

JOURNAL OF THE SENATE [June 15, 1977]

STATE OF WISCONSIN

# Senate Journal

Eighty-Third Regular Session

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WEDNESDAY, June 15, 1977.

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president pro tempore of the senate.

The senate stood for the prayer which was offered by Reverend Richard McDowell, Pastor of the First Assembly of God Church, Madison.

The senate remained standing and Senator Petri 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, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

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## BILLS INTRODUCED

Read first time and referred:

### Senate Bill 454

Relating to principal and income for trusts and estates.

By Senators Flynn, Frank and Murphy, by request of State Bar of Wisconsin, Real Property, Probate and Trust Law Section.

To committee on Judiciary and Consumer Affairs.

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COMMITTEE REPORTS

The committee on Human Services reports and recommends:

**Senate Bill 227**

Relating to enforcement of nursing home regulations, providing a penalty and increasing appropriations.

Introduction of senate substitute amendment 1:

Ayes, 5 -- Senators Thompson, Offner, Braun, Petri and Van Sistine;

Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Thompson, Offner, Braun, Petri and Van Sistine;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Thompson, Offner, Braun, Petri and Van Sistine;

Noes, 0 -- None.

CARL W. THOMPSON  
Chairman

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

**Senate Bill 195**

Relating to regulating smoking in public places, granting rule-making authority and providing a penalty.

Adoption of senate amendment 1:

Ayes, 4 -- Senators Swan, Offner, Braun and Adelman;

Noes, 0 -- None.

Rejection of senate amendment 2:

Ayes, 4 -- Senators Swan, Offner, Braun and Adelman;

Noes, 0 -- None.

Rejection of senate amendment 3:

Ayes, 4 -- Senators Swan, Offner, Braun and Adelman;

Noes, 0 -- None.

Introduction and adoption of senate amendment 4:

Ayes, 4 -- Senators Swan, Offner, Braun and Adelman;

Noes, 0 -- None.

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**Introduction and adoption of senate amendment 5:**

**Ayes, 4 -- Senators Swan, Offner, Braun and Adelman;**

**Noes, 0 -- None.**

**Introduction and adoption of senate amendment 6:**

**Ayes, 5 -- Senators Swan, Offner, Lasee, Braun and Adelman;**

**Noes, 0 -- None.**

**Passage as amended:**

**Ayes, 3 -- Senators Swan, Braun and Adelman;**

**Noes, 2 -- Senators Offner and Lasee.**

**MONROE SWAN**

**Chairman**

**The committee on Commerce reports and recommends:**

**Assembly Bill 176**

**Relating to limiting back billing by public utilities.**

**Concurrence:**

**Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri;**

**Noes, 0 -- None.**

**Assembly Bill 329**

**Relating to construction, maintenance and repair of railroad  
crossings over streets and highways.**

**Concurrence:**

**Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri;**

**Noes, 0 -- None.**

**Assembly Bill 364**

**Relating to motorcycle parking.**

**Concurrence:**

**Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri;**

**Noes, 0 -- None.**

**Assembly Bill 384**

**Relating to income continuation insurance for local employes  
and granting rule-making authority.**

**Concurrence:**

**Ayes, 7 -- Senators Parys, Berger, Swan, Goyke, Keppler,  
Bidwell and Petri;**

**Noes, 0 -- None.**

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**Assembly Bill 460**

Relating to fermented malt beverage regulations affecting persons under 18 accompanied by an adult spouse.

Concurrence:

Ayes, 6 -- Senators Parys, Berger, Goyke, Keppler, Bidwell and Petri;

Noes, 1 -- Senator Swan.

**Assembly Bill 559**

Relating to the quota of "Class B" retail liquor licenses.

Concurrence:

Ayes, 6 -- Senators Parys, Berger, Goyke, Swan, Bidwell and Petri;

Noes, 0 -- None.

**Assembly Bill 560**

Relating to granting liquor licenses to museum restaurants.

Concurrence:

Ayes, 6 -- Senators Parys, Berger, Goyke, Swan, Bidwell and Petri;

Noes, 0 -- None.

RONALD G. PARYS

Chairman

The committee on Natural Resources and Tourism reports and recommends:

**Senate Bill 391**

Relating to deer and bear damage payments.

Passage:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich, Murphy and Theno;

Noes, 0 -- None.

**Assembly Bill 212**

Relating to the cost of duplicate deer hunting licenses.

Concurrence:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich, Murphy and Theno;

Noes, 0 -- None.

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**Assembly Bill 437**

Relating to limiting the number of hunters and the game harvest in state wildlife areas.

Concurrence:

Ayes, 3 -- Senators Van Sistine, Radosevich and Theno;

Noes, 2 -- Senators Harnisch and Murphy.

TOM HARNISCH  
Chairman

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PETITIONS AND COMMUNICATIONS

**Senate Petition 80**

A petition by 359 Wisconsin citizens urging the Wisconsin legislature to reject the Norquist-Maurer amendments to the general property tax relief formula.

By Senator Sensenbrenner.

Read and referred to joint committee on Finance.

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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 346**

**Assembly Bill 353**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 346**

Relating to absentee ballot procedures for confined and disabled electors.

By Representatives Bear, Kedrowski, Brist, Medinger, Plewa, Clarenbach and Moody, cosponsored by Senators Swan and Flynn.

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

**Assembly Bill 353**

Relating to establishing a natural gas conservation program including prohibiting pilot lights, requiring utility-sponsored consumer education programs and prohibiting nonessential uses of natural gas under the public service commission, granting rule-making authority and providing a penalty.

By Representatives Munts, Jackamonis, Dandeneau, Metz, Kirby, Wahner, Kedrowski, Flintrop, Byers, Fischer, Loftus, Clarenbach, Schricker, McClain, Soucie, Lee, Andrea, Norquist, Groshek, Rutkowski, Hasenohrl, Tuczynski, Tropman, Wood, Murray, Lallensack and Engeleiter, cosponsored by Senators Flynn, Berger, Risser, Sensenbrenner, McKenna, Harnisch, Braun, Morrison, McCallum, Keppler, Offner, Cullen, Bablitch, Radosevich and Adelman, by request of Governor Patrick J. Lucey.

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

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CALENDAR OF JUNE 15

By request of Senator Bablitch, with unanimous consent, **Senate Bill 77** was placed at the foot of the calendar.

**Senate Bill 72**

Relating to the powers and duties of court commissioners and changing certain fees.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 72** was referred to the joint committee on Finance.

**Senate Bill 80**

Relating to the sale of certain property no longer needed for state highway purposes.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 80** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 80** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 80**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; 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, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 33.

**Noes** -- None.

Absent or not voting -- None.

So the bill passed.

Senator Kleczka in the chair.

10:25 A.M.

**Senate Bill 195**

Relating to regulating smoking in public places, granting rule-making authority and providing a penalty.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 195** was referred to the joint committee on Finance.

**Senate Bill 227**

Relating to enforcement of nursing home regulations, providing a penalty and increasing appropriations.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 227** was referred to the joint committee on Finance.

**Senate Bill 360**

Relating to standard nonforfeiture and valuation requirements for life insurance and annuity contracts.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

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 360**

Read a third time and 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 order of business.

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### BILLS INTRODUCED

Read first time and referred:

#### **Senate Bill 455**

Relating to membership of the state capitol and executive residence board.

By Senator Parys, by request of Alyn W. Hess, Milwaukee.  
To committee on Governmental and Veterans' Affairs.

#### **Senate Bill 456**

Relating to extending the expiration date of the 55 mile per hour speed limit.

By Senator Parys.  
To committee on Senate Organization.

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### AMENDMENTS OFFERED

Senate amendment 7 to **Senate Bill 195** by Senators Goyke and Offner.

Senate amendment 1 to **Assembly Bill 437** by Senator Harnisch.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 72** by Senator Adelman.

Senate amendment 3 to senate substitute amendment 1 to **Senate Bill 72** by Senator Murphy.

Senate amendment 4 to senate substitute amendment 1 to **Senate Bill 72** by Senators Berger and Parys.

Senate amendment 5 to assembly amendment 262 to **Senate Bill 77** by Senators Sensenbrenner and Petri.



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**Senate amendment 6 to assembly amendment 262 to Senate Bill 77 by Senators Sensenbrenner and Petri.**

**Senate amendment 7 to assembly amendment 262 to Senate Bill 77 by Senators Sensenbrenner and Petri.**

**Senate amendment 8 to assembly amendment 262 to Senate Bill 77 by Senator Sensenbrenner.**

**Senate amendment 9 to assembly amendment 262 to Senate Bill 77 by Senators Sensenbrenner, Krueger and McCallum.**

**By request of Senator Bablitch, with unanimous consent, the senate recessed until 4:00 P.M.**

**11:43 A.M.**

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**RECESS**

**4:00 P.M.**

**The senate reconvened.**

**By request of Senator Bablitch, with unanimous consent, the senate recessed until 4:20 P.M.**

**4:02 P.M.**

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**RECESS**

**4:20 P.M.**

**The senate reconvened.**

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**CALENDAR OF JUNE 15**

**Senate Bill 77**

**Relating to state finances and appropriations, constituting the executive budget bill of the 1977 legislature, and making appropriations.**

**The question was: Adoption of senate amendment 1 to assembly amendment 262?**

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Senator Bablitch moved that senate amendment 1 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

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

Noes -- Senators Adelman, Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 12.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 2 to assembly amendment 262?

Senator Bablitch moved that senate amendment 2 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

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

Noes -- Senators Adelman, Bidwell, Chilsen, Flynn, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri and Sensenbrenner -- 12.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 3 to assembly amendment 262?

Senator Bablitch moved that senate amendment 3 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna,

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**Maurer, Morrison, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 21.**

**Noes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 11.**

**Absent or not voting -- Senator Offner -- 1.**

**So the motion prevailed.**

**The question was: Adoption of senate amendment 4 to assembly amendment 262?**

**Senator Bablitch moved that senate amendment 4 be laid on the table.**

**The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:**

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

**Noes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 11.**

**Absent or not voting -- None.**

**So the motion prevailed.**

**The question was: Adoption of senate amendment 5 to assembly amendment 262?**

**Senator Bablitch moved that senate amendment 5 be laid on the table.**

**The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:**

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

**Noes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 11.**

**Absent or not voting -- None.**

**So the motion prevailed.**

**The question was: Adoption of senate amendment 6 to assembly amendment 262?**

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Senator Bablitch moved that senate amendment 6 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

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

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

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 7 to assembly amendment 262?

Senator Bablitch moved that senate amendment 7 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

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

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

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 8 to assembly amendment 262?

Senator Bablitch moved that senate amendment 8 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McCallum, McKenna, Maurer, Morrison, Murphy, Parys, Peloquin, Radosevich, Risser, Swan, Theno, Thompson and Van Sistine -- 25.

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**Noes -- Senators Bidwell, Keppler, Krueger, Lasee, Lorge, Offner, Petri and Sensenbrenner -- 8.**

**Absent or not voting -- None.**

**So the motion prevailed.**

**The question was: Adoption of senate amendment 9 to assembly amendment 262?**

**Senator Bablitch moved that senate amendment 9 be laid on the table.**

**The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:**

**Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, Lorge, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Theno, Thompson and Van Sistine -- 25.**

**Noes -- Senators Bidwell, Keppler, Krueger, Lasee, McCallum, Murphy, Petri and Sensenbrenner -- 8.**

**Absent or not voting -- None.**

**So the motion prevailed.**

**Senate amendment 10 to assembly amendment 262 to Senate Bill 77 offered by Senators Sensenbrenner, McCallum, Lorge, Keppler and Krueger.**

**Senator Bablitch moved that senate amendment 10 be laid on the table.**

**The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:**

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

**Noes -- Senators Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 11.**

**Absent or not voting -- None.**

**So the motion prevailed.**

**The question was: Concurrence in assembly amendment 262?**

**The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:**

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**Ayes -- Senators Bablitch, Berger, Braun, Chilsen, Cullen, Dorman, Frank, Goyke, Harnisch, Kleczka, Lorge, McKenna, Morrison, Parys, Peloquin, Radosevich, Risser, Swan, Theno, Thompson and Van Sistine -- 21.**

**Noes -- Senators Adelman, Bidwell, Flynn, Keppler, Krueger, Lasee, McCallum, Maurer, Murphy, Offner, Petri and Sensenbrenner -- 12.**

**Absent or not voting -- None.**

**So the amendment was concurred in.**

**Ordered immediately messaged.**

**Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Thursday, June 16.**

**5:07 P.M.**

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**CHIEF CLERK'S CORRECTION**

**Suggested by Legislative Reference Bureau**

**Relating to: Senate Bill 422**

- 1. On page 10, line 18, substitute "charges" for "changes".**
- 2. On page 12, line 18, substitute "subd. 2" for "subd. 1".**

**Relating to: Assembly amendment 47 to Senate Bill 77**

**On line 3, after "454," insert "line 12,".**