen, Berger and Frank; cosponsored by Representative Johnson.

To joint committee on Finance.

**Senate Bill 64**

Relating to issuing trout stamps for trout habitat improvement, and making an appropriation.

By Senators Harnisch, Morrison, Offner, Radosevich, Murphy, McCallum and Cullen; cosponsored by Representative Jackamonis.

To committee on Natural Resources.

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**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:

**Motions Under Joint Rule 26**

A joint certificate of commendation by Representative Dueholm; cosponsored by Senator Radosevich for **FREDERIC FUTURE HOMEMAKERS OF AMERICA** on celebrating National FHA-Hero Week.

## JOURNAL OF THE SENATE [January 20, 1977]

A joint certificate of commendation by Representative Thompson; cosponsored by Senator Bidwell for MRS. LOMA STARK on her service to Juneau County.

A joint certificate of commendation by Representative Thompson; cosponsored by Senator Bidwell for MISS ELEANOR SULLIVAN on her service to Juneau County.

A joint certificate of commendation by Representative Thompson; cosponsored by Senator Bidwell for MRS. HELEN MURPHY on her service to Juneau County.

A joint certificate of commendation by Representative Thompson; cosponsored by Senator Bidwell for LAWRENCE "SHORTY" LARSON on his service to Juneau County.

A joint certificate of commendation by Representative Thompson; cosponsored by Senator Bidwell for THOMAS BARRETT on his service to Juneau County.

A joint certificate of commendation by Representative Thompson; cosponsored by Senator Bidwell for WILLIAM "PAT" GARRIGAN on his service to Juneau County.

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### MESSAGE FROM THE ASSEMBLY CONSIDERED

#### Motions Under Joint Rule 26

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The above motions under joint rule 26 were read and concurred in enmasse.

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### RULING OF THE CHAIR

On Thursday, January 13, 1977, Senator Theno raised the point of order that **Senate Joint Resolutions 7 and 8** were constitutional amendments and therefore were not *required* to be referred to the Joint Survey Committee on Tax Exemptions pursuant to sec. 13.52 Wis. Stats.

The chair took the point of order under advisement.

Section 13.52 (5) sets forth the powers and duties of the committee. "It is the purpose of this committee to provide the legislature with a considered opinion of the legality of the proposal, of the fiscal effect upon the state and its subdivisions and of the desirability as a matter of public policy of each legislative proposal which would modify existing laws or create new laws relating to the exemption of property or persons from any state or local taxes or special assessments."

The powers and duties section, 13.52 (5), and the report section, 13.52 (6), mention in specific: (5) "each legislative proposal which would *modify existing laws* or *create new laws*" and (6) "proposal which affects any *existing statute* or *creates any new statute*".

It is the chair's opinion that **Senate Joint Resolutions 7 and 8**, which are constitutional amendments, do not "affect any *existing statute* or *create any new statute*", nor do they "*modify existing laws* or *create new laws*". Therefore, the joint resolutions would not be *required* by law to be referred to the Joint Survey Committee on Tax Exemptions.

A similar point of order was raised in June of 1975, journal page 954 and in February of 1973, journal page 427. It is the

JOURNAL OF THE SENATE [January 20, 1977]

opinion of the chair that these earlier rulings were based on sound reasoning and the chair upholds its earlier position.

Therefore, the point of order is well taken.

FRED A. RISSER  
President pro tempore

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MOTIONS

Senator Krueger asks unanimous consent that **Senate Joint Resolution 3** be withdrawn from the committee on Senate Organization and placed on the calendar.

Senator Bablitch objected.

Senator Krueger moved that the rules be suspended and **Senate Joint Resolution 3** be withdrawn from the committee on Senate Organization and placed on the calendar.

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

Ayes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 10.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Martin, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 22.

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

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

By request of Senator Parys, with unanimous consent, **Senate Bill 54** was withdrawn from the committee on Commerce and referred to the committee on Judiciary and Consumer Affairs.

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LEAVE OF ABSENCE

By request of Senator Lorge, with unanimous consent, he was granted a leave of absence for Tuesday, February 8.

Senator Sensenbrenner raised the point of order that, pursuant to senate rule 20, **Senate Joint Resolutions 7 and 8** were required to be referred to a senate standing committee not a joint statutory committee.

JOURNAL OF THE SENATE [January 20, 1977]

The chair took the point of order under advisement.

By request of Senator Chilsen, with unanimous consent, the senate adjourned in honor of President Carter and Vice President Mondale and in tribute to outgoing President Ford and Vice President Rockefeller.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, January 25.

10:45 A.M.

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CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Joint Resolution 2**

Correctly enrolled and deposited in the Office of the Secretary of State on January 18, 1977.