

STATE OF WISCONSIN
Senate Journal
Eighty-Third Regular Session

TUESDAY, February 14, 1978.

10:00 A.M.

The senate met.

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

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, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- Senators Krueger and Murphy -- 2.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor James A. Knuth, Calvary Lutheran Chapel, Campus Pastor at the University of Wisconsin Missouri Synod, Madison.

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

LEAVE OF ABSENCE

By request of Senator Sensenbrenner, with unanimous consent, Senator Krueger was granted a leave of absence for the balance of the week's session.

By request of Senator Sensenbrenner, with unanimous consent, Senator Murphy was granted a leave of absence for the morning's session.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 693

Relating to licensing requirements under the motor vehicle salvage dealer law.

By Senators Goyke, McCallum, and Swan; cosponsored by Representatives Groshek, Barczak, McEssy, Vanderperren, and Conradt.

To committee on Commerce.

Senate Bill 694

Relating to fire department "supervisors" in small municipalities.

By Senator Cullen.

To committee on Agriculture, Aging and Labor.

Senate Bill 695

Relating to campaign financing, grant rule-making authority, providing penalties and making appropriations.

By Senators Flynn and Bablitch; cosponsored by Representative Kedrowski.

To committee on Judiciary and Consumer Affairs.

Senator Swan asked unanimous consent that **Senate Bill 695** be withdrawn from the committee on Judiciary and Consumer Affairs and be referred to the committee on Governmental and Veteran's Affairs.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 695** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to committee on Senate Organization.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 80

Granting the use of the senate and assembly chambers to Wisconsin Y.M.C.A. Youth in Government, Model Legislature in 1978, for the purpose of holding a practice legislative session.

Concurrence:

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Ayes, 4 -- Senators Risser, Bablitch, Kleczka and
Sensenbrenner;
Noes, 0 -- None.

Concurrence recommended:

Ayes, 4 -- Senators Risser, Bablitch, Kleczka and
Sensenbrenner;
Noes, 0 -- None.

FRED A. RISSER
Chairman

The committee on Governmental and Veteran's Affairs reports
and recommends:

PARSONS, EDWARD M., Jr., of Milwaukee, as a member of the
Public Service Commission, to succeed Matthew Holden,
resigned, to serve for the term ending March 1, 1981.

Confirmation:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;
Noes, 0 -- None.

TORPHY, JOHN, of Ridgeway, as Secretary of the Department of
Administration, to succeed Robert Dunn, to serve for the term
ending at the pleasure of the Governor.

Confirmation:

Ayes, 4 -- Senators Swan, Adelman, Braun and Cullen;
Noes, 1 -- Senator Lasee.

Assembly Bill 515

Relating to issuance of identification cards to persons not having
a valid driver's license and providing penalties.

Concurrence:

Ayes, 4 -- Senators Swan, Cullen, Braun and Lasee;
Noes, 1 -- Senator Lasee.

MONROE SWAN
Chairman

The committee on Agriculture, Aging and Labor reports and
recommends:

Assembly Bill 458

Relating to remedial legislation for the department of agriculture
including abolishing the council on locker plants.

Introduction of senate amendment 1:

Ayes, 4 -- Senators Cullen, Harnisch, Van Sistine and Chilsen;
Noes, 3 -- Senators Radosevich, Morrison and McCallum.

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Adoption of senate amendment 1:

Ayes, 4 -- Senators Cullen, Harnisch, Van Sistine and Chilsen;
Noes, 3 -- Senators Radosevich, Morrison and McCallum.

Introduction of senate amendment 2:

Ayes, 5 -- Senators Radosevich, Harnisch, Morrison, Van
Sistine and McCallum;
Noes, 2 -- Senators Cullen and Chilsen.

Adoption of senate amendment 2:

Ayes, 5 -- Senators Radosevich, Harnisch, Morrison, Van
Sistine and McCallum;
Noes, 2 -- Senators Cullen and Chilsen.

Concurrence as amended:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;
Noes, 0 -- None.

Assembly Bill 468

Relating to authorizing the issuance of senior citizen recreation cards permitting free fishing, small game hunting and admission to state parks.

Concurrence as amended by senate amendments 1 and 2:

Ayes, 5 -- Senators Cullen, Radosevich, Harnisch, Van Sistine
and Chilsen;
Noes, 2 -- Senators Morrison and McCallum.

Assembly Bill 593

Relating to county commissions on aging.

Introduction of senate substitute amendment 1:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;
Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;
Noes, 0 -- None.

Concurrence as amended:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;
Noes, 0 -- None.

HENDERSON, HUGH, JR., of Milwaukee, as a member of the Labor and Industry Review Commission, to succeed John Zinos, resigned, to serve for the term ending March 1, 1979.

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Confirmation:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;

Noes, 0 -- None.

Senate Bill 452

Relating to payment of worker's compensation benefits in accordance with the state average weekly wage rate.

Passage:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;

Noes, 0 -- None.

Senate Bill 593

Relating to the wages, hours and conditions of employment of confidential employes in the classified state service and making appropriations.

Passage:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;

Noes, 0 -- None.

Senate Joint Resolution 52

To create section 7 (2) (a) 3 of article VIII of the constitution, relating to farmers' loans for the acquisition of land, equipment and livestock (first consideration).

Adoption:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;

Noes, 0 -- None.

TIMOTHY F. CULLEN

Chairman

The committee on Human Services reports and recommends:

PERCY, DONALD E., of Madison, as a member of the Health Facilities Authority, to succeed Manuel Carballo, to serve for the term ending June 30, 1980.

Confirmation:

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

Noes, 0 -- None.

WEBER, DR. ROBERT C., of Sheboygan Falls, as a member of the Dentistry Examining Board, to succeed himself, to serve for the term ending July 1, 1982.

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Confirmation:

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

Noes, 0 -- None.

Senate Joint Resolution 57

Directing the legislative council to study ways to strengthen and preserve the family.

Adoption:

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

Noes, 0 -- None.

Senate Bill 197

Relating to licensure of social workers, creating a social workers examining board, granting rule-making authority, making an appropriation and providing penalties.

Introduction of senate amendment 2 to senate substitute amendment 1:

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

Noes, 0 -- None.

Adoption of senate amendment 2 to senate substitute amendment 1:

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

Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 3 -- Senators Thompson, Braun and Van Sistine;

Noes, 2 -- Senators Offner and Petri.

Passage as amended:

Ayes, 3 -- Senators Thompson, Braun and Van Sistine;

Noes, 2 -- Senators Offner and Petri.

Assembly Bill 76

Relating to prohibiting the exhibition of explicit sexual material at outdoor theaters, and providing a penalty.

Concurrence:

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

Noes, 0 -- None.

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Assembly Bill 321

Relating to prohibiting and restricting state and local abortion subsidies.

Concurrence:

Ayes, 3 -- Senators Braun, Van Sistine and Petri;

Noes, 2 -- Senators Thompson and Offner.

Assembly Bill 519

Relating to required coverage of home care and transportation for outpatient treatment by disability insurance policies.

Introduction of senate amendment 2:

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

Noes, 0 -- None.

Adoption of senate amendment 2:

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

Noes, 0 -- None.

Introduction of senate amendment 3:

Ayes, 3 -- Senators Thompson, Van Sistine and Petri;

Noes, 2 -- Senators Offner and Braun.

Adoption of senate amendment 3:

Ayes, 3 -- Senators Thompson, Van Sistine and Petri;

Noes, 2 -- Senators Offner and Braun.

Introduction of senate amendment 4:

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

Noes, 0 -- None.

Adoption of senate amendment 4:

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

Noes, 0 -- None.

Introduction of senate amendment 5:

Ayes, 4 -- Senators Thompson, Braun, Van Sistine and Petri;

Noes, 0 -- None.

Adoption of senate amendment 5:

Ayes, 4 -- Senators Thompson, Braun, Van Sistine and Petri;

Noes, 0 -- None.

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Concurrence as amended:

Ayes, 4 -- Senators Thompson, Offner, Braun and Van Sistine;
Noes, 1 -- Senator Petri.

CARL W. THOMPSON
Chairman

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Commission of Interstate Cooperation
Madison, WI

February 13, 1978

To the Honorable, the Senate:

Pursuant to the provisions of s. 13.54 (4) of the statutes, I herewith submit a report of the following receipts and disbursements from the Interstate Cooperation Commission's Contingent Fund during the period beginning January 1, 1975 and ending June 30, 1977.

Respectfully
WILLIAM A. BABLITCH
Chairman

Senate Petition 153

A petition by 541 residents of the 25th Senate District in support of Senate Bill 629, relating to registration of certain trailers and semitrailers.

By Senator Theno.

Read and referred to joint committee on Finance.

Senate Petition 154

A petition in the form of a Resolution by the Pierce County Farmers Union in support of a Wisconsin Inheritance Tax Exemption to coincide with the Federal Inheritance Tax Exemption.

By Senator Radosevich.

Read and referred to Joint Survey Committee on Tax Exemptions.

Senate Petition 155

A petition in the form of a Resolution by the Pierce County Farmers Union in support of Senate Bill 65, relating to redemption of containers in which ferments malt beverages or carbonated beverages are sold.

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By Senator Radosevich.

Read and referred to committee on Natural Resources and Tourism.

Senate Petition 156

A petition in the form of a Resolution by the Pierce County Farmers Union in support of Senate Bill 451, relating to sexual exploitation of children.

By Senator Radosevich.

Read and referred to committee on Human Services.

Assembly Bill 754

Relating to revising the inland lake protection and rehabilitation law.

RULING OF THE CHAIR

On Tuesday, February 7, 1978, Senator Sensenbrenner raised the point of order that Assembly Bill 754 must be referred to the Joint Survey Committee on Tax Exemptions pursuant to sec. 13.52 of the Wisconsin statutes.

Senator Sensenbrenner contended that such reference was required by virtue of the adoption of senate amendment 1, which would exempt certain property from the general property tax. The chair took the point of order under advisement.

This particular issue has been raised from time to time in both the Senate and Assembly, but a definitive ruling on the subject has never surfaced. The chair would like to take this opportunity to offer such a ruling for the record.

Assembly Bill 754 as messaged from the Assembly makes various changes in Chapter 33 of the Wisconsin statutes (Public Inland Lake Protection and Rehabilitation). None of the changes relate to a tax exemption.

However, senate amendment 1 to Assembly Bill 754 would exempt property owned by any public inland lake protection and rehabilitation district from the general property tax.

Section 13.52(6) of the Wisconsin statutes requires that "upon the introduction in either house of the legislature of any proposal which affects any existing statute or creates any new statute relating to the exemption of any property or person from any state or local taxes or special assessments, such proposal shall at once be referred to the Joint Survey Committee on Tax Exemptions by the presiding officer..."

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Section 13.52(5) requires that the Joint Survey Committee on Tax Exemptions report on the desirability of "each legislative proposal which would modify existing laws or create new laws relating to the exemption of property or persons from any state or local taxes or special assessments."

The question is whether this statutory language requires a bill to be referred (or rereferred) to the tax exemption committee each time an amendment (or substitute amendment) proposing to create (or change) a tax exemption is introduced (or adopted).

The statutory language is particularly unenlightening in this case because there is no indication whether the word "proposal" is meant to include amendments and substitute amendments as well as original bills.

Existing legislative records on s. 13.52, which was originally passed and signed into law as Chapter 153, Laws of 1963, yield no clues.

Therefore, the chair must look for other indications of legislative intent.

The phrase "upon the introduction in either house" in s. 13.52 is significant, for original measures are "introduced", while amendments and substitute amendments are "offered".

The phrase "shall at once be referred to the Joint Survey Committee on Tax Exemptions by the presiding officer" is also helpful because only original measures, not amendments, are referred to committee by the presiding officer.

Halfway through s 13.52(6) the word "proposal" is dropped and the word "bill" substituted, thus lending further credence to the supposition that the section applies only to original bills and not to amendments or substitute amendments.

Neither Senate nor joint rules contain a definition of "proposal" but the Assembly has seen fit to define the word in Assembly rule 97(61). The Assembly definition includes motions, resolutions, joint resolutions and bills but does not include amendments or substitute amendments.

Even though this issue has been before the legislature previously the chair was able to find only one Senate ruling which clearly state that only original bills are to be referred to the tax exemption committee.

In 1971 Senator Hollander raised the point of order that Senat amendment 8 (to Assembly substitute amendment 1 to Senate Bill 805) must first be referred to the Joint Survey Committee on Tax Exemptions "because of the type of legislation it proposes".

The chair ruled that "senate amendment 8...need not be referred to committee, unless it was introduced as a bill". (1971 Senate Journal, page 2052).

If the chair were to reverse this precedent and interpret the statutes as requiring tax exemption amendments to be referred to committee then delay of legislation, not more thorough study of it, would be the result as often as not.

If a majority of Senators feel that senate amendment 1 to Assembly Bill 754, or any other amendment, does indeed merit study by the tax exemptions committee, a simple majority vote can accomplish the task.

For all these reasons the chair must rule that only original bills are required to be referred to the tax exemption committee and that amendments or substitute amendments are not required or intended to be so referred.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 754** was placed at the foot of today's calendar.

FRED A. RISSER
President pro tempore

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 8, 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 Russell J. De Mille, of Green Bay, as a member of the Real Estate Examining Board, to succeed Robert Rybarczyk, resigned, to serve for the term ending July 1, 1979.

Sincerely,
MARTIN J. SCHREIBER
Governor

Read and referred to committee on Commerce.

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State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 10, 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 Richard A. Hemp, of Mosinee, as a member of the Natural Resources Board, to succeed Lawrence Dahl, resigned, to serve for the term ending May 1, 1983.

Sincerely,
MARTIN J. SCHREIBER
Governor

Read and referred to committee on Natural Resources and Tourism.

By request of Senator Theno, with unanimous consent, the senate recessed until 10:56 A.M.

10:20 A.M.

RECESS

10:56 A.M.

The senate reconvened.

CALENDAR OF FEBRUARY 14

HENDERSON, HUGH, JR., of Milwaukee, as a member of the Labor and Industry Review Commission, to succeed John Zinos, resigned, to serve for the term ending March 1, 1979.

Read.

Senator Sensenbrenner asked unanimous consent that all the appointments be taken up enmasse, with the exception of Edward Parsons Jr. and John Torphy.

Senator Bablitch objected.

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By request of Senator Bablitch, with unanimous consent, all the appointments were taken up enmasse with the exception of Edward Parsons Jr. and John Torphy.

HENDERSON, HUGH, JR., of Milwaukee, as a member of the Labor and Industry Review Commission, to succeed John Zinos, resigned, to serve for the term ending March 1, 1979.

Read.

PERCY, DONALD E., of Madison, as a member of the Health Facilities Authority, to succeed Manuel Carballo, to serve for the term ending June 30, 1980.

Read.

WEBER, DR. ROBERT C., of Sheboygan Falls, as a member of the Dentistry Examining Board, to succeed himself, to serve for the term ending July 1, 1982.

Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

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

Noes -- None.

Absent or not voting -- Senators Krueger and Murphy -- 2.

So the appointments were confirmed enmasse.

Senator Offner asked unanimous consent to be recorded as voting with the majority on the last roll call.

PARSONS, EDWARD M., Jr., of Milwaukee, as a member of the Public Service Commission, to succeed Matthew Holden, resigned, to serve for the term ending March 1, 1981.

Read.

The question was: Shall the appointment be confirmed?

The ayes and noes were required and the vote was: ayes, 30; noes, 1; absent or not voting, 2; as follows:

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

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

Noes -- Senator Sensenbrenner -- 1.

Absent or not voting -- Senators Krueger and Murphy -- 2.

So the appointment was confirmed.

TORPHY, JOHN, of Ridgeway, as Secretary of the Department of Administration, to succeed Robert Dunn, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Shall the appointment be confirmed?

Senator Sensenbrenner moved that the appointment of John Torphy be returned to committee on Governmental and Veteran's Affairs.

The ayes and noes were demanded and the vote was: ayes, 10; noes, 20; absent or not voting, 3; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Keppler, Lasee, Lorge, McCallum, Petri, Sensenbrenner and Theno -- 10.

Noes -- Senators Adelman, Bablitch, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Risser, Swan, Thompson and Van Sistine -- 20.

Absent or not voting -- Senators Krueger, Murphy and Radosevich -- 3.

So the motion did not prevail.

The question was: Shall the appointment be confirmed?

The ayes and noes were required and the vote was: ayes, 24; noes, 6; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lorge, McCallum, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Risser, Swan, Thompson and Van Sistine -- 24.

Noes -- Senators Berger, Bidwell, Lasee, Petri, Sensenbrenner and Theno -- 6.

Absent or not voting -- Senators Krueger, Murphy and Radosevich -- 3.

So the appointment was 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 92

Passed and asks concurrence in:

Assembly Bill 923

Assembly Bill 1067

Assembly Bill 1056

Assembly Bill 939

Assembly Bill 942

Assembly Bill 1024

Assembly Bill 1031

Concurred in:

Senate amendment 1 to **Assembly Joint Resolution 56**

Senate substitute amendment 1 to **Assembly Bill 237**

MOTIONS UNDER JOINT RULE 7

A joint certificate of commendation by Senators Goyke and Morrison; co-sponsored by Representative Tregoning for KATHY BENKERT on her winning the "Voice of Democracy" speech contest;

A joint certificate of condolence by Senators Harnisch and Bidwell; co-sponsored by Representatives Quackenbush, Thompson and Roberts for JOHN LEONARD and MRS. JULIA CURTAIN on the occasion of the death of Josine Leonard;

A joint certificate of congratulations by Senator Berger; co-sponsored by Representative Behnke for JEFFREY S. VERGIELS on the occasion of achieving the rank of Eagle Scout.

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Adopted and asks concurrence in:

A joint certificate of congratulations by Representatives Plewa, Barczak, Rutkowski, Tuczynski and Gerlach; co-sponsored by Senators Frank and Kleczka for ROMAN R. WITKOWIAK on his receipt of the Pal Joey Award;

A joint certificate of commendation by Representatives Andrea; co-sponsored by Senator Maurer for CHESTER MATOSKA on his promotion of sports in Kenosha;

and

A joint certificate of congratulations by Representatives Swoboda, Vanderperren, Metz, Lallensack, Hephner, Rogers, Flintrop, Fischer, Lato, Kincaid, Groshek, Otte, Potter, Bradley, Opitz, Byers, Matty, Ellis, Lewis, Donoghue, Roth, Luckhardt, McEssy, Goodrich, Conradt, and Gower; co-sponsored by Senators Van Sistine, Goyke, McCallum, Petri and Lasee for WBAY-TV, Green Bay, on their 25th broadcasting anniversary.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 92

Relating to the life and public service of Elmer L. Genzmer, former Representative to the Assembly from the 8th district.

By Representatives Lewis and Luckhardt, co-sponsored by Senator McCallum.

Read.

Considered as privileged and taken up.

Concurred in by unanimous rising vote.

Assembly Bill 923

Relating to paroles for female inmates of the state prisons.

By Representative Elconin.

Read first time and referred to committee on Human Services.

Assembly Bill 1067

Relating to closing estates by sworn statement.

By Representatives Hephner, co-sponsored by Senator Berger, by request of Judge David Sebor.

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

Assembly Bill 1056

Relating to proof of possession with intent to transfer a gambling device.

By Representatives Hanson and Rooney, co-sponsored by Senator Parys.

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

Assembly Bill 939

Relating to inspection of completed assessment rolls.

By Representative Day.

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

Assembly Bill 942

Relating to meetings of state governmental bodies in locations accessible to persons in wheelchairs.

By Representatives Wahner, Jackamonis, Czerwinski, Kirby, Lee, Munts and Mohn, co-sponsored by Senators Maurer and Berger.

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

Assembly Bill 1024

Relating to establishing a hazardous waste management program under the department of natural resources, establishing a waste management fund, creating a manufacturing machinery and equipment tax exemption, revising the department's regulation of the planning, establishment and operation of solid waste disposal sites and facilities, granting rule-making authority, making an appropriation and providing a penalty.

By Committee on Environmental Protection.

Read first time and referred to committee on Natural Resources and Tourism.

Assembly Bill 1031

Relating to registration to vote with identification card issuing officers.

By Representatives Metz, Kedrowski, Clarenbach, Brist, Leopold, Rutkowski and Schmidt, co-sponsored by Senators Risser, Flynn, VanSistine and Lasee.

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

Senator Radosevich asked unanimous consent to be recorded as voting with the majority on the last roll call.

Senator Flynn asked unanimous consent that **Assembly Bill 1031** be withdrawn from the committee on Governmental and Veteran's

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

Senator Swan objected.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 1031** was withdrawn from the committee on Governmental and Veteran's Affairs and referred to the committee on Senate Organization.

CALENDAR OF FEBRUARY 14

Senate Bill 50

Relating to the use of crossbows by physically disabled, resident archers.

Read.

The question was: Concurrence in assembly amendment 1 to **Senate Bill 50**?

Concurred in.

Senate Bill 72

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

Read.

The question was: Concurrence in assembly amendment 1 to **Senate Bill 72**?

Senator Berger moved non-concurrence of assembly amendment 1.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes -- Senators Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Goyke, Keppler, Kleczka, Lasee, Lorge, McCallum, Parys, Peloquin, Swan, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Bablitch, Dorman, Frank, Harnisch, McKenna, Maurer, Morrison, Offner, Petri, Radosevich, Risser, Sensenbrenner and Thompson -- 14.

Absent or not voting -- Senators Krueger and Murphy -- 2.

So the motion prevailed.

The question was: Concurrence in assembly amendment 2 to **Senate Bill 72**?

Concurred in.

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The question was: Concurrence in assembly amendment 4 to **Senate Bill 72?**

Concurred in.

The question was: Concurrence in assembly amendment 5 to **Senate Bill 72?**

Concurred in.

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

12:07 P.M.

RECESS

4:00 P.M.

The senate reconvened.

QUORUM CALL

Senator Kleczka called the attention of the chair to the possible lack of a quorum.

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

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

Absent -- Senators Bablitch, Cullen and McKenna -- 3.

Absent with leave -- Senator Krueger -- 1.

Senate Bill 222

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

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

The question was: Concurrence of assembly amendment 2?

Concurred in.

Senate Bill 276

Relating to maximum finance charges in retail installment sales of motor vehicles.

Read.

Senator Sensenbrenner moved reconsideration of the vote by which assembly amendment 1 to **Senate Bill 222** was concurred in.

By request of Senator Sensenbrenner, with unanimous consent, he withdrew his motion to reconsider the vote by which assembly amendment 1 to **Senate Bill 222** was concurred in.

Senate Bill 276

Relating to maximum finance charges in retail installment sales of motor vehicles.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

Senate Bill 281

Relating to employment of municipal attorneys by a common carrier or utility.

Read.

The question was: Concurrence of assembly substitute amendment 1?

Concurred in.

CONSIDERATION OF MOTIONS

Shall the citation by Senator Cullen under Senate Rule 97, congratulating the farmers in Walworth County for their farmland preservation plan, be adopted?

Adopted.

Senate Joint Resolution 51

To amend sections 1m and 1n of article V so as in effect to repeal said sections; and to amend section 9 of article IV, sections 1, 7 and 8 of article V and section 10 of article XIII, relating to gubernatorial succession (1st consideration).

Read a second time.

Senate amendment 1 to **Senate Joint Resolution 51** offered by Senators Sensenbrenner, Swan and Flynn.

The question was: Adoption of senate amendment 1?

Adopted.

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Senate amendment 2 to **Senate Joint Resolution 51** offered by Senator McKenna.

The question was: Adoption of senate amendment 2?

By request of Senator McKenna, with unanimous consent, language was added to senate amendment 2.

Senator Flynn moved rejection of senate amendment 2.

Senator Kleczka in the chair.

4:45 P.M.

LEAVE OF ABSENCE

By request of Senator Risser, with unanimous consent, Senator Bablitch was granted a leave of absence for the balance of today's session.

The question was: Rejection of senate amendment 2 to **Senate Joint Resolution 51**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 9; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bidwell, Chilsen, Dorman, Flynn, Goyke, Keppler, Kleczka, Lasee, McCallum, Maurer, Morrison, Murphy, Offner, Parys, Petri, Radosevich, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 22.

Noes -- Senators Berger, Braun, Cullen, Frank, Harnisch, Lorge, McKenna, Peloquin and Swan -- 9.

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

So the amendment was rejected.

President pro tempore of the senate in the chair.

5:00 P.M.

Senate amendment 3 to **Senate Joint Resolution 51** offered by Senator Theno.

The question was: Adoption of senate amendment 3?

Senator Flynn moved rejection of senate amendment.

The ayes and noes were demanded and the vote was: ayes, 15; noes, 16; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Flynn, Goyke, Kleczka, Lasee, McCallum, McKenna, Morrison, Offner, Parys, Swan and Van Sistine -- 15.

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Noes -- Senators Chilsen, Cullen, Dorman, Frank, Harnisch, Keppler, Lorge, Maurer, Murphy, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Theno and Thompson -- 16.

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

So the motion did not prevail.

The question was: Adoption of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 2; as follows:

Ayes -- Senators Chilsen, Cullen, Harnisch, Keppler, Kleczka, Lorge, Maurer, Murphy, Petri, Radosevich, Risser, Sensenbrenner, Theno and Thompson -- 14.

Noes -- Senators Adelman, Berger, Bidwell, Braun, Dorman, Flynn, Frank, Goyke, Lasee, McCallum, McKenna, Morrison, Offner, Parys, Peloquin, Swan and Van Sistine -- 17.

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

So the amendment was not adopted.

Senate amendment 4 to **Senate Joint Resolution 51** offered by Senator Sensenbrenner.

The question was: Adoption of senate amendment 4?

Adopted.

The question was: Shall the bill be ordered to a third reading?

Senator Swan moved that **Senate Joint Resolution 51** be referred to the committee on Governmental and Veteran's Affairs.

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

Ayes -- Senators Adelman, Braun, Cullen, Dorman, Goyke, Lasee, Lorge, McCallum, McKenna, Maurer, Peloquin, Swan and Van Sistine -- 13.

Noes -- Senators Berger, Bidwell, Chilsen, Flynn, Frank, Harnisch, Keppler, Kleczka, Morrison, Murphy, Offner, Parys, Petri, Radosevich, Risser, Sensenbrenner, Theno and Thompson -- 18.

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

So the motion did not prevail.

Senator Berger asked unanimous consent to be recorded with the majority on the last roll call.

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The question was: Shall the joint resolution be ordered to a third reading?

Ordered to a third reading.

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

Senate Joint Resolution 51

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, Berger, Bidwell, Braun, Chilsen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, McCallum, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Cullen, Lorge, McKenna and Swan -- 4.

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

More than 17 members having voted in the affirmative, the bill passed.

Senate Bill 116

Relating to tax credit for persons owning real property equipped with solar heating or cooling systems and providing rule-making authority.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 116** was referred to joint committee on Finance.

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.

Read a second time.

The question was: Adoption of 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 142

Read a third time and passed.

Senate Bill 401

Relating to gift tax on interspousal transfers of property.

Read a second time.

Ordered to a third reading.

By request of Senator Dorman, with unanimous consent, **Senate Bill 401** was referred to the joint committee on Finance.

Senate Bill 413

Relating to creating a council on and establishing a program for gifted and talented pupils, making appropriations and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Dorman, with unanimous consent, **Senate Bill 413** was referred to the joint committee on Finance.

Senate Bill 484

Relating to classification and certification procedure to county civil service systems.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 484** offered by Senators Adelman and Braun.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 484** offered by Senator Adelman.

By request of Senator Adelman, with unanimous consent, senate amendment 1 to senate substitute amendment 1 was placed after senate amendment 2 to senate substitute amendment 1.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Senator Swan moved rejection of senate amendment 2 to senate substitute amendment 1.

Senator Sensenbrenner moved indefinite postponement of senate amendment 2 to senate substitute amendment 1.

The motion did not prevail.

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

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

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Ayes -- Senators Bidwell, Chilsen, Cullen, Frank, Kleczka, McKenna, Parys, Petri, Risser, Sensenbrenner, Swan and Theno -- 12.

Noes -- Senators Adelman, Berger, Braun, Dorman, Flynn, Goyke, Harnisch, Keppler, Lasee, Lorge, McCallum, Maurer, Morrison, Murphy, Offner, Peloquin, Radosevich, Thompson and Van Sistine -- 19.

Absent or not voting -- Senators Bablitch and Krueger -- 2.
So the amendment was not rejected.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Berger, Braun, Dorman, Flynn, Harnisch, Maurer, Morrison, Offner, Petri, Radosevich, Sensenbrenner, Thompson and Van Sistine -- 14.

Noes -- Senators Bidwell, Chilsen, Cullen, Frank, Goyke, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Murphy, Parys, Peloquin, Risser, Swan and Theno -- 17.

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

So the amendment was not adopted.

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

Senator Swan moved rejection of senate amendment 1 to senate substitute amendment 1.

By request of Senator Adelman, with unanimous consent, senate amendment 1 to senate substitute amendment 1 was returned to the author.

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 484

Read a third time and passed.

Senate Bill 493

Relating to requiring foster care education, creating a foster care education council, granting rule-making authority and making an appropriation.

Read a second time.

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The question was: Adoption of senate substitute amendment 1.

By request of Senator Dorman, with unanimous consent, **Senate Bill 493** was referred to joint committee on Finance.

Senate Bill 509

Relating to trusts involving minors and changes in the uniform gifts to minors act.

Read a second time.

The question was: Adoption of 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 509

Read a third time and passed.

Senate Bill 513

Relating to sales and use tax exemptions for mailing lists.

Read a second time.

By request of Senator Goyke, with unanimous consent, **Senate Bill 513** was referred to committee on Senate Organization.

Senate Bill 561

Relating to suspension of certain requirements for ventilation of public buildings and places of employment.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 561** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Senate Bill 561** was withdrawn from the joint committee on Finance and considered for action at this 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 561

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 2; absent or not voting, 3; as follows:

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Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Theno, Thompson and Van Sistine -- 28.

Noes -- Senators Petri and Sensenbrenner -- 2.

Absent or not voting -- Senators Bablitch, Flynn and Krueger -- 3.

So the bill passed.

Senate Bill 568

Relating to exploration leases and conveyances of mineral interests.

Read a second time.

The question was: Adoption of senate substitute amendment 1?
Adopted.

The question was: Shall the bill be ordered to a third reading?

By request of Senator Parys, with unanimous consent, **Senate Bill 568** was referred to joint committee on Finance.

Senator Dorman asked unanimous consent that **Senate Bill 568** be withdrawn from the joint committee on Finance.

Senator Parys objected.

Senator Dorman moved that **Senate Bill 568** be withdrawn from the joint committee on Finance.

Senator Sensenbrenner raised the point of order that the motion to withdraw **Senate Bill 568** from the joint committee on Finance is not in order, and that this motion is only proper under the eighth order of business.

Senator Flynn asked unanimous consent that he be recorded with the majority on the last roll call.

The chair took the point of order, raised by Senator Sensenbrenner, under advisement.

Senate Bill 657

Relating to expansion of the definition of a rule to include certain additional subjects, and granting rule-making authority.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Senate Bill 657** was referred to joint committee on Finance.

Assembly Joint Resolution 80

Granting the use of the senate and assembly chambers to Wisconsin Y.M.C.A. Youth in Government, Model Legislature in 1978, for the purpose of holding a practice legislative session.

Read and concurred in.

Assembly Bill 115

Relating to advertising of attorneys' services.

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.

Assembly Bill 115

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 5; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Swan, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators McKenna, Murphy, Petri, Risser and Sensenbrenner -- 5.

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

So the bill was concurred in.

Assembly Bill 211

Relating to requiring fiscal notes for administrative rules.

Read a second time.

The question was: Adoption of 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.

Assembly Bill 211

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka,

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Lasee, 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 -- Senators Bablitch and Krueger -- 2.

So the bill was concurred in as amended.

Assembly Bill 627

Relating to extension of the statutory code of ethics to justices of the supreme court and circuit and county judges.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 to **Assembly Bill 627** offered by Senators Flynn, Adelman, Frank and Harnisch.

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

Adopted.

The question was: Adoption of senate substitute amendment 1?

Senator Sensenbrenner moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

The amendment was rejected.

Ordered to a third reading.

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

Assembly Bill 627

Read a third time and concurred in as amended.

Assembly Bill 659

Relating to transportation of pupils in areas of unusual hazard.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Dorman moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 16; absent or not voting, 2; as follows:

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Ayes -- Senators Berger, Braun, Chilsen, Cullen, Dorman, Flynn, Kleczka, McKenna, Maurer, Morrison, Parys, Peloquin, Radosevich, Theno and Thompson -- 15.

Noes -- Senators Adelman, Bidwell, Frank, Goyke, Harnisch, Keppler, Lasee, Lorge, McCallum, Murphy, Offner, Petri, Risser, Sensenbrenner, Swan and Van Sistine -- 16.

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

So the amendment was not rejected.

The question was: Adoption of senate amendment 1?

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

Ayes -- Senators Bidwell, Frank, Goyke, Keppler, Lasee, Lorge, McCallum, Murphy, Offner, Petri, Risser, Sensenbrenner and Van Sistine -- 13.

Noes -- Senators Adelman, Berger, Braun, Chilsen, Cullen, Dorman, Flynn, Harnisch, Kleczka, McKenna, Maurer, Morrison, Parys, Peloquin, Radosevich, Swan, Theno and Thompson -- 18.

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

So the amendment was not adopted.

The question was: Adoption of senate amendment 2?

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 659

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 9; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Berger, Braun, Chilsen, Cullen, Dorman, Flynn, Goyke, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Parys, Peloquin, Radosevich, Swan, Theno and Thompson -- 22.

Noes -- Senators Bidwell, Frank, Harnisch, Murphy, Offner, Petri, Risser, Sensenbrenner and Van Sistine -- 9.

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

So the bill was concurred in as amended.

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Assembly Bill 894

Relating to issuing waterfowl stamps for wetland habitat improvement and waterfowl propagation, and making an appropriation.

Read a second time.

Senator Flynn moved reconsideration of the vote by which **Assembly Bill 627** was concurred in.

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

Ayes -- Senators Adelman, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Maurer, Morrison, Murphy, Offner, Peloquin, Petri, Radosevich, Risser, Thompson and Van Sistine -- 18.

Noes -- Senators Berger, Bidwell, Chilsen, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Parys, Sensenbrenner, Swan and Theno -- 13.

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

So the motion prevailed.

By request of Senator Kleczka, with unanimous consent, **Assembly Bill 627** was referred to committee on Senate Organization.

LEAVE OF ABSENCE

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

Assembly Bill 894

Relating to issuing waterfowl stamps for wetland habitat improvement and waterfowl propagation, and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 to **Assembly Bill 894** offered by Senator Radosevich.

The question was: Adoption of senate amendment 2?

Adopted.

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Senate amendment 3 to **Assembly Bill 894** offered by Senator McCallum.

The question was: Adoption of senate amendment 3?

Senator Radosevich moved rejection of senate amendment 3.
Rejected.

Ordered to a third reading.

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

Assembly Bill 894

Read a third time.

The ayes and noes were required and the vote was: ayes, 19; noes, 11; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Dorman, Flynn, Frank, Goyke, Harnisch, McCallum, McKenna, Maurer, Offner, Parys, Peloquin, Petri, Radosevich, Thompson and Van Sistine -- 19.

Noes -- Senators Chilsen, Cullen, Keppler, Kleczka, Lorge, Morrison, Murphy, Risser, Sensenbrenner, Swan and Theno -- 11.

Absent or not voting -- Senators Bablitch, Krueger and Lasee -- 3.
So the bill was concurred in as amended.

Assembly Bill 754

Relating to revising the inland lake protection and rehabilitation law.

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.

Assembly Bill 754

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 1; absent or not voting, 4; as follows:

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

Noes -- Senator Cullen -- 1.

Absent or not voting -- Senators Bablitch, Krueger, Lasee and Thompson -- 4.

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So the bill was concurred in as amended.

Senate Bill 568

Relating to exploration leases and conveyances of mineral interests.

RULING OF THE CHAIR

Earlier today Senator Parys asked unanimous consent that Senate Bill 568 be referred to the joint committee on Finance and the bill was so referred.

Before the next bill was called Senator Dorman moved that the bill be withdrawn from the joint committee on Finance which would have the effect of referring the bill to the committee on Senate Organization.

At that time Senator Sensenbrenner raised the point of order that we were not on the eighth order of business and that a motion to withdraw was therefore not proper. The chair took the point of order under advisement.

The chair has checked the rules and finds no written rule that restricts motions to the eighth order of business, although that has been the practice and precedent of this session.

The chair recalls that in past sessions, operating under similar rules, motions to withdraw from committee have been made at other times than the eighth order.

It is the chair's opinion however, that unwritten precedent or informal agreements on Senate procedure should control when there is no written rule directly on point.

In this case the chair finds no written rule either allowing or forbidding the Senator to make a motion to withdraw from committee at the time he made it. But there is strong precedent this session, enunciated as recently as last week by the majority leader, that motions to withdraw bills from committee will be restricted to the eighth order of business.

Therefore, the chair rules that based on precedent established this session the point of order raised by the Senator from the 4th is well taken and Senate Bill 568 remains in the joint committee on Finance.

FRED A. RISSER

President pro tempore

By request of Senator Kleczka, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Kleczka, with unanimous consent, the Senate returned to the third order of business.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 696

Relating to withdrawal of a county-city or county-village hospital board from the Wisconsin retirement fund.

By Senator Peloquin; cosponsored by Representative Ausman.

To Joint Survey Committee on Retirement Systems.

Senate Bill 697

Relating to limiting the conditions under which a reduced tax on the sale of intoxicating liquor will be imposed.

By Senator Sensenbrenner; cosponsored by Representative Johnston.

To committee on Commerce.

Senate Bill 698

Relating to authorization for the department of health and social services to approved limited use of experimental private domestic sewage treatment and disposal systems during the next five years.

By Senators Murphy, Chilsen, Adelman, Lasee, Keppler and Cullen.

To committee on Human Services.

Senator Murphy asked unanimous consent that **Senate Bill 698** be withdrawn from the committee on Human Services and be referred to the committee on Natural Resources and Tourism.

Senator Kleczka objected.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 413** by Senator Braun.

Senate substitute amendment 1 to **Senate Bill 643** by Senator Braun.

Senate amendment 1 to **Assembly Bill 353** by Senator Petri.

Senate amendment 6 to **Assembly Bill 519** by Senators Harnisch and Adelman.

Upon motion of Senator Kleczka the senate adjourned until 9:00 A.M. Thursday, February 16.

7:20 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to:

Assembly Bill 576, senate amendment 1

On line 4, after "area" insert a comma.