

JOURNAL OF THE SENATE [March 7]

STATE OF WISCONSIN

# Senate Journal

**Eighty-Third Regular Session**

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TUESDAY, March 7, 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, 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.

The senate stood for the prayer which was offered by Reverend Joseph Washington, retired Baptist minister of Madison.

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

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## INTRODUCTION OF RESOLUTIONS

### **Senate Joint Resolution 66**

Memorializing the United States Congress to have the U.S. postal service issue a Veterans Day stamp for the November 11, 1978, Veterans Day.

By Senator Swan.

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

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### BILLS INTRODUCED

Read first time and referred:

#### **Senate Bill 720**

Relating to various changes concerning courts, making appropriations and granting rule-making authority.

By Legislative Council.

To Joint Survey Committee on Retirement Systems.

#### **Senate Bill 721**

Relating to a temporary sales and use tax exemption for electricity, natural gas, propane, coal and oil for use in a private dwelling.

By Senator Keppler.

To Joint Survey Committee on Tax Exemptions.

#### **Senate Bill 722**

Relating to a property tax exemption for solar and wind energy heating and cooling units.

By Senator Keppler.

To Joint Survey Committee on Tax Exemptions.

#### **Senate Bill 723**

Relating to authorizing counties to fund private organizations to defray expenses in providing homemaking services to the elderly.

By Senator Lasee, by request of M. Thomas Reynolds, ACSW, Executive Director, Family Service Association, Manitowoc.

To committee on Agriculture, Aging and Labor.

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### COMMITTEE REPORTS

The committee on Education and Revenue reports and recommends:

#### **Senate Bill 188**

Relating to the teaching of civics in high school.

Passage:

Ayes, 3 -- Senators Goyke, Berger and Sensenbrenner;

Noes, 1 -- Senator Braun.

GARY R. GOYKE  
Chairman

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The committee on Human Services reports and recommends:

**Assembly Bill 898**

Relating to various changes in the state mental health act and related provisions, granting rule-making authority and providing penalties.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

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

Noes, 0 -- None.

Introduction and adoption of senate amendment 3:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

**Assembly Bill 923**

Relating to paroles for female inmates of the state prisons.

Concurrence:

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

Noes, 0 -- None.

**Assembly Bill 159**

Relating to equal insurance coverage of psychologists services.

Nonconcurrence:

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

Noes, 0 -- None.

CARL W. THOMPSON  
Chairman

The committee on Commerce reports and recommends:

**Assembly Bill 610**

Relating to regulating health spa contracts, granting rule-making authority and providing a penalty.

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Adoption of senate amendment 1:

Ayes, 5 -- Senators Parys, Berger, Swan, Keppler and Petri;

Noes, 2 -- Senators Goyke and Bidwell.

Concurrence as amended:

Ayes, 5 -- Senators Parys, Berger, Swan, Keppler and Petri;

Noes, 2 -- Senators Goyke and Bidwell.

### **Assembly Bill 713**

Relating to defining and regulating mopeds, placing mopeds for certain purposes under the laws regulating bicycles instead of motor-driven cycles, and providing penalties.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

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

Noes, 0 -- None.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

### **Senate Bill 620**

Relating to permitting automobiles and station wagons to be registered for a 3-year period at a reduced fee.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Parys, Berger, Goyke, Keppler and Petri;

Noes, 1 -- Senator Bidwell.

Passage as amended:

Ayes, 5 -- Senators Parys, Berger, Goyke, Keppler and Petri;

Noes, 1 -- Senator Bidwell.

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**Senate Bill 639**

Relating to exception to the automatic sprinkler system requirement for open parking structures.

Passage:

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

Noes, 0 -- None.

RONALD G. PARYS  
Chairman

The committee on Natural Resources and Tourism reports and recommends:

HANSON, CARMEN, 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.

Confirmation:

Ayes, 4 -- Senators Harnisch, Van Sistine, Radosevich and Theno;

Noes, 0 -- None.

SODERBERG, JOHN, of New Richmond, as a member of the Inland Lakes Protection and Rehabilitation Council, to succeed himself, to serve for the term ending July 1, 1981.

Confirmation:

Ayes, 4 -- Senators Harnisch, Van Sistine, Radosevich and Theno;

Noes, 0 -- None.

**Senate Bill 245**

Relating to revision of boating laws to conform to applicable federal regulations affecting boat numbering, equipment and accident reporting and granting rule-making authority.

Passage:

Ayes, 4 -- Senators Harnisch, Van Sistine, Radosevich and Theno;

Noes, 0 -- None.

**Assembly Bill 576**

Relating to permitting wardens to operate department vehicles without headlights at night for law enforcement.

Adoption of senate amendment 1:

Ayes, 4 -- Senators Harnisch, Van Sistine, Radosevich and Theno;

Noes, 0 -- None.

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Adoption of senate amendment 2:

Ayes, 4 -- Senators Harnisch, Van Sistine, Radosevich and  
Theno;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 4 -- Senators Harnisch, Van Sistine, Radosevich and  
Theno;

Noes, 0 -- None.

THOMAS W. HARNISCH  
Chairman

The committee on Judiciary and Consumer Affairs reports and recommends:

### **Assembly Joint Resolution 68**

Relating to primaries in recall elections (first consideration).

Concurrence:

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

Noes, 1 -- Senator Murphy.

### **Assembly Bill 24**

Relating to copies of birth certificates of children born out of wedlock.

Concurrence:

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

Noes, 0 -- None.

### **Assembly Bill 130**

Relating to making theft of dangerous weapons a felony.

Concurrence:

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

Noes, 0 -- None.

### **Assembly Bill 246**

Relating to the statute of limitations for old-age assistance liens.

Concurrence:

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

Noes, 0 -- None.

### **Assembly Bill 638**

Relating to revising certain laws relating to government, law enforcement and the administration of justice (suggested as remedial legislation by the department of justice).

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Concurrence:

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

Noes, 0 -- None.

### **Assembly Bill 1075**

Relating to juries and providing penalties.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

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

Noes, 0 -- None.

Introduction and adoption of senate amendment 3:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

### **Assembly Bill 1078**

Relating to the appointment of guardians ad litem for minors or incompetents having an interest in an estate containing total assets of \$1,000 or less.

Concurrence:

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

Noes, 0 -- None.

JAMES T. FLYNN  
Chairman

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

### **Assembly Bill 851**

Relating to county auditor positions.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasec;

Noes, 0 -- None.

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**REIVITZ, LINDA**, of Madison, as Secretary of the Department of Employment Relations, to serve for the term ending at the pleasure of the Governor.

Confirmation:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Assembly Bill 942**

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

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Assembly Bill 720**

Relating to appointment of town assessors.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Senate Bill 530**

Relating to authorization for registration of electors between the close of registration and election day.

Passage:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Senate Bill 627**

Relating to fraudulent tapping of electricity, gas or water and providing a penalty.

Passage:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Assembly Bill 392**

Relating to payment for delivery of the tax roll by the county treasurer.

Concurrence:

Ayes, 3 -- Senators Lasee, Braun and Adelman;

Noes, 2 -- Senators Swan and Cullen.

### **Assembly Bill 792**

Relating to the composition of municipal boards of canvassers for municipal elections and allegations necessary to obtain a recount.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;



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Noes, 0 -- None.

### **Senate Bill 488**

Relating to changing election procedures of town supervisors.

Adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Senate Bill 659**

Relating to appeals from boards of review.

Passage:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Assembly Bill 165**

Relating to temporary appointments to fill new local elected offices.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Assembly Bill 309**

Relating to filling vacancies in the office of county executive in counties having a population of 500,000 or more.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Assembly Bill 346**

Relating to absentee ballot procedures for confined and disabled electors.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

### **Senate Bill 123**

Relating to filing annual statements of indebtedness with the state treasurer.

Passage:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

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**Assembly Bill 375**

Relating to a uniform procedure for claims brought against local governments.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

**Assembly Bill 564**

Relating to appointing the head of the county auditing department.

Concurrence:

Ayes, 4 -- Senators Swan, Braun, Cullen and Lasee;

Noes, 0 -- None.

**Assembly Bill 688**

Relating to permitting cities and villages to bond senior citizen centers without referendum.

Concurrence:

Ayes, 4 -- Senators Swan, Braun, Cullen and Lasee;

Noes, 0 -- None.

**Assembly Bill 461**

Relating to municipal building permits.

Concurrence:

Ayes, 4 -- Senators Swan, Braun, Cullen and Lasee;

Noes, 0 -- None.

**Senate Bill 542**

Relating to sheriff's deputies residing in a city located partially outside of sheriff's county.

Passage:

Ayes, 4 -- Senators Swan, Cullen, Adelman and Lasee;

Noes, 1 -- Senator Braun.

**Assembly Bill 678**

Relating to filling vacancies in the office of county executive in counties having a population of less than 500,000.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Braun, Cullen and Lasee;

Noes, 0 -- None.

MONROE SWAN

Chairman

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RULING OF THE CHAIR

On Tuesday, February 21, 1978, the Senate failed to concur in Assembly Bill 814. At the conclusion of the day's session Senator Flynn moved to reconsider that vote. Senator Bablitch moved to table the reconsideration motion and raised a point of order relative to Senate rules and procedure on motions for reconsideration.

Senate Rule 67(4) states: "A motion to reconsider shall be put immediately unless it is laid over to a future time by majority vote."

Senate Rule 67(1) states: "The motion for reconsideration may be laid on the table without debate."

These rules set forth the three basic procedural alternatives available once a motion for reconsideration has been made. Each can be decided by majority vote any time after pending business or motions of higher precedence are disposed of.

1 Put the question immediately and vote the motion up or down pursuant to Senate Rule 67(4).

2 Move to lay the reconsideration motion over to a future time (later on that day's calendar or to a future calendar) pursuant to Senate Rule 67(4).

3 Move to lay the reconsideration motion on the table pursuant to Senate Rule 67(1). This motion, if successful, would have the effect of disposing of the reconsideration motion temporarily and the motion could be taken from the table at any time by majority vote.

Mason's Manual, sec. 472(2) states that "when a motion to reconsider is laid on the table or postponed definitely, the question to be reconsidered and all adhering questions go with it."

Senate Rule 41(2) clearly prohibits referring a motion to reconsider to committee.

Despite the clarity of our rules, there is sometimes uncertainty about proper reconsideration procedure. There are also occasional questions about various motions which may be offered during, or following, the reconsideration process.

The chair would like to take this opportunity to offer a clarification of reconsideration procedure.

First, it is always helpful to remember that any kind of procedural strategy is allowed if the rules are suspended. Sometimes action which is obviously improper under the rules is questioned, but turns

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out to have been taken only as the result of a successful unanimous consent request.

A motion to reconsider is unusual in that the making of the motion has a higher rank than its consideration.

Making a motion to reconsider is accorded a high priority by Senate Rule 67(3) which states that "the motion for reconsideration... shall be received under any order of business," and Mason's Manual sec. 92(3) which lists the making of a reconsideration motion as one of the few circumstances under which a member may interrupt a speaker.

Consideration of a motion to reconsider however, must wait until pending business or motions of higher precedence are disposed of.

Mason's Manual sec. 469(3) states that "when reconsideration is moved while another subject is before the house, it cannot interrupt the pending business..." Mason's sec. 465, suggests the following procedure when a motion to reconsider is made while other business is before the house: "...the presiding officer repeats the motion (to reconsider) and it is recorded in the minutes, and the house proceeds to the business which was interrupted by the motion." Mason's sec. 469(3) states that "as soon as (the pending) business has been disposed of, the reconsideration may be called up..."

Consideration of a motion to reconsider must also wait until motions of higher precedence are disposed of. Unfortunately our Senate rules do not specify which motions have a higher precedence.

Sec. 469(1) of Mason's Manual however, states that "consideration (of motions to reconsider) has only the rank of the motion to be reconsidered." Our rules do specify that "reconsideration of amendments... shall have the same priority as to order of action as to amend under rule 63." (Senate Rule 67[6]).

When consideration of the motion to reconsider does come before the body, either "immediately", at the future time to which it is laid over, or when it is taken off the table, Senate Rule 67(1) states that "the motion for reconsideration shall be subject to all rules governing debate as apply to the question which it is moved to reconsider."

If a motion to reconsider is rejected, the original decision of the body is sustained. Senate Rule 67(8) states that "such motion having been put and lost shall not be renewed." Mason's Manual sec. 457(2) states that "to prevent abuse of the motion to reconsider, the same question cannot be reconsidered a second time."

If the motion to reconsider is adopted however, the vote on the question which has been reconsidered "is canceled as completely as though it had never been taken," (Mason's sec. 467[1]) and "the question immediately recurs upon the question reconsidered." (Mason's sec. 467[3]).

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At this point the reconsidered question can be put, or other motions which are proper may be offered.

When the question reconsidered is passage or concurrence of a bill, a motion frequently offered at this point is reference to committee or tabling of the bill. Such motions are proper.

If the bill is referred to a standing committee or tabled (which has the effect of referring the bill to the committee on Senate Organization pursuant to Senate Rule 65 [2] ) then the bill is also automatically returned to the 2nd reading or amendable stage.

When the bill is reported back out of committee the question is "shall the bill be ordered to a third reading," not "shall the bill pass" or "shall the bill be concurred in."

Obviously this ruling does not cover all procedural alternatives which are proper in every case of reconsideration. Some of the more typical are mentioned however, and it is hoped that the result is a clearer understanding of proper reconsideration procedure.

FRED A. RISSER

President pro tempore

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 814** was placed at the foot of the calendar.

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### EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

March 2, 1978.

To the Honorable, the Senate:

I am returning **Senate Bill 49** without my approval.

The bill repeals the requirement that motorcycle riders wear protective helmets. This would be a step backward in our state's continuing effort to protect the lives of people who use Wisconsin highways.

An analysis of the available statistical information yields two conclusions which compel this veto. First, helmets save lives and prevent more serious injury when motorcycle accidents occur. A motorcyclist involved in an accident is much more likely to survive if he or she is wearing a helmet. No convincing statistical data exists which contradicts this common sense assumption. On the contrary,

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virtually all the studies which have been done reach the same conclusion: helmets save lives.

Second, most states which have repealed their helmet laws have experienced an increase in motorcycle-related deaths. The magnitude of these increases is varied, but the trend is unmistakable.

Were I to sign Senate Bill 49, it is likely, if not certain, that next year at this time there would be an increase in motorcycle-related deaths and serious injuries. To put it simply, I am not willing to sign into law and have on my conscience any measure which produces that result.

There is no accomplishment I value more than the dramatic decrease in highway deaths that has resulted in part from our toughened implied consent law and increased enforcement activities. This veto will help to assure that the progress we have made will not be lost.

Sincerely,  
MARTIN J. SCHREIBER  
Governor

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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 adopted and asks concurrence in:

**Assembly Joint Resolution 65**  
**Assembly Joint Resolution 79**

Passed and asks concurrence in:

**Assembly Bill 1045**  
**Assembly Bill 838**  
**Assembly Bill 947**  
**Assembly Bill 1039**  
**Assembly Bill 1092**  
**Assembly Bill 1112**  
**Assembly Bill 1124**  
**Assembly Bill 1141**

Concurred in:

**Senate Bill 122**  
**Senate Bill 356**

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Adopted and asks concurrence in:

### MOTIONS UNDER JOINT RULE 7:

A joint certificate of congratulations by Representative Andrea; cosponsored by Senator Maurer for JOE DALLA SANTA on his testimonial dinner.

A joint certificate of commendation by Representatives Potter and Otte; cosponsored by Senator Keppler for JOHN W. HAHN on his retirement as principal of Sheboygan South High School.

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### MESSAGE FROM THE ASSEMBLY CONSIDERED

#### **Assembly Joint Resolution 65**

Directing the legislative council to study the Wisconsin criminal justice system as it relates to the developmentally disabled.

By Representative Dandeneau.

Read and referred to committee on Judiciary and Consumer Affairs.

#### **Assembly Joint Resolution 79**

Relating to directing the legislative council to study the concept of definite term sentencing of criminals.

By Representatives Loftus, Metz, Miller, Rutkowski, Schricker, Tesmer, Thompson Hauke, Lewis, Lewison and Barry, co-sponsored by Senators Kleczka and Offner.

Read and referred to committee on Human Services.

#### **Assembly Bill 1045**

Relating to revising the metallic mining reclamation act, granting rule-making authority and providing penalties.

By Representatives Munts, Hasenohrl, Dueholm, Lato, Kincaid, Wahner, Kedrowski, Ferrall, Moody, Fischer, Metz, Schneider, Loftus, Day, Lorman, Jackamonis, Dandeneau, Bear, Gerlach and Flintrop, co-sponsored by Senators Radosevich, Braun, Dorman, Cullen, Berger, Risser, Bablitch, Krueger and Bidwell, by request of Special Study Committee on Mineral Taxation and Senate Select Committee on Mining Development.

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

#### **Assembly Bill 838**

Relating to abolishing the requirement that district attorneys make quarterly written reports regarding gambling.

By Representative Elconin, co-sponsored by Senator Flynn.

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

### **Assembly Bill 947**

Relating to criminal trespass to land by use of a vehicle and providing a penalty.

By Representatives Schmidt, Hephner, Hanson, McClain, Schricker, Lee, Day, Mohn, Conradt and Kincaid.

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

### **Assembly Bill 1039**

Relating to expanding the membership of county boards of health and county health commissions to include registered nurses experienced in county health functions.

By Representatives Metz and Vanderperren, co-sponsored by Senator Vansistine.

Read first time and referred to committee on Human Services.

### **Assembly Bill 1092**

Relating to the use of electronic devices in telephone solicitation and providing a penalty.

By Representatives Wood, Lallensack and Metz, co-sponsored by Senator Cullen.

Read first time and referred to committee on Commerce.

### **Assembly Bill 1112**

Relating to duties of a motor vehicle operator upon approaching a pedestrian using a dog guide and providing a penalty.

By Representatives Wahner, Kincaid, Bear, Plewa and Clarenbach, co-sponsored by Senator McKenna.

Read first time and referred to committee on Commerce.

### **Assembly Bill 1124**

Relating to prohibiting deer hunting with either a rifle or a shotgun or both in Door County.

By Joint committee for Review of Administrative Rules.

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

### **Assembly Bill 1141**

Relating to clarifying penalties for food stamp fraud.

By Representatives Flintrop, Gunderson, Lato, Vanderperren, Loftus, Metz, Lewis, Otte, Dandeneau, Fischer, Rutkowski, Swoboda, McClain, Tuczynski, Dueholm, Norquist, Behnke, Potter, Lingren, Andrea, Schmidt, Conradt, Jackamonis, Roberts, Thompson, Gower, Kincaid, Merkt, Ferrall, Johnson, Kirby, Olson,



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Plewa, Shabaz, Hasenohrl, Lorman, Ausman, Matty and Hauke, co-sponsored by Senator Goyke.

Read first time and referred to committee on Human Services.

By request of Senator Berger, with unanimous consent, **Assembly Bill 1124** was withdrawn from committee on Natural Resources and Tourism and referred to Joint Committee for Review of Administrative Rules.

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### MOTIONS

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

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

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 874** was withdrawn from committee on Senate Organization and referred to committee on Judiciary and Consumer Affairs.

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### CALENDAR OF MARCH 7

#### **Senate Joint Resolution 4**

To amend article IV, section 24, of the constitution, relating to authorizing state-operated lotteries (2nd consideration).

Read a second time.

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

Senator Murphy moved rejection of **Senate Joint Resolution 4**.

The question was: Rejection of **Senate Joint Resolution 4**?

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, Bidwell, Braun, Cullen, Dorman, Frank, Harnisch, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Peloquin, Petri.

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Radosevich, Risser, Sensenbrenner, Swan, Thompson and Van Sistine -- 25.

Noes -- Senators Berger, Chilsen, Flynn, Goyke, Keppler, Kleczka, Parys and Theno -- 8.

Absent or not voting -- None.

So the joint resolution was rejected.

**Senate Joint Resolution 33**

To amend section 5 of article VIII of the constitution, relating to limiting the total biennial appropriation which the legislature may enact to the growth rate of adjusted gross personal income (1st consideration).

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Dorman moved rejection of **Senate Joint Resolution 33**.

The question was: Rejection of **Senate Joint Resolution 33**?

Senator Bablitch moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasce, 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.

By request of Senator Bablitch, with unanimous consent, the senate continued with the business that preceded the call of the Senate.

The question was: Rejection of **Senate Joint Resolution 33**?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

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Ayes -- Senators Adelman, Bablitch, Berger, Braun, Dorman, Harnisch, Kleczka, McKenna, Maurer, Offner, Peloquin, Radosevich, Risser and Thompson -- 14.

Noes -- Senators Bidwell, Chilsen, Cullen, Flynn, Frank, Goyke, Keppler, Krueger, Lasee, Lorge, McCallum, Morrison, Murphy, Parys, Petri, Sensenbrenner, Swan, Theno and Van Sistine -- 19.

Absent or not voting -- None.

So the joint resolution was not rejected.

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

Senate amendment 1 to senate substitute amendment 1 to **Senate Joint Resolution 33** offered by Senator Flynn.

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

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

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

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### LEAVE OF ABSENCE

By request of Senator Frank, with unanimous consent, he was granted a leave of absence until 4:00 P.M.

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

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Goyke, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 16.

Noes -- Senators Adelman, Bablitch, Braun, Dorman, Flynn, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 16.

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

So the amendment was not rejected.

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

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The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Dorman, Flynn, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 16.

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Goyke, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 16.

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

So the amendment was not adopted.

Senator Flynn asked unanimous consent that **Senate Joint Resolution 33** be referred to committee on Governmental and Veterans' Affairs.

Senator Sensenbrenner objected.

Senator Flynn moved that **Senate Joint Resolution 33** be referred to committee on Governmental and Veterans' Affairs.

The question was: Shall **Senate Joint Resolution 33** be referred to committee on Governmental and Veterans' Affairs?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Dorman, Flynn, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 17.

Noes -- Senators Bidwell, Chilsen, Cullen, Goyke, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 15.

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

So the motion prevailed.

By request of Senator Bablitch, with unanimous consent, the call was raised and the senate recessed until 4:00 P.M.

12:25 P.M.

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RECESS

4:00 P.M.

The senate reconvened.

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### QUORUM CALL

Senator Bablitch 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 Bablitch, Berger, Bidwell, Braun, Chilsen, Dorman, Frank, Goyke, Harnisch, Keppler, Kleczka, Lorge, McCallum, McKenna, Maurer, Murphy, Offner, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 26.

Absent -- Senators Adelman, Cullen, Flynn, Krueger, Lasee, Morrison and Radosevich -- 7.

Absent with leave -- None.

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### LEAVE OF ABSENCE

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

#### **Senate Joint Resolution 46**

To amend section 10 of article V of the constitution, relating to the governor's authority to veto appropriation bills in part (first consideration).

Read a second time.

Senate amendment 1 to **Senate Joint Resolution 46** offered by Senator Petri.

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

Ordered to a third reading.

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

#### **Senate Joint Resolution 46**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; 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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Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Sensenbrenner, Swan, Theno and Van Sistine -- 30.

Noes -- Senators Risser and Thompson -- 2.

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

So the joint resolution was adopted.

**Senate Bill 202**

Relating to a law enforcement officers' bill of rights and providing a penalty.

Read a second time.

The question was: Rejection of senate substitute amendment 1?

The amendment was not rejected.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Senate amendment 1 to **Senate Bill 202** offered by Senator Braun.

By request of Senator Braun, with unanimous consent, **Senate Bill 202** was placed at the foot of the calendar.

**Senate Bill 527**

Relating to restricting termination of fuel services by utilities during winter months and granting rule-making authority.

Read a second time.

The question was: Rejection of senate substitute amendment 1?

Rejected.

Senate amendment 1 to senate substitute amendment 2 offered by Senator Braun.

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

Adopted.

The question was: Adoption of senate substitute amendment 2?

Senator Swan moved indefinite postponement of **Senate Bill 527**.

The question was: Indefinite postponement of **Senate Bill 527**?

QUORUM CALL

Senator Bidwell 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:

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Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- Senator Krueger -- 1.

The question was: Indefinite postponement of **Senate Bill 527**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Goyke, Keppler, Kleczka, Lasee, Lorge, McCallum, Maurer, Murphy, Parys, Peloquin, Petri, Radosevich, Sensenbrenner, Swan, Theno and Van Sistine -- 18.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Flynn, Frank, Harnisch, McKenna, Morrison, Offner, Risser and Thompson -- 14.

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

So the bill was indefinitely postponed.

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### LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, he was granted a leave of absence for 15 minutes.

#### **Senate Bill 569**

Relating to exempting vehicles carrying certain commodities from special weight limitations.

Read a second time.

The question was: Adoption of senate 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 569**

Read a third time and passed.

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### **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.

Read a second time.

Senate amendment 1 to senate amendment 1 to **Assembly Bill 353** offered by Senator Braun.

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

Senator Flynn moved rejection of senate amendment 1 to senate amendment 1.

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

Senator Chilsen raised the point of order that senate amendment 1 to senate amendment 1 to **Assembly Bill 353** is not germane.

The chair took the point of order under advisement.

### **Assembly Bill 449**

Relating to the granting of the powers of a peace officer to certain arson investigators.

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 449**

Read a third time and concurred in.

### **Assembly Bill 588**

Relating to authorizing county referenda.

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 588**

Read a third time and concurred in.

### **Assembly Bill 661**

Relating to public account deposits and withdrawals.

Read a second time.



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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 661**

Read a third time and concurred in.

### **Assembly Bill 765**

Relating to permitting opticians and optometrists to advertise the cost of eyeglasses and contact lenses.

Read a second time.

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

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

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

Rejected.

The question was: Adoption of senate substitute amendment 1?

Senator Flynn moved rejection of senate substitute amendment 1?

The question was: Rejection of senate substitute 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.

### **Assembly Bill 765**

Read a third time and concurred in.

### **Assembly Bill 811**

Relating to establishing a statewide emergency services telephone number system, creating an emergency number systems board, granting rule-making authority and imposing a penalty.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 811** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 811** was withdrawn from the joint committee on Finance and considered for action at this time.

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Read a second time.

Senate amendment 1 to **Assembly Bill 811** offered by Senator Braun.

The question was: Adoption of senate 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 811**

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, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, 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 Krueger -- 1.

So the bill was concurred in as amended.

### **Assembly Bill 860**

Relating to regulation of raffles, granting rule-making authority, making an appropriation and providing penalties.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 to **Assembly Bill 860** offered by Senator Berger.

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

Adopted.

Senate amendment 2 to senate substitute amendment 1 to **Assembly Bill 860** offered by Senators Harnisch, Offner and Theno.

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

By request of Senator Berger, with unanimous consent, senate amendment 2 to senate substitute amendment 1 was laid on the table.

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Senate amendment 3 to senate substitute amendment 1 to **Assembly Bill 860** offered by Senators Harnisch and Theno.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator Parys moved rejection of senate amendment 3 to senate substitute amendment 1?

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Keppler, Kleczka, Lorge, McKenna, Maurer, Morrison, Murphy, Parys, Peloquin, Radosevich, Risser, Sensenbrenner, Swan and Van Sistine -- 25.

Noes -- Senators Harnisch, Lasec, McCallum, Offner, Petri, Theno and Thompson -- 7.

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

So the amendment was rejected.

Senate amendment 4 to senate substitute amendment 1 to **Assembly Bill 860** offered by Senators Harnisch, Offner and Theno.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

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### LEAVE OF ABSENCE

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

By request of Senator Bablitch, with unanimous consent, Senator Cullen was granted a leave of absence for 15 minutes.

By request of Senator Flynn, with unanimous consent, he was granted a leave of absence beginning at 5:45 P.M. for the balance of today's session.

Senator Parys moved rejection of senate amendment 4 to senate substitute amendment 1?

The question was: Rejection of senate amendment 4 to senate substitute amendment 1?

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Rejected.

Senate amendment 5 to senate substitute amendment 1 to **Assembly Bill 860** offered by Senators Harnisch, Offner and Theno.

The question was: Adoption of senate amendment 5 to senate substitute amendment 1?

Senator Kleczka moved rejection of senate amendment 5 to senate substitute amendment 1?

The question was: Rejection of senate amendment 5 to senate substitute amendment 1?

Rejected.

Senate amendment 6 to senate substitute amendment 1 to **Assembly Bill 860** offered by Senator Sensenbrenner.

The question was: Adoption of senate amendment 6 to senate substitute amendment 1?

Adopted.

Senate amendment 7 to senate substitute amendment 1 to **Assembly Bill 860** offered by Senator Sensenbrenner.

The question was: Adoption of senate amendment 7 to senate substitute amendment 1?

Adopted.

Senate amendment 8 to senate substitute amendment 1 to **Assembly Bill 860** offered by Senator Harnisch

The question was: Adoption of senate amendment 8 to senate substitute amendment 1?

Adopted.

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 860**

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, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, 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 Goyke and Krueger -- 2.

So the bill was concurred in as amended.

### **Senate Bill 353**

Relating to probate registrars' services to the public.

The chair was prepared to rule on the point of order raised by Senator Chilsen concerning the germanness of senate amendment 1 to senate amendment 1 to **Senate Bill 353**.

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

By request of Senator Bablitch, with unanimous consent, **Senate Bill 353** was placed at the foot of the calendar.

### **Assembly Bill 866**

Relating to increasing property damage liability requirements under the motor vehicle financial responsibility law.

Read a second time.

Ordered to a third reading.

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

### **Assembly Bill 866**

Read a third time and concurred in.

Senator Radosevich moved reconsideration of the vote by which **Senate Bill 527** was indefinitely postponed.

The question was: Shall the vote by which **Senate Bill 527** was indefinitely postponed be reconsidered?

Senator Radosevich asked unanimous consent that the motion to reconsider the vote by which **Senate Bill 527** was indefinitely postponed be laid on the table.

Senator Swan objected.

Senator Radosevich moved that the motion to reconsider the vote by which **Senate Bill 527** was indefinitely postponed be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 12; absent or not voting, 3; as follows:

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Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Dorman, Frank, Harnisch, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 18.

Noes -- Senators Bidwell, Chilsen, Keppler, Lasec, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 12.

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

So the motion prevailed.

**Assembly Bill 887**

Relating to extending the deadlines for transmitting and publishing reports of resources and liabilities required by the commissioner of banking.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 887**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Frank, Harnisch, Keppler, Kleczka, Lasec, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

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

So the bill was concurred in.

**Assembly Bill 967**

Relating to various banking changes and granting rule-making authority.

Read a second time.

Senate amendment 1 to **Assembly Bill 967** offered by Senator Berger.

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

Senate amendment 2 to **Assembly Bill 967** offered by Senator Sensenbrenner.

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The question was: Adoption of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 21; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Braun, Chilsen, Harnisch, Petri, Risser, Sensenbrenner, Theno and Thompson -- 9.

Noes -- Senators Adelman, Bablitch, Berger, Cullen, Dorman, Frank, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Radosevich, Swan and Van Sistine -- 21.

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

So the amendment was not adopted.

Ordered to a third reading.

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

### **Assembly Bill 967**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Frank, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

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

So the bill was concurred in as amended.

### **Assembly Bill 1100**

Relating to residency requirements for real estate branch office supervisors.

Read a second time.

Ordered to a third reading.

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

### **Assembly Bill 1100**

Read a third time and concurred in.

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### **Assembly Bill 1111**

Relating to placing chapter 608 (except section 15), laws of 1913, as amended, in the statutes, sewerage commissions in cities of the 1st class and metropolitan sewerage districts.

Read a second time.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1111** was referred to the joint committee on Finance.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 1111** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

### **Assembly Bill 1111**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Frank, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

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

So the bill was concurred in as amended.

### **Assembly Bill 814**

Relating to restrictions on volume discounts to retailers from wholesalers of malt beverages and liquors and providing a penalty.

Read.

The question was: Shall the motion to reconsider the vote by which **Assembly Bill 814** was refused concurrence be laid on the table?

The motion prevailed.



**Senate Bill 202**

Relating to a law enforcement officers' bill of rights and providing a penalty.

Read.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 202** offered by Senator Braun.

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

Senator Braun asked unanimous consent that **Senate Bill 202** be referred to committee on Agriculture, Aging and Labor.

Senator Berger objected.

Senator Braun moved that **Senate Bill 202** be referred to committee on Agriculture, Aging and Labor.

The question was: Shall **Senate Bill 202** be referred to committee on Agriculture, Aging and Labor.?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 9; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Braun, Chilsen, Cullen, Dorman, Harnisch, Keppler, Lasec, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Peloquin, Radosevich, Risser and Thompson -- 21.

Noes -- Senators Berger, Frank, Kleczka, Parys, Petri, Sensenbrenner, Swan, Theno and Van Sistine -- 9.

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

So the motion prevailed.

**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.

Read.

The question was: Adoption of senate amendment 1?

Senator Braun moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

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

Ayes -- Senators Adelman, Braun, Harnisch, Keppler, Maurer, Morrison, Radosevich, Sensenbrenner, Thompson and Van Sistine -- 10.

Noes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Dorman, Frank, Kleczka, Lasee, Lorge, McCallum, McKenna, Murphy, Offner, Parys, Peloquin, Petri, Risser, Swan and Theno -- 20.

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

So the amendment was not rejected.

The question was: Adoption of senate amendment 1?

Senate amendment 2 to senate amendment 1 to **Assembly Bill 353** offered by Senator Berger.

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

Adopted.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Adopted.

Senate amendment 3 to **Assembly Bill 353** offered by Senator Berger.

The question was: Adoption of senate amendment 3?

Adopted.

Senate amendment 4 to **Assembly Bill 353** offered by Senator Berger.

The question was: Adoption of senate amendment 4?

Adopted.

Senate amendment 5 to **Assembly Bill 353** offered by Senator Berger.

The question was: Adoption of senate amendment 5?

Adopted.

Ordered to a third reading.

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

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### **Assembly Bill 353**

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 3; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Dorman, Frank, Harnisch, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Bidwell, Keppler and Petri -- 3.

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

So the bill was concurred in as amended.

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

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

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## INTRODUCTION OF RESOLUTIONS

### **Senate Joint Resolution 67**

Relating to a legislative council study of determinate sentencing of criminals.

By Senators Bablitch, Van Sistine, Offner, Chilsen, Cullen, Maurer, Berger, Adelman, Flynn, Petri, McCallum, Harnisch, Goyke and Frank.

Read and referred to committee on Human Services.

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## COMMITTEE REPORTS

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

### **Senate Bill 683**

Relating to expanding the coverage of the prohibition against age discrimination.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Cullen, Radosevich, Harnisch, Van Sistine, Chilsen and McCallum;

Noes, 0 -- None.

Passage as amended:

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Ayes, 6 -- Senators Cullen, Radosevich, Harnisch, Van Sistine, Chilsen and McCallum;

Noes, 0 -- None.

**Senate Bill 694**

Relating to fire department "supervisors" in small municipalities.

Passage:

Ayes, 4 -- Senators Cullen, Radosevich, Harnisch and Van Sistine;

Noes, 0 -- None.

TIM CULLEN  
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 131**

Concurred in:

**Assembly Bill 262**, senate amendment 1

**Assembly Bill 281**, senate substitute amendment 1

**Assembly Bill 705**, senate amendments 1 and 2

Amended and concurred in as amended:

**Assembly Bill 868**, senate substitute amendment 1, assembly amendment 2 to senate substitute amendment 1 adopted

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 131**

Relating to criminal trespass to land.

By Representatives Lato, Mohn, Kedrowski, Ausman, Wood, Lallensack, Hasenohrl, Day, Gunderson, Schricker and Kincaid.

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

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STATEMENT OF POSITION

Pursuant to senate rule 74, the journal showed that had Senator Berger been present on February 28 and March 2, 1978, he would have voted as follows on the measures enumerated below:

- Senate Joint Resolution 55**--Reconsideration--No
- Senate Joint Resolution 55**--Immediately messaged--Aye
- Senate Bill 568**--Adoption of senate amendment 5 to senate substitute amendment 1--No
- Senate Bill 568**--Rejection of senate amendment 6 to senate substitute amendment 1--Aye
- Senate Bill 568**--Passage--Aye
- Senate Bill 568**--Passage--Aye
- Senate Bill 650**--Passage--No
- Assembly Bill 355**--Concurrence--Aye
- Assembly Bill 820**--Reconsideration motion tabled--Aye
- Assembly Bill 868**--Reconsideration of senate amendment 1 to senate substitute amendment 1--Aye
- Assembly Bill 868**--Adoption of senate substitute amendment 1--Aye
- Assembly Bill 868**--Concurrence--Aye
- Senate Bill 320**--Senate substitute amendment 1 tabled--No
- Senate Bill 320**--Rejection of senate amendment 3 to senate substitute amendment 1--Aye
- Senate Bill 320**--Passage--Aye
- Senate Bill 409**--Non-concurrence in assembly amendment 3--Aye
- Assembly Bill 37**--Concurrence--Aye
- Assembly Bill 281**--Concurrence--Aye
- Assembly Bill 685**--Refer to Commerce--No
- Assembly Bill 705**--Rejection of senate amendment 1--No
- Assembly Bill 705**--Refer to Judiciary and Consumer Affairs--No
- Assembly Bill 705**--Non-concurrence--Aye
- Assembly Bill 981**--Concurrence--Aye
- Assembly Bill 878**--Reconsideration--Aye
- Senate Bill 246**--Refer to Commerce--No
- Senate Bill 710**--Passage--Aye

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AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 339** by Senator Lorge.

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Senate amendments 17 and 18 to **Senate Bill 664** by Senator Kleczka.

Senate amendment 1 to **Assembly Bill 272** by Senator Radosevich.

Senate amendment 2 to **Assembly Bill 610** by Senator Petri.

Senate substitute amendment 1 to **Assembly Bill 1033** by Senator Radosevich.

By request of Senator Lorge, with unanimous consent, the Senate adjourned in honor of the 78th birthday of former Senator Allen J. Busby.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, March 9.

6:50 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to:

**Senate Bill 127**, assembly amendment 5

1. On line 9, substitute "lines 5 and 8" for line 8".
2. On line 10, before "delete" insert "on line 8,".

Relating to:

**Senate Bill 664**

1. On page 12, line 18, after "(12)," insert "(13),".
2. On page 52, line 10, underscore "examining".

Relating to:

**Senate Bill 692**

1. On page 4, line 21, delete the first "of".

Relating to:

**Assembly Bill 557**, ENGROSSED

1. On page 15, line 22, substitute "misleading" for "miselading".
2. On page 15, line 24, substitute "public service commission" for "commission".

Relating to:

**Assembly Bill 557**, assembly amenment 29 to assembly substitute amendment 1

1. On page 1, line 11, substitute "public service commission" for "commission".

Relating to:

**Assembly Bill 874**, The adoption amendments to assembly substitute amendment 2

1. On page 1, line 7, and on page 2, line 4, after the quoted "juvenile court" insert "[but not, juvenile court commissioner]".
2. On page 1, after line 10, insert:  
"3c. On page 8, lines 15 to 16, delctc "intake and juvenile court services" and substitute "juvenile court intake services and the services of courts having jurisdiction under this chapter,".

3g. On page 12, line 5, delete "juvenile court facility" and substitute "facility of the court having jurisdiction under this

chapter”.

3n. On page 35, line 9, delete “juvenile”.

3r. On page 52, line 3, delete “JUVENILE”.

3w. On page 80, line 23, delete “juvenile court” and substitute “the court having jurisdiction under this chapter”.

3. On page 1, after line 17, insert:

“6m. On page 3, line 9, delete “juvenile courts” and substitute “juvenile courts assigned to exercise jurisdiction under ch. 48”.

4. On page 2, lines 2 to 3, delete “line 4, before “(End)” insert: “SECTION103.”, and substitute “after line 1, insert: “SECTION 101m.”.

Assembly Amendment 12:

1. In line 2, after “line” insert “25 substitute a period for the semicolon and in line”.

Assembly Amendment 50:

1. Delete lines 2 and 3 and substitute:

“1. On page 1, line 11, after “115.81 (8)” insert “, 227.026 (1) (a)”.

Assembly Amendment 55:

1. In line 3, substitute “ch. 29” for “ch. 39” to correctly refer to hunting and fishing licenses.

Relating to:

**Assembly Bill 898, ENGROSSED**

1. On page 1, lines 9 and 10, delete “(1) (a) 3,”. (This was inadvertently omitted when a previous chief clerk’s correction was incorporated into the engrossed bill -- see Senate Journal, p. 1770.)

2. On page 21, line 17, substitute “advice” for “adivice”.