

JOURNAL OF THE SENATE [February 8, 1977]

STATE OF WISCONSIN

Senate Journal

Eighty-Third Regular Session

TUESDAY, February 8, 1977.

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Reverend Joseph E. Dawson, Pastor of Mount Zion Baptist Church, Madison.

The senate remained standing and the president 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, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- None.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 8

To repeal senate rule 20 (1) (L); and to amend senate rule 20 (1) (j), relating to combining the standing committees on natural resources and on tourism.

By Senators Harnisch and Bablitch.

Read and referred to committee on Senate Organization.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 131

Relating to the appointment of the secretary of veterans affairs.

By Senator Swan.

To committee on Governmental and Veterans' Affairs.

Senate Bill 132

Relating to transportation of private school pupils.

By Senators Kleczka and Adelman; cosponsored by Representatives Hauke and Rutkowski, by request of Sally Borkowski.

To committee on Education and Revenue.

Senate Bill 133

An act to increase the attorney positions in the legislative reference bureau, and increasing an appropriation.

By Senators Risser, Bablitch, Kleczka, Sensenbrenner and Krueger.

To committee on Senate Organization.

Senate Bill 134

Relating to energy, drought and natural disaster assistance and making appropriations.

By Senators Cullen, Dorman, Radosevich, Bablitch, Berger, Offner, Van Sistine, Goyke, Chilsen and Krueger; cosponsored by Representatives Metz, Jackamonis, Wahner, Munts, Clarenbach, Andrea, Behnke, Rooney, Porter, Barry, Hanson and Czerwinski, by request of Governor Patrick J. Lucey.

To joint committee on Finance.

Senate Bill 135

Relating to free boat launching for persons 65 and over.

By Senator Cullen.

To committee on Natural Resources.

Senate Bill 136

Relating to amendment of the authorized state building program and making an appropriation.

By Senator Risser, by request of the Wisconsin State Building Commission.

To joint committee on Finance.

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Senate Bill 137

Relating to regulating trapping devices, granting rule-making authority and providing a penalty.

By Senator Risser, by request of Evelyn Hughs, president of Protect Animal Life.

To committee on Natural Resources.

Senate Bill 138

Relating to making an appropriation for a \$25 rebate on 1976 personal income taxes to each household as a fuel cost rebate.

By Senators Sensenbrenner, Lorge, Krueger, Chilsen, Keppler, McCallum, Murphy, Bidwell and Petri.

To joint committee on Finance.

Senate Bill 139

Relating to tax counseling at senior citizen centers.

By Senators Cullen, Bablitch, Harnisch, Peloquin, Krueger, Parys, Van Sistine, Radosevich, Maurer and McKenna; cosponsored by Representatives Clarenbach, Rooney, Barry and Hanson.

To committee on Agriculture, Aging and Labor.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends for introduction:

Senate Bill 140

Relating to service of process on the administrator of the division of motor vehicles as agent or attorney for others.

By request of the Department of Transportation.

Introduction; Ayes, 3; Noes, 0.

Read first time and referred to committee on Commerce.

Senate Bill 141

Relating to detention of county jail inmates in a house of correction.

By request of Milwaukee County.

Introduction; Ayes, 3; Noes, 0.

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

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Senate Bill 142

Relating to delivering liquor or dangerous drugs to, or permitting persons of different sexes to be placed together in, a prison or house of correction.

By request of Milwaukee County.

Introduction; Ayes, 3; Noes, 0.

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

Senate Bill 143

Relating to escapes from custody and providing penalties.

By request of Milwaukee County.

Introduction; Ayes, 3; Noes, 0.

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

Senate Bill 144

Relating to battery to house of correction employes and providing a penalty.

By request of Milwaukee County.

Introduction; Ayes, 3; Noes, 0.

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

Senate Bill 145

Relating to increasing circuit and county judges in Milwaukee county.

By request of Milwaukee County.

Introduction; Ayes, 3; Noes, 0.

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

Senate Bill 146

Relating to requiring the mother of a child to testify in paternity proceedings and granting her immunity.

By request of Milwaukee County.

Introduction; Ayes, 3; Noes, 0.

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

Senate Bill 147

Relating to allowing jury trials on primary and general election days.

By request of Milwaukee County.

Introduction; Ayes, 2; Noes, 1.

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

Senate Bill 148

Relating to appellate practice and procedure.

By request of the Judicial Council.

Introduction; Ayes, 3; Noes, 0.

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

JAMES T. FLYNN

Chairman

The committee on Governmental and Veterans' Affairs reports and recommends:

Senate Bill 63

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

Adoption of senate amendment 1; Ayes, 4; Noes, 0.

Introduction and adoption of senate amendment 2; Ayes, 4; Noes, 0.

Introduction and adoption of senate amendment 3; Ayes, 4; Noes, 0.

Passage as amended; Ayes, 3; Noes, 1.

MONROE SWAN

Chairman

The committee on Judiciary and Consumer Affairs reports and recommends:

KOLKA, MARY E., of Madison, as a member of the Cosmetology Examining Board, to serve for the term ending July 1, 1979.

Confirmation; Ayes, 4; Noes, 0.

Senate Bill 58

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

Passage; Ayes, 4; Noes, 0.

JAMES T. FLYNN

Chairman

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 7, 1977.

To the Honorable, the Senate:

On January 7, 1977, I submitted to the Senate the nomination of David J. Ward, of Neenah, for membership on the Chiropractic Examining Board.

I am writing at Mr. Ward's request to ask that this nomination be withdrawn. It will not be possible for Mr. Ward to serve at this time.

Sincerely,
PATRICK J. LUCEY
Governor

Read.

State of Wisconsin
Executive Department

To the Honorable, the Legislature:

I have the honor to report to you the pardons and commutations of sentence granted by me as Governor during the year 1976, with reasons therefore, as required by Article V, Section 6, of the Wisconsin Constitution.

1. Catherine Agard was convicted on December 7, 1971 in the County Court for Dane County of the crime of shoplifting and was sentenced to a \$200 fine and 5 days in the county jail. She was granted an absolute pardon based on no prior or subsequent felony convictions.

2. Thomas Arnot was convicted on August 17, 1972 in the Circuit Court for Grant County of the crime of sale and delivery of marijuana and was sentenced to 2 years probation. He was granted an absolute pardon based on no prior or subsequent felony convictions and on recommendation from the Parole Board.

3. James Brisk was convicted on September 8, 1959 in the Circuit Court for Shawano County of the crime of operating an auto without owner's consent and was sentenced to 2 years. In

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addition, James Brisk was convicted on October 3, 1961 in the County Court for Shawano-Menominee County of the crimes of aggravated battery and battery and was sentenced to 5 years and 30 days to be served concurrently. He was granted an absolute pardon based on no prior or subsequent felony convictions and on recommendation from the Parole Board.

4. Leon Brown was convicted on May 27, 1954 in the Municipal Court for Milwaukee County of 2 counts of obtaining merchandise by false pretenses and was sentenced to two three year terms to be served concurrently. In addition, Leon Brown was convicted on September 9, 1954 in the District Court for Milwaukee County of the crime of fraudulent concealment of property under a conditional sales contract and was sentenced to 6 months to be served concurrently with his other sentence. He received an absolute pardon based on recommendation from the Parole Board.

5. Roy Buehrle was convicted on September 27, 1971 in the Circuit Court for LaCrosse County of 2 counts of sale of a dangerous drug and was sentenced to 30 months probation on each count. He was granted an absolute pardon based on no prior or subsequent felony convictions and on recommendation from the Parole Board.

6. Kenneth Chambers was convicted on March 8, 1967 in the Circuit Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. He was granted a commutation of sentence to 50 years based on a recommendation from the Parole Board.

7. Kathleen Reid Collins was convicted on February 23, 1968 in the County Court for Milwaukee County of the crime of criminal damage to property and was sentenced to 30 days. In addition, Kathleen Reid Collins was convicted on February 14, 1969 in the Circuit Court for Milwaukee County of the crime of forgery and was sentenced to 3 years probation and restitution. She was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

8. Alvin Cook was convicted on December 31, 1962 in the Circuit Court for Grant County of two counts of operating auto without owner's consent and was sentenced to 3 years on each count to be served concurrently. He was granted an absolute

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pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

9. Todd Damrow was convicted on February 25, 1974 in the County Court for LaCrosse County of the crime of theft and was sentenced to a \$75 fine. He was granted an absolute pardon based on no prior or subsequent felony convictions and for employment opportunities.

10. Patrick DeLang was convicted on January 30, 1935 in the Municipal Court for Manitowoc County of the crime of aiding probationer to break probation and was sentenced to 1 year. He was granted an absolute pardon based on no prior or subsequent felony convictions and on his stable position in the community.

11. Allen Gilmore was convicted on July 18, 1963 in the Circuit Court for Milwaukee County of two counts of theft and was sentenced to 3-1/2 years probation. He was granted an absolute pardon based on no prior or subsequent felony convictions.

12. Mary Griffin was convicted on July 5, 1966 in the Circuit Court for Milwaukee County of the crime of receiving and concealing stolen property and was sentenced to 2-1/2 years probation. She was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

13. Thomas Gunderson was convicted on August 15, 1969 in the County Court for Dane County of the crime of petty theft and was sentenced to a \$50 fine. In addition, Mr. Gunderson was convicted on August 27, 1970 in the County Court for Dane County of the crime of petty theft and was sentenced to a \$100 fine. He was granted an absolute pardon based on no prior or subsequent felony convictions and for business opportunities.

14. Thomas Hardinger was convicted on December 10, 1971 in the County Court for Wood County of the crime of aid and abet possession of dangerous drugs with intent to sell and was sentenced to 3 years probation. He was granted an absolute pardon based on no subsequent felony convictions and his early discharge from supervision.

15. Christopher Heintz was convicted on July 21, 1970 in the County Court for Waukesha County of the crime of possession of dangerous drug and was sentenced to 2 years probation. He was granted an absolute pardon based on no prior or subsequent felony convictions and on recommendation from the Parole Board.

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16. Stuart Heiser was convicted on September 17, 1971 in the County Court for Waukesha County of the crime of arson and was sentenced to 3 years probation. In addition Mr. Heiser was convicted on September 17, 1971 in the County Court for Waukesha County of the crime of furnishing fermented malt beverages to a person under 18 and was sentenced to a \$100 fine. He was granted an absolute pardon based on no prior or subsequent felony convictions and on recommendation from the Parole Board.

17. Gary Hilbert was convicted on February 15, 1968 in the County Court for Kenosha County of the crime of aiding and abetting burglary and was sentenced to 2 years probation. He was granted an absolute pardon based on no prior or subsequent felony convictions and on recommendation from the Parole Board.

18. Donald Hodach was convicted on January 17, 1962 in the District Court for Milwaukee County of the crime of forgery and was sentenced to 2 years probation. He was granted an absolute pardon based on a recommendation from the Parole Board and for business opportunities.

19. Milton Hutchins was convicted on March 3, 1969 in the County Court for Milwaukee County of being party to the crime of forgery (uttering) and was sentenced to 3 years probation. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

20. Randall Jansen was convicted on February 16, 1971 in the Circuit Court for Milwaukee County of the crime of sexual intercourse with a child and was sentenced to 3 years probation. He was granted a conditional pardon on the condition subsequent that he not be convicted of a felony for a period of 3 years based on no prior or subsequent felony convictions and on recommendation from the Parole Board.

21. Clarence Jennings was convicted on November 5, 1962 in the Circuit Court for Milwaukee County of the crime of burglary and was sentenced to 2 years. He was granted an absolute pardon based on no prior or subsequent felony convictions.

22. David Jennings was convicted on November 5, 1962 in the Circuit Court for Milwaukee County of the crime of burglary and was sentenced to 2 years probation. He was granted an absolute pardon based on no prior or subsequent felony convictions.

23. Lloyd Johnson was convicted on August 10, 1961 in the County Court for Chippewa County of the crime of issue worthless

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checks and was sentenced to 1 year probation. In addition Mr. Johnson was convicted on June 7, 1962 in the County Court for Chippewa County of seven counts of forgery (uttering) and was sentenced to 1 year on each count to be served concurrently. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

24. Walter Juslen was convicted on October 24, 1957 in the County Court for Waukesha County of the crime of carrying a concealed weapon and was sentenced to 1 year probation. In addition, Mr. Juslen was convicted on July 3, 1967 in the County Court for Waukesha County of the crime of disorderly conduct and was sentenced to 30 days. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

25. Robert Karpinsky was convicted on March 12, 1970 in the County Court for Dane County of the crime of disorderly conduct and was sentenced to a \$50 fine. He was granted an absolute pardon based on no prior or subsequent felony convictions.

26. William Kirchen was convicted on September 27, 1973 in the Circuit Court for Portage County of the crime of arson and was sentenced to 2 years. He was granted a conditional pardon on the condition subsequent that he not be convicted of a felony for a period of 3 years based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

27. Paul Kneeland was convicted on February 16, 1972 in the County Court for Milwaukee County of the crime of possession of marijuana and was sentenced to 18 months probation. He was granted an absolute pardon based on a recommendation from the Parole Board.

28. Gary Lee Krahn was convicted on May 12, 1958 in the Municipal Court for Kenosha County of the crime of theft and was sentenced to 18 months. In addition, Mr. Krahn was convicted on October 14, 1958 in the Municipal Court for Kenosha County of the crime of malicious destruction of property and was sentenced to 4 months to be served concurrently with his other sentence. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

29. Paul Kreuser was convicted on October 31, 1958 in the Municipal Court for Kenosha County of the crime of receiving

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stolen property and was sentenced to 2 years. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

30. Charles LeClaire was convicted on August 15, 1972 in the Circuit Court for Dane County of the crime of possession of marijuana and was sentenced to 2 years probation. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

31. David Liska was convicted on June 29, 1956 in the Municipal Court for Milwaukee County of the crime of larceny and was sentenced to 1 year probation. He was granted an absolute pardon based on no prior or subsequent felony convictions.

32. Michael Magida was convicted on September 14, 1970 in the County Court for Vilas County of the crimes of possession of marijuana and possession of meadalin and was sentenced to a \$150 fine on each count. He was granted an absolute pardon based on no prior or subsequent felony convictions and for business opportunities.

33. Cleatus Marshall was convicted on December 22, 1970 in the County Court for Milwaukee County of the crime of disorderly conduct and was sentenced to a \$15 fine. He was granted an absolute pardon based on no prior or subsequent felony convictions and for business opportunities.

34. Walter Miske was convicted on June 6, 1958 in the Municipal Court for Milwaukee County of the crime of receiving stolen property and was sentenced to 8 years. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

35. Theodore Moriarity was convicted on September 25, 1970 in the County Court for Milwaukee County of the crime of possession of marijuana and was sentenced to 2 years probation. He was granted a conditional pardon on the condition subsequent that he not be convicted of a felony for a period of 3 years based on no prior or subsequent felony convictions.

36. Delores O'Brien was convicted on January 22, 1962 in the County Court for Manitowoc County of the crime of disorderly conduct and was sentenced to a \$100 fine. In addition, Ms. O'Brien was convicted on March 2, 1965 in the County Court for Milwaukee County of the crime of child neglect and was sentenced to 1 year; on September 15, 1965 in the County Court for

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Milwaukee County of the crime of child neglect and was sentenced to 2 years probation; on June 25, 1970 in the County Court for Menominee County of the crime of contributing to the delinquency of a minor and was sentenced to 2 years probation; and on October 8, 1970 in the Circuit Court for Menominee County of the crime of threat of injury to extort money and was sentenced to 2 years probation. She was granted an absolute pardon based on a recommendation from the Parole Board and for educational achievements.

37. Victor Ortiz was convicted on February 23, 1972 in the County Court for Eau Claire County of the crime of possession of a narcotic drug and was sentenced to 26 months probation. He was granted a conditional pardon on the condition subsequent that he not be convicted of a felony for a period of 3 years based on no prior or subsequent felony convictions and on his work in the community.

38. Dennis Pawlak was convicted on January 10, 1964 in the County Court for Chippewa County of four counts of burglary, operating an auto without owner's consent and theft and was sentenced to 3 years on each count to be served concurrently. He was granted an absolute pardon based on no prior or subsequent felony convictions.

39. Gary Pierce was convicted on May 25, 1972 in the Circuit Court for Dane County of two counts of sale of dangerous drug and was sentenced to 3 years probation on each count to be served concurrently. He was granted a conditional pardon on the condition that he not be convicted of a felony for a period of 3 years based on no prior or subsequent felony convictions.

40. Richard Prince was convicted on December 19, 1957 in the Municipal Court for Milwaukee County of the crime of sexual intercourse with a child and was sentenced to 2 years probation. He was granted an absolute pardon based on no prior or subsequent felony convictions and his maintenance of a stable and contributing position in his community.

41. Robert Reyes was convicted on December 17, 1959 in the Municipal Court for Milwaukee County of the crimes of possession of burglarious tools and attempted burglary and was sentenced to two 3 year terms to be served concurrently. In addition Mr. Reyes was convicted on December 18, 1959 in the Municipal Court for Milwaukee County of the crime of burglary and was sentenced to 3

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years. He was granted an absolute pardon based on no subsequent felony convictions.

42. Paul Streff was convicted on February 14, 1972 in the Circuit Court for Milwaukee County of being party to the crime of attempting to obtain a narcotic drug by fraud and was sentenced to 2 years probation. He was granted a conditional pardon on the condition that he not be convicted of a felony for a period of 3 years based on no prior or subsequent felony convictions and his community work.

43. Forrest Sullivan was convicted on June 11, 1971 in the Circuit Court for Dane County of the crime of sale of obscene film and was sentenced to a \$300 fine. He was granted an absolute pardon based on no prior or subsequent felony convictions.

44. John P. Thompson was convicted on July 11, 1968 in the Circuit Court for Milwaukee County of the crime of possession of marijuana for smoking purposes and was sentenced to 1 year probation. He was granted an absolute pardon based on no prior or subsequent felony convictions.

45. Allen Traxler was convicted on February 7, 1962 in the County Court for Rock County of the crime of armed robbery and was sentenced to 5 years. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

46. Merceline Warrington was convicted on March 5, 1958 in the County Court for Shawano County of the crime of larceny and was sentenced to 1 year. She was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

47. Stephen Welsh was convicted on August 29, 1955 in the Municipal Court for Milwaukee County of the crime of carnal knowledge and abuse and was sentenced to an indeterminate term. He was granted an absolute pardon based on no prior or subsequent felony convictions and on a recommendation from the Parole Board.

48. Walter Wetzel was convicted on February 25, 1957 in the Circuit Court for Clark County of the crime of sexual intercourse with a female not his wife and was sentenced to 1 year probation and a \$100 fine. He was granted an absolute pardon based on no prior or subsequent felony convictions.

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49. Thomas Wilcott was convicted on November 6, 1969 in the County Court for Waupaca County of 2 counts of petty theft, theft and receiving stolen property and was sentenced to 90 days in the county jail and two 2 year terms to be served concurrently. He was granted an absolute pardon based on employment purposes.

Sincerely,
PATRICK J. LUCEY
Governor

FELGER, GEORGIA A., of Milwaukee, as a member of the Psychology Examining Board, to serve for the term ending July 1, 1979.

KOLKA, MARY E., of Madison, as a member of the Cosmetology Examining Board, to serve for the term ending July 1, 1979.

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

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; 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, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- None.

So the appointments were confirmed.

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 21

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MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 21

Granting the use of the legislative chambers on Saturday, February 26, 1977, for the 1977 Model Legislative Session of the Wisconsin Junior Chamber of Commerce.

By Representatives Jackamonis and Wahner, cosponsored by Senator Berger.

Read and referred to committee on Senate Organization.

MOTIONS UNDER JOINT RULE 26

A joint certificate of condolence by Senator Dorman; cosponsored by Representatives Dandeneau, Rooney and Ferrall for the family and friends of MR. TONY TRENTADUE on the occasion of his death.

A joint certificate of congratulations by Senator Radosevich; cosponsored by Representatives Dueholm and Early for FRANCIS NERO on the occasion of his retirement after 18 years of service to Burnett county.

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

CALENDAR OF FEBRUARY 8

Senate Bill 46

Relating to increasing the appropriation for mass transit aids.
Read a second time.

Senate substitute amendment 1 to Senate Bill 46 was offered by Senator Parys.

By request of Senator Kleczak, with unanimous consent, Senate Bill 46 was placed after Senate Bill 58 on the calendar.

Senate Bill 58

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

Read a second time.

Ordered to a third reading.

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

Senate Bill 58

Read a third time and passed.

Senate Bill 46

Relating to increasing the appropriation for mass transit aids.
Read a second time.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 46** offered by Senator Kleczka.

Senator Parys moved rejection of senate amendment 1.

President pro tempore of the senate in the chair.

10:40 A.M.

President in the chair.

10:45 A.M.

Senator Bablitch moved a

CALL OF THE SENATE

Which motion was supported.

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

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

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

Absent -- Senator Dorman -- 1.

Absent with leave -- None.

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

The question was: Rejection of senate amendment 1 to senate substitute amendment 1 to **Senate Bill 46**?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Goyke, Harnisch, Keppler, Krueger, Lorge, McCallum, McKenna,

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Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 25.

Noes -- Senators Adelman, Braun, Dorman, Flynn, Frank, Kleczka and Risser -- 7.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 3; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 29.

Noes -- Senators Berger, Braun and Risser -- 3.

Absent or not voting -- None.

So the substitute amendment was adopted.

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 46

Read a third time.

Senator Risser raised the point of order that the bill required an emergency statement before it could receive further consideration in the senate.

The chair ruled that pursuant to section 16.47(2) Wis. Stats. the point of order was well taken.

By request of Senator Dorman, with unanimous consent, **Senate Bill 46** was referred to the joint committee on Finance.

LEAVE OF ABSENCE

By request of Senator Theno, with unanimous consent, he was granted a leave of absence for the afternoon's session.

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Senate Bill 63

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

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Adopted.

The question was: Adoption of senate amendment 3?

Adopted.

Senate amendment 4 to **Senate Bill 63** offered by Senator Swan.

By request of Senator Murphy, with unanimous consent, he was added as a coauthor of senate amendment 4.

Senator Kleczka moved rejection of senate amendment 4.

President pro tempore of the senate in the chair.

12:05 P.M.

Upon the motion of Senator Bablitch the senate recessed until 4:30 P.M.

12:12 P.M.

RECESS

4:30 P.M.

The senate reconvened.

Senator Bablitch moved a

CALL OF THE SENATE

Which motion was supported.

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

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison,

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Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Thompson and Van Sistine -- 30.

Absent -- Senator Flynn -- 1.

Absent with leave -- Senator Theno -- 1.

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

President of the senate in the chair.

4:40 P.M.

The question was: Rejection of senate amendment 4 to Senate Bill 63?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Dorman, Flynn, Harnisch, Kleczka, Krueger, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser and Van Sistine -- 18.

Noes -- Senators Chilsen, Frank, Goyke, Keppler, Lorge, McCallum, McKenna, Murphy, Parys, Petri, Sensenbrenner, Swan, Theno and Thompson -- 14.

Absent or not voting -- None.

So the motion prevailed.

Senate Bill 63

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 63

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 0; 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, Peloquin, Petri, Radosevich, Risser, Theno, Thompson and Van Sistine -- 30.

Noes -- Senators Sensenbrenner and Swan -- 2.

Absent or not voting -- None.

So the bill passed.

JOURNAL OF THE SENATE [February 8, 1977]

By request of Senator Bablitch, with unanimous consent, the committee report for **Senate Bill 46** was received and considered for action at this time.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 46

Relating to increasing the appropriation for mass transit aids.
Emergency statement recommended; Ayes, 11; Noes, 3.

HENRY DORMAN
Senate Chairman

Senate Bill 46

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 46

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 28.

Noes -- Senators Bidwell, Chilsen, Harnisch and Morrison -- 4.
Absent or not voting -- None.

So the bill passed.

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

By request of Senator Bablitch, with unanimous consent, the Senate returned to the third, fourth and seventh orders of business.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 149

Relating to establishment of the personnel board as an independent agency and other changes in state personnel management and review, granting rule-making authority and making appropriations.

By Senators McKenna, Krueger, Parys, Goyke and Chilsen; cosponsored by Representative Pabst.

To committee on Governmental and Veterans' Affairs.

Senate Bill 150

Relating to the financing of pedestrian malls in cities of the 1st class.

By Senator Swan, by request of City of Milwaukee.

To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

The committee on Governmental and Veterans Affairs reports and recommends:

Senate Bill 131

Relating to the appointment of the secretary of veterans affairs.

Passage; Ayes, 3; Noes, 1.

MONROE SWAN

Chairman

By request of Senator Swan, with unanimous consent, **Senate Bill 131** was withdrawn and returned to the author.

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 10

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 10

Permitting the legislature to authorize certain nonprofit organizations to conduct raffle games as regulated by law (2nd consideration).

By Representatives Gunderson, Vanderperren, Flintrop, Plewa, Lallensack, Litscher, Donoghue, Engeleiter, Groshek, Day, Porter, Olson, Goodrich, Medinger, Schricker, Byers, Rogers, Kincaid, Wahner, Brist, Czerwinski, Mohn, Behnke, Andrea, Quackenbush, Roberts, McClain, Schmidt and Rutkowski, cosponsored by Senators Parys, Sensenbrenner, Berger, Harnisch, Martin, Morrison, Theno, Murphy and Keppler.

Read first time and referred to committee on Commerce.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 16** by Senator Berger.

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

5:35 P.M.