

JOURNAL OF THE SENATE [February 17, 1977]

STATE OF WISCONSIN

Senate Journal

Eighty-Third Regular Session

THURSDAY, February 17, 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 Frank R. Gaylord, Pastor of Bethany United Methodist Church, Madison.

The senate remained standing and Senator Lorge 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.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 172

Relating to expanding the public service commission from 3 members to 5 members.

By Senator Berger.

To committee on Commerce.

Senate Bill 173

Relating to direct appeal to the supreme court of public service commission rate decisions.

By Senator Berger.

To committee on Judiciary and Consumer Affairs.

Senate Bill 174

Relating to judicial review of public service commission decisions.

By Senator Berger.

To committee on Judiciary and Consumer Affairs.

Senate Bill 175

Relating to using the value of a public utility's property as a rate base.

By Senator Berger.

To committee on Commerce.

Senate Bill 176

Relating to prohibiting any utility rate increase except by administrative rule and granting rule-making power.

By Senator Berger.

To committee on Commerce.

Senate Bill 177

Relating to prohibiting utility rate increases to recover tax increases.

By Senator Berger.

To committee on Commerce.

Senate Bill 178

Relating to prohibiting automatic fuel adjustment rate increases by public utilities.

By Senator Berger.

To committee on Commerce.

Senate Bill 179

Relating to setting maximum rates for public utilities and granting rule-making authority.

By Senator Berger.

To committee on Commerce.

Senate Bill 180

Relating to creating a peoples' utility counsel within the department of justice.

By Senators Berger and Braun.

To committee on Judiciary and Consumer Affairs.

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Senate Bill 181

Relating to notice to customers of proposed public utility rate increases.

By Senators Berger, Cullen, Braun and Petri.

To committee on Judiciary and Consumer Affairs.

Senate Bill 182

Relating to popular election of the members of the public service commission.

By Senators Berger, Cullen, Murphy and Petri.

To committee on Governmental and Veterans' Affairs.

Senate Bill 183

Relating to auditing public utilities by the legislature and public service commission.

By Senators Berger and Petri; cosponsored by Representative Kirby.

To committee on Audit.

Senate Bill 184

Relating to eligibility of business owners' relatives for unemployment compensation.

By Senators Theno, McCallum, Keppler, Lorge, Chilsen, Krueger, Risser, Babltich and Van Sistine; cosponsored by Representatives Kedrowski, Donoghue, Byers, Gunderson, Ausman, Bradley, Schmidt, Lewis, Conradt and Lewison.

To committee on Agriculture, Aging and Labor.

Senate Bill 185

Relating to prohibiting the sale of aerosol sprays and providing a penalty.

By Senators Theno, Keppler, Harnisch, Risser, Babltich and Van Sistine; cosponsored by Representatives Kedrowski, Lewis and Tuczynski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 186

Relating to providing information to county boards regarding equalized valuation.

By Senators Theno, Keppler, Sensenbrenner, McCallum and Van Sistine; cosponsored by Representatives Kedrowski, Donoghue, Byers, Gunderson, Ausman, Schmidt, Conradt, Quackenbush and Lewison, by request of Ashland County.

To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Joint Resolution 1

To amend section 15 of article IV of the constitution so as in effect to repeal said section, relating to legislative immunity from arrest and civil process (first consideration).

Adoption; Ayes, 5; Noes, 0.

JAMES T. FLYNN
Chairman

The committee on Commerce reports and recommends:

Senate Bill 12

Relating to registration fees for motor busses used exclusively for transporting musical marching groups.

Introduction and adoption of senate amendment 1; Ayes, 6; Noes, 0.

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

RONALD G. PARYS
Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 1

A petition by the Barron Area Farmers Union Local favoring a relaxation in requirements for our State and Federal highways construction; cancellation of the requirement for fencing along highways and allowing land to be farmed closer to highways, and the utilization of present two lane highways in the construction of four lane highways.

By Senator Radosevich.

Read and referred to committee on Commerce.

Senate Petition 2

A petition by the Barron Area Farmers Union Local opposing the construction of a new jet airport in that area.

By Senator Radosevich.

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

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Senate Petition 3

A petition by the St. Croix County Board of Supervisors encouraging legislation to require deposit of returnable containers.
By Senator Radosevich.

Read and referred to committee on Natural Resources.

Senate Petition 4

A petition by the St. Croix County Board of Supervisors opposing state administration of public welfare.
By Senator Radosevich.

Read and referred to committee on Human Services.

Senate Petition 5

A petition by 386 residents of Wisconsin requesting the legislature to provide funds for the continuation of Sesame Street broadcasts from Rhinelander.
By Senator Theno.

Read and referred to committee on Education and Revenue.

Senate Petition 6

A petition by 21 citizens of Wisconsin in favor of Senate Bill 9, and Senate Bill 49, and Assembly Bill 222, dealing with the repeal of protective motorcycle headgear requirement.
By Senator Thompson.

Read and referred to committee on Commerce.

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Assembly Joint Resolution 26
Assembly Joint Resolution 30

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representatives Kincaid, Matty and Schmidt; cosponsored by Senators Krueger and Chilsen for CLARENCE McMAHON on his retirement from public service;

A Joint Certificate of Congratulations by Representatives Kincaid, Matty and Schmidt; cosponsored by Senators Krueger and

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Chilsen for HAROLD BARTZ on his retirement from public service.

Passed and asks concurrence in:

Assembly Bill 123

Assembly Bill 163

Refused to recede from its position on:

Assembly amendment 1 to **Senate Bill 63**, requests a Committee of Conference and appoints Representatives Lallensack, Johnson and Dandeneau as conferees on its part.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 26

Relating to memorializing the president and congress to support the Arctic Gas Project.

By Representatives Wahner and Shabaz, cosponsored by Senators Risser, Krueger and Bablitch.

Read and referred to the committee on Senate Organization.

Assembly Joint Resolution 30

Granting the use of the senate and assembly chambers to Wisconsin American Legion Auxiliary Badger Girls State in 1977 and 1978, for the purpose of holding a practice legislative session.

By Representatives Barry, Jackamonis, Shabaz, Fischer, Soucie, Loftus, Nörquist, Elconin, Day, Wahner and Hasenohrl, cosponsored by Senator Bablitch.

Read and referred to the committee on Senate Organization.

Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representatives Kincaid, Matty and Schmidt; cosponsored by Senators Krueger and Chilsen for CLARENCE McMAHON on his retirement from public service;

A Joint Certificate of Congratulations by Representatives Kincaid, Matty and Schmidt; cosponsored by Senators Krueger and Chilsen for HAROLD BARTZ on his retirement from public service.

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

Assembly Bill 123

Relating to the sale of aspirin in stores other than pharmacies.

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By Representatives McClain, Norquist, Kedrowski, Lingren, Hanson, Mohn, Day, Czerwinski and Roberts, cosponsored by Senators Offner and Berger.

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

Assembly Bill 163

Relating to granting Brown county certain submerged lands in Green Bay.

By Representatives Vanderperren, Metz, Rogers, Swoboda and Gower, cosponsored by Senators VanSistine, Petri and Martin.

Read first time and referred to committee on Urban Affairs.

CALENDAR OF FEBRUARY 17

Senate Bill 63

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

The question was: Adoption of the conference committee report?

President pro tempore of the senate in the chair.

11:00 A.M.

President of the senate in the chair.

11:15 A.M.

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, Braun, Cullen, Dorman, Flynn, Harnisch, Kleczka, Lorge, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 18.

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

Absent or not voting -- None.

So the conference report was adopted.

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

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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).

The question was: Concurrence in assembly amendment 2?

Concurred in.

LEAVE OF ABSENCE

By request of Senator Petri, with unanimous consent, he was granted a leave of absence for April 13, 14 and 15 to attend a seminar for state legislative personnel at the Center for Legislative Improvement.

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

By request of Senator Parys, with unanimous consent, **Senate Bill 108** was withdrawn from the committee on Commerce and referred to joint committee on Finance.

By request of Senator Parys, with unanimous consent, the senate recessed until 12:05 P.M.

11:25 A.M.

RECESS

12:05 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

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

12:09 P.M.

RECESS

4:30 P.M.

The senate reconvened.

LEAVE OF ABSENCE

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

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.

Read.

Senate amendment 1 to **Senate Resolution 8** offered by Senator Swan.

Senator Bablitch raised the point of order that the amendment was not germane.

The chair took the point of order under advisement.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 26

To amend sections 1m and 1n of article V and sections 1m, 1n and 1p of article VI of the constitution so as in effect to repeal said sections; to amend section 1 of article V of the constitution; and to create section 1p of article V of the constitution, relating to 2-year terms of office for the governor and lieutenant governor, and for the secretary of state, state treasurer and attorney general (first consideration).

By Senators Krueger, Lorge and Murphy.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 187

Relating to revision of the homestead tax credit program.

By Senators Chilsen, Theno, Murphy, Petri, Lorge and McCallum.

To committee on Agriculture, Aging and Labor.

Senate Bill 188

Relating to the teaching of civics in high school.

By Senator Berger; cosponsored by Representatives Ward, Byers, Klicka, Bradley, Schricker, Lewison and Menos, by request of the American Legion - Department of Wisconsin.

To committee on Education and Revenue.

Senate Bill 189

Relating to authorizing establishment of foreign trade zones by government bodies and private corporations.

By Senators Murphy, Theno, Lorge, Petri, Chilsen, Bidwell, Sensenbrenner and Parys; cosponsored by Representatives Jackamonis, Merkt, Kincaid, Shabaz, Porter, Tregoning, Pabst, Snyder, Klicka, Opitz, Engeleiter, Gower, Luckhardt, Schmidt and Goodrich.

To committee on Commerce.

Senate Bill 190

Relating to allowing county sheriffs to contract for service of process.

By Senators Murphy, Lorge, Sensenbrenner and Bablitch; cosponsored by Representatives Jackamonis, Merkt, Kincaid, Shabaz, Porter, Tregoning, Pabst, Snyder, Travis, Klicka, Opitz, Gower, Luckhardt, Schmidt and Goodrich.

To committee on Governmental and Veterans' Affairs.

Senator Murphy asked unanimous consent that **Senate Bill 190** be withdrawn from the committee on Governmental and Veterans' Affairs and referred to the committee on Judiciary and Consumer Affairs.

Senator Swan objected.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 190** was withdrawn from the committee on Governmental and

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Veterans' Affairs and referred to the committee on Senate Organization.

COMMITTEE REPORTS

The committee on Human Services reports and recommends:

Senate Bill 191

Relating to regulation of ophthalmic dispensing, creating a council on ophthalmic dispensing, granting rule-making authority and making an appropriation.

By request of the Wisconsin Medical Society and the Wisconsin Society of Opticianry.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Human Services.

CARL W. THOMPSON

Chairman

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

Assembly Bill 227

Relating to space assignments in the capitol.

Introduction and adoption of senate amendment 1; Ayes, 5; Noes, 0.

Concurrence as amended; Ayes, 3; Noes, 2.

MONROE SWAN

Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 7

A petition by 2533 citizens of Wisconsin opposing the proposed recommendations of the Critical Issues Subcommittee of the Wisconsin Council on Criminal Justice.

By Senator Flynn.

Read and referred to the committee on Judiciary and Consumer Affairs.

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 152

Assembly Bill 178

Assembly Bill 201

Assembly Bill 205

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 152

Relating to the penalty for operating an unregistered or improperly registered vehicle.

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

Read first time and referred to committee on Commerce.

Assembly Bill 178

Relating to speed limits on rustic roads.

By Representatives Vanderperren, Mohn, Kincaid, Groshek, Schricker, Lewison and McEssy, cosponsored by Senators VanSistine, Martin and Radosevich.

Read first time and referred to committee on Commerce.

Assembly Bill 201

Relating to the fee for special registration plates for collectors.

By Representatives Vanderperren, Mohn, Schricker, Conradt, Lewison and McEssy, cosponsored by Senator Martin.

Read first time and referred to committee on Commerce.

Assembly Bill 205

Relating to permitting certain vehicles hauling snow to be registered on a monthly basis.

By Representatives Vanderperren, Groshek, Lallensack, Schricker, Everson, Lewison, McEssy and Conradt, cosponsored by Senators Martin and VanSistine.

Read first time and referred to committee on Commerce.

By request of Senator McKenna, with unanimous consent, the journal showed that the Alcohol Problem Council of Wisconsin was added as a requeste of **Senate Bill 126**.

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By request of Senator Bablitch, with unanimous consent, **Senate Bill 136** was considered for action at this time.

Senate Bill 136

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

Read a second time.

Ordered to a third reading.

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

Senate Bill 136

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 4; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Chilsen, Dorman, Flynn, Goyke, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Berger, Bidwell, Cullen and Harnisch -- 4.

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

So the bill passed.

Ordered immediately messaged.

Senate Joint Resolution 1

To amend section 15 of article IV of the constitution so as in effect to repeal said section, relating to legislative immunity from arrest and civil process (first consideration).

Read a second time.

Senator Swan moved that **Senate Joint Resolution 1** be referred to the committee on Governmental and Veterans' Affairs.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Berger, Braun, Chilsen, Cullen, Dorman, Goyke, Keppler, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Parys, Petri, Sensenbrenner, Swan and Van Sistine -- 18.

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Noes -- Senators Adelman, Bablitch, Bidwell, Flynn, Harnisch, Kleczka, Murphy, Offner, Peloquin, Radosevich, Risser, Theno and Thompson -- 13.

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

So the motion prevailed.

Senate Joint Resolution 25

Granting the Y. M. C. A. Youth in Government Committee the use of the legislative chambers on April 1 and 2, 1977.

Read and adopted.

Senate Bill 12

Relating to registration fees for motor busses used exclusively for transporting musical marching groups.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

By request of Senator Dorman, with unanimous consent, **Senate Bill 12** was referred to the joint committee on Finance.

Senate Bill 87

An act to appropriate \$4,864.50 from the general fund for payment of a claim made by Maurice VanSusteren against the state.

Read a second time.

Senate amendment 1 to **Senate Bill 87** offered by Senator McKenna.

Senate amendment 1 to senate amendment 1 to **Senate Bill 87** offered by Senator Petri.

Senator Kleczka moved rejection of senate amendment 1 to **Senate Bill 87**.

The motion did not prevail.

By request of Senator Adelman, with unanimous consent, he was excused from voting on **Senate Bill 87** because of a conflict of interest.

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

Adopted.

Senator Berger moved rejection of senate amendment 1 to **Senate Bill 87**.

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

Ayes -- Senators Berger, Braun, Cullen, Dorman, Flynn, Goyke, Harnisch, Kleczka, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich and Swan -- 15.

Noes -- Senators Bablitch, Bidwell, Chilsen, Keppler, Krueger, Lorge, McCallum, McKenna, Murphy, Petri, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 15.

Absent or not voting -- Senators Adelman and Frank -- 2.

So the motion did not prevail.

Senate amendment 2 to senate amendment 1 to **Senate Bill 87** offered by Senator Thompson.

Senator Murphy moved rejection.

The motion prevailed.

The question was: Adoption of senate amendment 1 to **Senate Bill 87**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 13; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Flynn, Goyke, Keppler, Krueger, Lorge, McCallum, McKenna, Murphy, Petri, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 17.

Noes -- Senators Berger, Braun, Cullen, Dorman, Harnisch, Kleczka, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich and Swan -- 13.

Absent or not voting -- Senators Adelman and Frank -- 2.

So the amendment was adopted.

By request of Senator Dorman, with unanimous consent, **Senate Bill 87** was referred to the joint committee on Finance.

Senate Bill 88

An act to appropriate \$91,447.59 from the general fund for payment of a claim made by Master Lock Company against the state.

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 88

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 1; as follows:

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

Noes -- Senators Berger and Bidwell -- 2.

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

So the bill passed.

Senate Bill 89

An act to appropriate \$59,968.74 from the general fund for payment of a claim made by Norwood Health Center against the state.

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 89

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 1; as follows:

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

Noes -- Senators Berger and Bidwell -- 2.

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

So the bill passed.

Senate Bill 133

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

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 133

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 4; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Dorman, Flynn, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Radosevich, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Bidwell, Cullen, Petri and Swan -- 4.

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

So the bill passed.

By request of Senator Dorman, with unanimous consent, **Senate Bill 12** was withdrawn from the joint committee on Finance and considered for action at this time.

Senate Bill 12

Relating to registration fees for motor busses used exclusively for transporting musical marching groups.

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 12

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, 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.

Noes -- None.

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

So the bill passed.

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

Assembly Joint Resolution 26

Relating to memorializing the president and congress to support the Arctic Gas Project.

Read and concurred in.

By request of Senator Bablitch, with unanimous consent, **Assembly Joint Resolution 30** was considered for action at this time.

Assembly Joint Resolution 30

Granting the use of the senate and assembly chambers to Wisconsin American Legion Auxiliary Badger Girls State in 1977 and 1978, for the purpose of holding a practice legislative session.

Read and concurred in.

Ordered immediately messaged.

Senator Bablitch asked unanimous consent that **Assembly Bill 227** be considered for action at this time.

Senator Sensenbrenner objected.

Senator Bablitch moved that the rules be suspended and **Assembly Bill 227** be considered for action at this time.

The ayes and noes were required and the vote was: ayes, 22; noes, 9; absent or not voting, 1; as follows:

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

Noes -- Senators Bidwell, Chilsen, Keppler, Krueger, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 9.

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

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

Assembly Bill 227

Relating to space assignments in the capitol.

Read a second time.

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By request of Senator Bablitch, with unanimous consent, the senate stood informal for five minutes.

6:30 P.M.

6:35 P.M.

The senate reconvened.

The question was: Adoption of senate amendment 1?

Senator Bablitch moved rejection.

Senator Sensenbrenner moved nonconcurrence in **Assembly Bill 227**.

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, Flynn, Goyke, Harnisch, Keppler, Kleczka, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Absent -- Senator Krueger -- 1.

Absent with leave -- Senator Frank -- 1.

Senator Krueger returned to the chamber.

Senator Sensenbrenner raised the point of order that **Assembly Bill 227** required a fiscal note.

The chair ruled the point of order not well taken.

Senator Sensenbrenner appealed the ruling of the chair.

The question was: Shall the ruling of the chair stand as the decision of the senate?

The ayes and noes were required and the vote was: ayes, 21; noes, 10; absent or not voting, 1; as follows:

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Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 21.

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

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

So the ruling of the chair was sustained.

The question was: Nonconcurrence in Assembly Bill 227?

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

Ayes -- Senators Bidwell, Chilsen, Krueger, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 8.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Goyke, Harnisch, Keppler, Kleczka, Lorge, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 23.

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

So the motion did not prevail.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Goyke, Kleczka, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 17.

Noes -- Senators Adelman, Bidwell, Chilsen, Harnisch, Keppler, Krueger, Lorge, McCallum, McKenna, Murphy, Petri, Sensenbrenner, Swan and Theno -- 14.

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

So the motion prevailed.

Senate amendment 2 to Assembly Bill 227 offered by Senator Swan.

Senator Berger moved rejection.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Goyke, Kleczka, McCallum, McKenna, Maurer,

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Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Chilsen, Harnisch, Keppler, Krueger, Lorge, Murphy, Petri, Sensenbrenner, Swan and Theno -- 11.

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

So the motion prevailed.

Senate amendment 3 to **Assembly Bill 227** offered by Senator Harnisch.

Senator Berger moved rejection.

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

Senate amendment 4 to **Assembly Bill 227** offered by Senator Sensenbrenner.

Senator Bablitch moved rejection.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Goyke, Harnisch, Keppler, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 21.

Noes -- Senators Bidwell, Chilsen, Krueger, Lorge, McCallum, Murphy, Petri, Sensenbrenner, Swan and Theno -- 10.

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

So the motion prevailed.

Ordered to a third reading.

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

Assembly Bill 227

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Goyke, Harnisch, Keppler, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 21.

Noes -- Senators Bidwell, Chilsen, Krueger, Lorge, McCallum, Murphy, Petri, Sensenbrenner, Swan and Theno -- 10.

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

So the bill was concurred in.

Ordered immediately messaged.

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

By request of Senator Bablitch, with unanimous consent, **Assembly Joint Resolution 26** was ordered immediately messaged.

By request of Senator Bablitch, with unanimous consent, the Senate returned to the **second order of business**.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 27

To extend to Wednesday, February 23, 1977, the duration of floorperiod I established in the session schedule.

By Senators Risser, Bablitch and Kleczka.

Read.

Considered as privileged.

Senator Parys raised the point of order that **Senate Joint Resolution 27** was not privileged.

The chair ruled the point of order not well taken pursuant to senate rule 69.

LEAVE OF ABSENCE

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

By request of Senator Parys, with unanimous consent, the senate recessed until 8:00 P.M.

7:49 P.M.

RECESS

8:00 P.M.

The senate reconvened.

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Clerk of the senate in the chair.

By request of Senator Bablitch, with unanimous consent, Senator Kleczka was selected as presiding officer.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 27** was withdrawn and returned to the author.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 192

Relating to the method of filling vacancies in the office of mayor and member of the common council in cities of the 1st class.

By Senators Swan, Braun, Kleczka, Berger and Frank; cosponsored by Representatives Elconin, Wahner, Norquist and Tropman.

To committee on Governmental and Veterans' Affairs.

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 134

Assembly amendment 3 adopted

By request of Senator Bablitch, with unanimous consent, **Senate Bill 134** was withdrawn from the committee on Senate Organization and considered for action at this time.

Senate Bill 134

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

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

Ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 67** by Senator Sensenbrenner.

Senate amendment 1 to **Senate Bill 77** by Senator Frank, by request of Milwaukee County.

Senate amendment 1 to **Senate Bill 124** by Senator McKenna.

Senate amendment 1 to **Senate Bill 155** by Senator Maurer.

Upon motion of Senator Bablitch the senate adjourned pursuant to Assembly Joint Resolution 12.

8:12 P.M.

GUESTS

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

Former State Representative Fred Schroeder of West Bend, guest of Senator Sensenbrenner.

Vicki Fons of West Allis, guest of Senator Flynn was also designated as a page for the day.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to **Senate Bill 111**

On page 5, line 1, substitute "(F)" for "(d)".