

## JOURNAL OF THE SENATE

### Eighty-Third Regular Session

WEDNESDAY, January 18, 1978.

The chief clerk makes the following entries under the above date.

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#### BILLS INTRODUCED

Read first time and referred:

##### **Senate Bill 662**

Relating to increasing the surviving spouse exemptions for inheritance taxes.

By Senators Braun and Berger.

To Joint Survey committee on Tax Exemptions.

##### **Senate Bill 663**

Relating to appointment of citizen members on city, town and village plan commissions.

By Senators Adelman, Morrison and Offner, co-sponsored by Representatives Barry, Day, Lingren and McClain.

To committee on Governmental and Veterans' Affairs.

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#### COMMITTEE REPORTS

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

##### **Senate Bill 664**

Relating to a general revision of occupational licensing statutes, abolishing the examining boards for athletics, hearing aid dealers and fitters, nursing home administrators and watchmaking, the pharmacy internship board and the examining councils for podiatrists, physical therapists, licensed practical nurses and registered nurses, transferring the regulation of athletics and hearing aid dealers and fitters to the department of regulation and licensing, transferring the pharmacy internship program to the department of regulation and licensing, transferring the regulation of nursing home administrators to the department of health and social services, eliminating the regulation of watchmaking, creating a joint survey committee on occupational licensing, making appropriations, granting rule-making authority and providing penalties.

Introduction:

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Ayes, 8 -- Senators Berger, Swan and Offner, Representatives Rogers, Clarenbach, McClain, Brist and Thompson;

Noes, 0 -- None.

Read first time and referred to committee for Review of Administrative Rules.

DAVID BERGER  
Co-chairman

WILLIAM ROGERS  
Co-chairman

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

### **Senate Bill 665**

Relating to public fund raising, grant rule-making authority and providing penalties.

By request of the Department of Regulation and Licensing.

Introduction:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

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

### **Senate Bill 666**

Relating to allowing misdemeanor juries to separate and reassemble at a later time.

By request of Milwaukee County.

Introduction:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

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

and further recommends

### **Assembly Bill 685**

Relating to various revisions in the law regulating trusts and monopolies and providing penalties.

Introduction of senate amendment 1:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

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### **Senate Joint Resolution 49**

To amend section 12 of article XIII; and to create section 12 (4) (a) and (b) of article XIII of the constitution, relating to primaries in recall elections (first consideration).

Adoption:

Ayes, 3 -- Senators Frank, Adelman and Murphy;

Noes, 1 -- ;Senator Harnisch.

### **Senate Bill 143**

Relating to escapes from custody and providing penalties.

Passage:

Ayes, 2 -- Senators Frank and Murphy;

Noes, 2 -- Senators Harnisch and Adelman.

Without Recommendation

### **Senate Bill 218**

Relating to raising transcript fees.

Passage:

Ayes, 2 -- Senators Frank and Harnisch;

Noes, 2 -- Senators Adelman and Murphy.

Without Recommendation

### **Senate Bill 251**

Relating to place of trial in actions against insurance companies growing out of negligence.

Introduction of senate amendment 1:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

Adoption of senate amendment 1:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

### **Senate Bill 343**

Relating to increasing the amount of fees paid to witnesses.

Passage:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

### **Senate Bill 454**

Relating to principal and income for trusts and estates.

Passage:

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Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

### **Senate Bill 494**

Relating to sentencing a person after a probation revocation.

Passage:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

### **Senate Bill 560**

Relating to increasing authority of district attorneys and counties in certain civil actions and proceedings.

Introduction of senate amendment 1:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

Adoption of senate amendment 1:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

### **Senate Bill 563**

Relating to changing procedure in nonconsumer replevin actions.

Passage:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

### **Senate Bill 564**

Relating to the procedure used by a creditor to attach property of his or her debtor.

Passage:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

### **Senate Bill 585**

Relating to disclaimers of transfers of property or an interest in property.

Introduction of senate substitute amendment 1:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;  
Noes, 0 -- None.

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Passage as amended:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

### **Assembly Bill 139**

Relating to prohibiting possession of a dangerous weapon by a convicted felon and providing a penalty.

Concurrence:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

### **Assembly Bill 237**

Relating to awarding costs and fees if an action, special proceeding, cross complaint or counterclaim is determined to be frivolous.

Adoption of senate substitute amendment 1:

Ayes, 3 -- Senators Frank, Harnisch and Murphy;

Noes, 1 -- Senator Adelman.

Concurrence as amended:

Ayes, 3 -- Senators Frank, Harnisch and Murphy;

Noes, 1 -- Senator Adelman.

### **Assembly Bill 389**

Relating to county consumer protection agencies.

Concurrence:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

### **Assembly Bill 446**

Relating to intestate succession where husband and wife die as a result of a common accident.

Concurrence:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

### **Assembly Bill 450**

Relating to prohibiting sexual harassment in employment.

Concurrence:

Ayes, 2 -- Senators Frank and Adelman;

Noes, 2 -- Senators Harnisch and Murphy.

Without Recommendation

### **Assembly Bill 479**

Relating to the payment of jury commissioners fees and increasing travel expense payments.

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Concurrence:

Ayes, 3 -- Senators Frank, Harnisch and Murphy;

Noes, 0 -- None.

### **Assembly Bill 483**

Relating to requiring creditors to file notices of satisfied liens.

Concurrence:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

### **Assembly Bill 753**

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

Concurrence:

Ayes, 4 -- Senators Frank, Harnisch, Adelman and Murphy;

Noes, 0 -- None.

JAMES T. FLYNN

Chairman

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## PETITIONS AND COMMUNICATIONS

### **Senate Petition 139**

A petition by 2,000 citizens of the state of Wisconsin in support of Assembly Bill 240, relating to use of amygdalin (laetrile).

By Senator Thompson.

Read and referred to committee on Human Services.

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## EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

January 11, 1978.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint John Soderberg, of New Richmond, as a member of the Inland Lakes

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Protection and Rehabilitation Council, to succeed himself, to serve for the term ending July 1, 1981.

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

Read and referred to committee on Natural Resources and Tourism.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

January 11, 1978.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Carmen Hanson, of Beaver Dam, as a member of the Inland Lakes Protection and Rehabilitation Council, to succeed herself, to serve for the term ending July 1, 1981.

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

Read and referred to committee on Natural Resources and Tourism.

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### AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 342** by Senator Murphy.

Senate substitute amendment 2 to **Senate Bill 422** by Senator Braun.

Senate amendment 2 to **Senate Bill 554** by Senator Murphy.

Senate amendment 1 to **Senate Bill 627** by Senator Flynn.

Senate amendment 1 to **Senate Bill 636** by Senator Berger.

Senate amendment 1 to **Senate Bill 642** by Senator Braun.

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MONDAY, January 23, 1978

The chief clerk makes the following entries under the above date.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

November 23, 1977.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
1 -----	187 -----	November 23, 1977

Sincerely,  
MARTIN J. SCHREIBER  
Governor

To the Honorable Members of the Senate:

I have approved Senate Bill 1, Special Session, as Chapter 187, Laws of 1977, and deposited it in the office of the Secretary of State.

Senate Bill 1, Special Session, is the first major step to reform the Wisconsin judicial system in response to the recent amendments to the Judicial Article of the Wisconsin Constitution which were approved by more than 66 per cent of the voters of our state on April 5, 1977.

Years of study and hard work by hundreds of people have gone into the development of legislation which will provide for major improvements in our court system. These individuals, and especially the Legislative Council Special Committee on Court Reorganization, are to be commended for their efforts. The major recommendations made by this special committee on appellate court reorganization were embodied in the bill we are signing today.

I have exercised the partial veto authority in one instance to improve the bill.

Section 752.33 provides that Court of Appeals judges may be rotated out of their districts by the Supreme Court only if another court of appeals judge is unavailable to sit by reason of death, illness, disqualification, disability or vacation. The deletion removes the entire section to permit the Supreme Court to rotate Court of Appeals judges with greater flexibility. Rotation of judges as a result of death, illness, disqualification, disability, or vacation only would



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have created large workload disparities between the four panels of judges. The deletion allows the Chief Justice to assign Court of Appeals judges from districts with lighter workloads to those with heavier workloads. This could serve to eliminate disparities between the district panels and insure efficient administration of justice for all litigants. Lack of this power could eventually require additional appellate judges where workload discrepancies or backlogs occur.

The 752.33 restrictions may also have unconstitutionally limited the Supreme Court's administrative authority over the court system. Article VII, Section 4(3) states, "The Chief Justice may assign any judge of a court of record to aid in the proper disposition of judicial business in any court of record except the supreme court."

Sincerely,  
**MARTIN J. SCHRÈIBER**  
Governor

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### CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to:

**Senate Bill 1**, Special Session, senate amendment 3 to senate substitute amendment 1.

On page 2, line 15, substitute "circuit" for "circuits".

Relating to:

**Senate Bill 1**, Special Session

On page 96, line 12, of the engrossed bill, after "Appeals" insert ", reviews of administrative agency decisions" which was there inserted by Item 17 of senate amendment 14 to senate substitute amendment 1 to **Senate Bill 1**, Special Session.

Relating to:

**Senate Bill 1**, Special Session

1. On page 2, line 12, substitute "and (3)" for "(intro.),".
2. On page 59, line 9, substitute "and (3)" for "(intro.),".
3. On page 61, line 24, substitute "or" for the 2nd "or".
4. On page 65, line 20, delete "(intro.)".
5. On page 65, line 27, before "(a)" insert "(3)".

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CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 1, Special Session**

**Correctly enrolled and presented to the Governor on November 23, 1977.**