

JOURNAL OF THE SENATE [September 21, 1977]

STATE OF WISCONSIN

# Senate Journal

**Eighty-Third Regular Session**

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WEDNESDAY, September 21, 1977.

9:00 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 Pastor Dan Neergaard, Minister of the the Seventh-Day Adventist Church of Madison.

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

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## LEAVE OF ABSENCE

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

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

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

Absent -- Senator Thompson -- 1.

Absent with leave -- Senator Bablitch -- 1.

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 568**

Relating to exploration leases and conveyances of mineral interests.

By Senators Dorman, Cullen, Risser, Maurer, Radosevich, Offner, Berger, Braun, Van Sistine, Adelman, Krueger, McKenna, Bidwell, Keppler, Goyke, Thompson and Flynn; cosponsored by Representatives Dueholm, Kedrowski, Bear, Munts, Jackamonis, Wahner, Ferrall, Schneider, Lato, Kincaid, Day, Miller, Dandeneau, Potter, Rogers and Hasenohrl.

To committee on Judiciary and Consumer Affairs.

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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 348**

**Assembly Bill 753**

**Assembly Bill 938**

Concurred in:

**Senate Bill 169**

**Senate Bill 108**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 348**

Relating to occupational drivers' licenses.

By Representatives Kedrowski, Thompson, Vanderperren and Kincaid, by request of The Drivers License Technical Committee of Highway Safety.

Read first time and referred to committee on Commerce.

**Assembly Bill 753**

Relating to certified public accountants being independent of any enterprise on which they offer financial opinions.

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By Representatives Otte, Roberts, Byers and McClain, cosponsored by Senator McKenna.

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

**Assembly Bill 938**

Relating to unemployment compensation and the unemployment reserve fund.

By Representative Looby, cosponsored by Senator Cullen, by request of the Department of Industry, Labor and Human Relations and Council on Unemployment Compensation.

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

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MOTIONS

By request of Senator Kleczka, with unanimous consent, **Senate Bill 90** was withdrawn from the committee on Agriculture, Aging and Labor and referred to the Joint Survey Committee on Tax Exemptions.

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CALENDAR OF SEPTEMBER 21

**Senate Joint Resolution 48**

To amend SECTION 5 of 1977 Senate Joint Resolution 32, relating to the reporting date for the special joint committee for investigation of the conduct of the personnel board.

Read and adopted.

**Senate Bill 199**

Relating to authorizing the examining board of architects, professional engineers, designers and land surveyors to adopt rules for maintaining professional competence.

Read a second time.

The question was: Rejection of senate amendment 1?

Rejected.

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 199**

Read a third time and passed.

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**Senate Bill 200**

Relating to per diem for members of examining boards who are also state employes.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 200** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 200** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 200**

Read a third time.

The ayes and noes were required and the vote was: ayes, 13; noes, 18; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Berger, Braun, Goyke, Harnisch, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan and Van Sistine -- 13.

Noes -- Senators Bidwell, Chilsen, Cullen, Dorman, Flynn, Frank, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Murphy, Petri, Sensenbrenner and Theno -- 18.

Absent or not voting -- Senators Bablitch and Thompson -- 2.

So the bill did not pass.

**Senate Bill 208**

Relating to clerk's fees in municipal courts.

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 208**

Read a third time and passed.

**Senate Bill 222**

Relating to removal of certain local elective officers by recall election.

Read a second time.

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By request of Senator Keppler, with unanimous consent, **Senate Bill 222** was referred to the committee on Governmental and Veterans' Affairs.

**Senate Bill 225**

Relating to use of private facilities by state departments and agencies.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

By request of Senator Dorman, with unanimous consent, **Senate Bill 225** was referred to the joint committee on Finance.

Senator Dorman asked unanimous consent that **Senate Bill 225** be withdrawn from the joint committee on Finance and considered for action at this time.

Senator Parys objected.

Senator Dorman moved that the rules be suspended and **Senate Bill 225** be withdrawn from the joint committee on Finance and considered for action at this time

The ayes and noes were required and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes -- Senators Berger, Braun, Cullen, Dorman, Flynn, Frank, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Murphy, Offner, Peloquin, Risser, Swan and Theno -- 19.

Noes -- Senators Adelman, Bidwell, Chilsen, Goyke, Krueger, Maurer, Morrison, Parys, Petri, Radosevich, Sensenbrenner and Van Sistine -- 12.

Absent or not voting -- Senators Bablitch and Thompson -- 2.

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

**Senate Bill 287**

Relating to dates for election notices, circulation and filing of nomination papers and certain related events and functions in connection with the spring primary and election.

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

**Senate Bill 287**

Read a third time and passed.

**Senate Bill 297**

Renaming the department of public welfare in populous counties.

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 297**

Read a third time and passed.

**Senate Bill 310**

Relating to state reimbursement for municipal costs incurred as the result of state action, and making an appropriation.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 310** was referred to the joint committee on Finance.

**Senate Bill 340**

Relating to funeral and burial allowances at the Wisconsin home for veterans and increasing an appropriation.

Read a second time.

Ordered to a third reading.

By request of Senator Dorman, with unanimous consent, **Senate Bill 340** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 340** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 430**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

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Ayes -- Senators Adelman, 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 -- 32.

Noes -- None.

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

So the bill passed.

### **Senate Bill 359**

Relating to eligibility for the veterans primary mortgage loan program and an exemption from rule-making requirements for agency actions regarding lenders services under the program.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 359** was referred to the joint committee on Finance.

### **Senate Bill 370**

Relating to licensing procedures of the psychology examining board.

Read a second time.

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

Senator Berger moved rejection.

The motion prevailed.

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## LEAVE OF ABSENCE

By request of Senator McKenna, with unanimous consent, he and Senator Swan were granted a leave of absence for 30 minutes.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 370** offered by Senator Kleczka.

Senator Berger moved rejection.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 8; absent or not voting, 2; as follows:

Ayes -- Senators Berger, Bidwell, Braun, Dorman, Frank, Goyke, Harnisch, Keppler, Krueger, Lorge, McCallum, Maurer, Morrison, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 23.

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Noes -- Senators Adelman, Chilsen, Cullen, Flynn, Kleczka, Lasee, Murphy and Parys -- 8.

Absent or not voting -- Senators Bablitch and McKenna -- 2.

So the motion prevailed.

Senate substitute amendment 1 adopted.

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 370**

Read a third time and passed.

**Senate Bill 378**

Relating to the dog license fund.

Read a second time.

Ordered to a third reading.

By request of Senator Dorman, with unanimous consent, **Senate Bill 378** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 378** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 378**

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 4; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bidwell, Braun, Chilsen, Cullen, Dorman, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, Maurer, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Berger, Flynn, Morrison and Murphy -- 4.

Absent or not voting -- Senators Bablitch and McKenna -- 2.

So the bill passed.



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Senator Lorge moved reconsideration of the vote by which **Senate Bill 378** passed.

By request of Senator Kleczka, with unanimous consent, the motion for reconsideration was laid on the table.

Senator Cullen raised the point of order that **Senate Bill 225** should be considered at this time because of the majority vote to withdraw from the joint committee on Finance.

The chair ruled the point of order not well taken as a motion to withdraw and consider for action requires a suspension of the rules which requires a two-thirds vote.

**Senate Bill 384**

Relating to investment of deferred compensation funds of counties, cities, villages and towns.

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 384**

Read a third time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 384** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 384** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 384**

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

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

Noes -- Senators Lorge, McCallum and Maurer -- 3.

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

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So the bill passed.

**Senate Bill 392**

Relating to excluding the cost of certain facilities from veteran's loan limitations.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Braun, with unanimous consent, senate amendment 1 was withdrawn and returned to the author.

By request of Senator Dorman, with unanimous consent, **Senate Bill 392** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 392** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 392**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, 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 -- 32.

Noes -- None.

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

So the bill passed.

**Assembly Bill 538**

Relating to interference with the custody of a child and providing penalties.

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.

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**Assembly Bill 538**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, 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 -- 32.

Noes -- None.

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

So the bill was concurred in.

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

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**COMMITTEE REPORTS**

The committee on Judiciary and Consumer Affairs reports and recommends:

**Senate Joint Resolution 17**

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

Rejection:

Ayes, 5 -- Senators Flynn, Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

JAMES T. FLYNN

Chairman

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The committee on Commerce reports and recommends:

**Assembly Bill 214**

Relating to establishing minimum safety, health and comfort requirements for railroad engines and providing a penalty.

Introduction of senate amendment 1:

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

Noes, 0 -- None.

RONALD G. PARYS  
Chairman

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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 764**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 764**

Relating to authorizing cities of the 1st class to adopt executive budget procedures.

By Representatives Czerwinski, Pabst, Wahner, Lee, Elconin and Norquist, cosponsored by Senator Berger.

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

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

Upon motion of Senator Kleczka the senate adjourned until 2:00 P.M. Monday, September 26.

11:12 A.M.