

JOURNAL OF THE SENATE [February 3, 1977]

STATE OF WISCONSIN

# Senate Journal

**Eighty-Third Regular Session**

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THURSDAY, February 3, 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 Father Daryl Furlong, Director of the office of Marriage and Family Life of the diocese of Madison.

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

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## LEAVE OF ABSENCE

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

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, Maurer, Morrison, Murphy, Offner, Parys, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- None.

Absent with leave -- Senator Peloquin -- 1.

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INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 17**

To amend section 3 of article VII of the constitution, relating to the practice of law (first consideration).

By Senators Berger, Van Sistine and Parys; cosponsored by Representatives McClain and Schneider.

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

Senator Berger asked unanimous consent that **Senate Joint Resolution 17** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Governmental and Veterans' Affairs.

Senator Flynn objected.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 17** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Organization.

**Senate Joint Resolution 18**

To amend section 3 of article VII of the constitution, relating to the powers of the supreme court (first consideration).

By Senators Berger, Cullen, Swan, Parys, Van Sistine and Theno; cosponsored by Representative McClain.

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

Senator Berger asked unanimous consent that **Senate Joint Resolution 18** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Governmental and Veterans' Affairs.

Senator Flynn objected.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 18** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Organization.

**Senate Joint Resolution 19**

To amend section 24 of article VII of the constitution, relating to prohibiting any requirement that judges must be attorneys (first consideration).

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By Senators Berger, Swan and Parys; cosponsored by Representative Norquist.

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

Senator Berger asked unanimous consent that **Senate Joint Resolution 19** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Governmental and Veterans' Affairs.

Senator Flynn objected.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 19** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Organization.

**Senate Joint Resolution 20**

To amend section 4 of article V of the constitution, requiring 2 weeks advance distribution of special session measures (first consideration).

By Senator Krueger; cosponsored by Representatives Olson, Conradt and Thompson.

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

**Senate Joint Resolution 21**

To amend section 1 of article VIII of the constitution, relating to allowing the legislature to provide relief for the tax imposed for school purposes on the homestead of any person aged 65 or older (1st consideration).

By Senators Kleczka, Harnisch, Cullen, Goyke and Bablitch.

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

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 111**

Relating to taxation of metalliferous mineral mining, creating an investment and local impact fund board in the department of revenue, making appropriations and granting rule-making authority.

By Senators Dorman, McKenna, Berger, Cullen, Bidwell, Risser, Bablitch, Maurer, Radosevich and Braun; cosponsored by

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Representatives Dueholm, Kedrowski, Tropman, Wahner, Dandeneau, Early, Norquist, Miller, Muntz and Schneider, by request of the Senate Special Select Committee on Mining Development and the Special Study Committee on Mineral Taxation.

To Joint Survey Committee on Tax Exemption.

**Senate Bill 112**

Relating to membership on the dwelling code council.

By Senators Martin and Krueger; cosponsored by Representatives Hasenohrl, Potter, Olson and Conradt.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 113**

Relating to requiring the filing of a timed development plan in annexations by cities and villages.

By Senator Cullen; cosponsored by Representatives Day, Hasenohrl, Potter, Gower, Conradt and Fischer.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 114**

Relating to tax redemption.

By Senator Frank; cosponsored by Representative Norquist.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 115**

Relating to reducing the statute of limitations for actions by telephone companies to correct phone billings.

By Senator Dorman; cosponsored by Representatives Dandeneau and Ferrall.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 116**

Relating to tax credit for persons owning real property equipped with solar heating or cooling systems and providing rule-making authority.

By Senator Dorman, by request of Emily Hill.

To Joint Survey Committee on Tax Exemption.

**Senate Bill 117**

Relating to exempting the Young Women's Christian Association from day care licensing.

By Senator Dorman; cosponsored by Representatives Dandeneau and Ferrall.

To the Joint Committee for Review of Administrative Rules.

**Senate Bill 118**

Relating to the required frequency of wage payments to certain employees.

By Senator Dorman; cosponsored by Representatives Ferrall, Rooney and Dandeneau.

To committee on Agriculture, Aging and Labor.

**Senate Bill 119**

Relating to authorizing creation of municipal electric companies.

By Senators Martin, Krueger, Thompson, Morrison, Bidwell, Berger, Goyke, Lorge, Cullen, Theno, Radosevich, Adelman, Harnisch, Keppler, Risser, Chilsen and Van Sistine; cosponsored by Representatives Lallensack, Schricker, Everson, Hasenohrl, Rogers, Hanson, Mohn, Byers, Munts, Lewison, Opitz, Roberts, Early, Dueholm, Quackenbush, Kincaid, Luckhardt, Goodrich, Litscher, Loftus, Barry, Miller, Swoboda, Clarenbach, Fischer, Travis, Thompson and Brist.

To committee on Commerce.

**Senate Bill 120**

Relating to homestead tax credits.

By Senators Cullen, Harnisch, Kleczka, Chilsen, Goyke, Maurer, Krueger, McKenna, Bidwell, Petri, Sensenbrenner, Theno, Murphy and McCallum.

To committee on Agriculture, Aging and Labor.

**Senate Bill 121**

Relating to requiring small business representation on the council on unemployment compensation.

By Senators Harnisch, Parys, Cullen, Bablitch, Radosevich, Kleczka, Offner, Bidwell, Krueger, Berger, Braun, Adelman, Murphy, Risser, Goyke, Sensenbrenner, Frank, Flynn, Maurer, McKenna, Morrison and Chilsen; cosponsored by Representatives Roberts, Schneider, Gunderson, Behnke, Hauke and Quackenbush.

To committee on Commerce.

**Senate Bill 122**

Relating to requiring an autopsy on victims of sudden infant death syndrome and providing information and counseling.

By Senator McKenna; cosponsored by Representative Hanson.

To committee on Human Services.

**Senate Bill 123**

Relating to filing annual statements of indebtedness with the state treasurer.

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By Senator McKenna.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 124**

Relating to the treatment of abandoned property and contracts for fiscal agents and registration of state indebtedness, and making an appropriation.

By Senator McKenna.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 125**

Relating to employer paying for required employe uniforms.

By Senators Cullen, Radosevich, Chilsen, Berger, Braun, Bablitch and Flynn.

To committee on Agriculture, Aging and Labor.

**Senate Bill 126**

Relating to raising the drinking age to 19.

By Senators McKenna, Chilsen, Bidwell and Cullen, by request of Wisconsin Council of School Administrative Associations, Wisconsin Interscholastic Athletic Association, Wisconsin Law Enforcement Officers Association and Wisconsin Beer and Liquor Retailers Association, Inc.

To committee on Commerce.

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COMMITTEE REPORTS

The Joint Committee for Review of Administrative Rules reports and recommends for introduction:

**Senate Bill 127**

Relating to authorizing school districts to determine and vary the length of a school day.

Introduction; Ayes, 7; Noes, 1.

Read first time and referred to committee on Education and Revenue.

DAVID C. BERGER

Senate Cochairperson

WILLIAM ROGERS

Assembly Cochairperson

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The committee on Commerce reports and recommends for introduction:

**Senate Bill 128**

Relating to highway weight limitation enforcement tolerances and increasing certain fees.

Introduction; Ayes, 6; Noes, 0.

Read first time and referred to committee on Commerce.

**RONALD G. PARYS**

Chairman

The Joint Committee for Review of Administrative Rules reports and recommends for introduction:

**Senate Bill 129**

An act prohibiting the department of industry, labor and human relations from promulgating daily overtime pay standards for one year.

Introduction; Ayes, 6; Noes, 3.

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

**DAVID G. BERGER**

Senate Cochairperson

**WILLIAM ROGERS**

Assembly Cochairperson

The Senate Committee for Review of Administrative Rules reports and recommends;

**Senate Bill 110**

Relating to various changes in the laws concerning school buses.

Passage; Ayes, 4; Noes, 0.

**DAVID G. BERGER**

Chairperson

By request of Senator Bablitch, with unanimous consent, **Senate Bill 127** was withdrawn from the committee on Education and Revenue and referred to committee on Senate Organization.

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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 passed and asks concurrence in:

**Assembly Bill 77**

**Assembly Bill 79**

**Assembly Bill 86**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 77**

Relating to the size of containers for intoxicating liquor.

By Representatives Dorff and Andrea, cosponsored by Senator Maurer.

Read first time and referred to committee on Commerce.

**Assembly Bill 79**

Relating to removing certain restrictions on the amount of liquor that may be sold for off-premise consumption and changing certain references to English-size containers to metric equivalents.

By Representatives Dorff and Andrea, cosponsored by Senator Maurer.

Read first time and referred to committee on Commerce.

**Assembly Bill 86**

Relating to a tax table for intoxicating liquor containers in metric sizes.

By Representatives Dorff, Kincaid and Andrea, cosponsored by Senator Maurer.

Read first time and referred to committee on Commerce.

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CALENDAR OF FEBRUARY 3

**Senate Bill 110**

Relating to various changes in the laws concerning school buses.  
Read a second time.

Senate Amendment 1 to Senate Bill 110 offered by Senators Berger, Sensenbrenner, Swan and Offner.

Senate amendment 1 adopted.



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By request of Senator Dorman, with unanimous consent, **Senate Bill 110** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 110** 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 Bablitch, with unanimous consent, the bill was considered for final action at this time.

### **Senate Bill 110**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

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

So the bill passed.

Ordered immediately messaged.

### **Senate Joint Resolution 9**

To amend sections 5, 11 and 16 to 23 of article VII of the constitution so as in effect to repeal said sections; to amend section 21 of article I, sections 17 and 26 of article IV, and sections 2 to 4, 6 to 10, 13, 14 and 24 of article VII of the constitution; and to create sections 3 (3), 4 (3), 5 and 11 of article VII and section 16 of article XIV of the constitution, relating to a revised structure of the judicial branch including a unified court system with administrative authority vested in the chief justice, authorizing creation of a court of appeals, and providing for court system disciplinary proceedings (second consideration).

Read a third time.

The question was: Adoption?

The ayes and noes were required and the vote was: ayes, 23; noes, 8; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka,

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McCallum, McKenna, Maurer, Morrison, Offner, Petri, Radosevich, Risser, Sensenbrenner, Thompson and Van Sistine -- 23.

Noes -- Senators Berger, Bidwell, Krueger, Lorge, Murphy, Parys, Swan and Theno -- 8.

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

So the joint resolution was adopted.

Ordered immediately messaged.

By request of Senator Harnisch, with unanimous consent, the Senate returned to the second and third orders of business.

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INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 22**

Requesting state agencies to eliminate, consolidate and simplify forms and to report their progress to the legislature.

By Senators Harnisch, Frank, Cullen, Offner, Sensenbrenner, Bablitch, McKenna, Chilsen, Morrison, Radosevich, Parys and Swan; cosponsored by Representatives Behnke, Roberts and Schmidt.

Read and referred to committee on Commerce.

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 130**

Relating to retirement benefits for protective service employes.

By Senator Offner; cosponsored by Representative McClain.

To Joint Survey Committee on Retirement Systems.

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AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 91** by Senator Sensenbrenner.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, February 8.

12:08 P.M.

**CHIEF CLERK'S CORRECTION**

**Suggested by Legislative Reference Bureau**

**Relating to Senate Bill 63**

**On page 6, line 8, substitute "after" for "of".**

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**CHIEF CLERK'S REPORT**

**The chief clerk records:**

**Senate Joint Resolution 12**

**Correctly enrolled and deposited in the Office of the Secretary of State on February 2, 1977.**