

JOURNAL OF THE SENATE [October 9, 1979]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

TUESDAY, October 9, 1979.

10:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

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

Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend William King, pastor of Covenant Presbyterian Church of Madison.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 375

Relating to legislative approval of amounts and intervals of general purpose revenue funds transferred to the transportation fund.

By Senator Berger.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 376

Relating to the registration of antique snowmobiles.

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By Senator Berger; cosponsored by Representatives Behnke and Kirby, by request of Jim and Carol Leinen, Milwaukee.

To committee on Natural Resources and Tourism.

Senate Bill 377

Relating to establishing noise limits for operating motor vehicles, granting rule-making authority and providing a penalty.

By Senator Berger; cosponsored by Representatives Behnke and Kirby, by request of Dale Clark, Milwaukee.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 378

Relating to the liability of parents for failure to immunize a child against disease.

By Senator Berger.

To committee on Human Services.

Senate Bill 379

Relating to eliminating the restriction of motor vehicle sales on Sunday.

By Senator Berger, by request of Thomas F. Gorak, Milwaukee.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 380

Relating to fire inspection duties of the chief of the fire department in 1st class cities.

By Senators Berger and Moody; cosponsored by Representatives Behnke, Coggs and Becker.

To committee on Governmental and Veterans' Affairs.

Senate Bill 381

Relating to teacher testing for certification and granting rule-making authority.

By Senator Braun; cosponsored by Representatives Becker and Coggs.

To committee on Education and Revenue.

COMMITTEE REPORTS

The joint committee on Revisions, Repeals and Uniform Laws reports and recommends for introduction:

Senate Bill 382

Relating to enactment of the uniform federal lien registration act.

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Introduction:

Ayes, 5 -- Senators Strohl, Lorge, Representatives Andrea, Shoemaker, Harer;

Noes, 0 -- None.

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

Senate Bill 383

An act to repeal, renumber, renumber and amend, amend, reenact and reenact and amend various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of officers, correcting and clarifying references, renumbering for better location and arrangement, eliminating duplications and unnecessary provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Introduction:

Ayes, 5 -- Senators Strohl, Lorge, Representatives Andrea, Shoemaker, Harer;

Noes, 0 -- None.

Read first time and referred to joint committee on Revisions, Repeals and Uniform Laws.

JOSEPH ANDREA

Assembly Co-Chair

JOE STROHL

Senate Co-Chair

The committee on Insurance and Utilities reports and recommends:

Senate Joint Resolution 17

Directing the legislative council to study the feasibility of public acquisition and operation of public utilities.

Adoption:

Ayes, 3 -- Senators Strohl, Berger and Moody;

Noes, 2 -- Senators Frank and Lorge.

Senate Bill 122

Relating to metering of gas and electric service, rate structures of public utilities supplying gas and electricity, a public service commission study of energy conservation incentives, granting rule-making authority and providing a penalty.

Adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Frank, Strohl, Berger, Lorge and Moody;
Noes, 0 -- None.

Passage as amended:

Ayes, 3 -- Senators Strohl, Berger and Moody;
Noes, 2 -- Senators Frank and Lorge.

Senate Bill 220

Relating to a mandatory health insurance risk sharing plan, granting rule-making authority and making appropriations.

Adoption of senate amendment 1:

Ayes, 5 -- Senators Frank, Strohl, Berger, Lorge and Moody;
Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Frank, Strohl, Berger, Lorge and Moody;
Noes, 0 -- None.

KURT A. FRANK
Chair

The committee on Aging, Business and Financial Institutions and Transportation reports and recommends:

BOWER, JAMES, of Madison, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1984.

Confirmation:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;
Noes, 0 -- None.

ELBE, EMORY L., of Neenah, as a member of the Credit Union Review Board, to succeed Helen Storm, to serve for the term ending May 1, 1984.

Confirmation:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;
Noes, 0 -- None.

RING, GERALD J., of Madison, as a member of the Credit Union Review Board, to serve for the term ending May 1, 1983.

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Confirmation:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

McARTHUR, JOAN D., of Baraboo, as a member of the Transportation Commission, to succeed Robert Huber, to serve for the term ending March 1, 1983.

Confirmation:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

SMITH, ROBERT J., of Madison, as Chairman of the Transportation Commission, to succeed E. Gordon Young, to serve for the term ending March 1, 1985.

Confirmation:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

TIM CULLEN

Chair

The joint committee on Finance reports and recommends:

Senate Bill 355

Relating to broadening the emergency fuel assistance law.

Introduction and adoption of senate substitute amendment 2:

Ayes, 13 -- Senators Kleczka, Flynn, Offner, Braun, Radosevich, Chilsen and Representatives Johnson, Otte, Roberts, Lingren, Norquist, Kirby and Ellis;

Noes, 0 -- None.

Passage as amended:

Ayes, 12 -- Senators Kleczka, Offner, Braun, Radosevich, Chilsen and Representatives Johnson, Otte, Roberts, Lingren, Norquist Kirby and Ellis;

Noes, 0 -- None.

GERALD D. KLECZKA

Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

October 2, 1979.

To the Honorable, the Senate

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on September 26, 1979, and ending on October 2, 1979.

Yours very truly,

VEL PHILLIPS

Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number; the code numbers indicating areas of Legislative action; the code numbers indicating areas of administrative action.

Thimke, Mark A., Michael, Best & Friedrich, 250 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 271-6560; Jackson County Iron Co., P.O. Box 192, Black River Falls, WI 54615 (715) 284-5371; 144.

The chart of code numbers can be found on pages 99 and 100 of the Senate Journal of February 6, 1979.

Senate Petition 13

A petition by 386 residents of the state of Wisconsin urging various changes in the property tax structure.

By Senator Offner.

Read and referred to joint committee on Finance.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

October 5, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, to appoint John F. Konrad of Glendale as a member of the Investment Board, and to serve on that Board as Chairman, to succeed Sheldon B. Lubar of Milwaukee pursuant to the statutes governing, to serve a six year term to expire on May 1, 1985.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Education and Revenue.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

October 5, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint John Naber of Shawano as a member of the Investment Board and to serve as that Board's Vice Chairman, to succeed Harvey Mason of Eau Claire, pursuant to the statutes governing, to serve a six year term to expire on May 1, 1985.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Education and Revenue.

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**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

September 27, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Dr. Donald Heyden of Kenosha as a member of the Optometry Examining Board, to succeed Randall Ahlstrom of Tomah, pursuant to the statutes governing, to serve a five year term to expire on July 1, 1984.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Human Services.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

September 27, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Jacqueline Kuck of Merrill as a member of the Funeral Directors and Embalmers Examining Board, to serve as the citizen member, to succeed Steven Barney of Madison, pursuant to the statutes governing, to serve a three year term to expire on July 1, 1982.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Human Services.

**State of Wisconsin
Office of the Governor
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To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, to appoint Ernestine O'Bee of Milwaukee, as a member of the

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Funeral Directors and Embalmers Examining Board, to succeed Clarence Novitzke of Park Falls, pursuant to the statutes governing, to serve a three year term to expire on July 1, 1981.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Human Services.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

September 27, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Dr. Carl Webster of Whitehall, as a member of the Chiropractic Examining Board, to succeed Henry Zastrow of Milwaukee, pursuant to the statutes governing, to serve a six year term ending July 1, 1985.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Human Services.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

September 27, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Elvin E. Boettcher of Green Bay as a member of the Barbers Examining Board, to succeed Eva M. Zimmerman of Green Bay, pursuant to the statutes governing, to serve a three year term to expire July 1, 1982.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Human Services.

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Office of the Governor
Madison, Wisconsin**

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To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Richard J. Resch of Green Bay, as a member of the Banking Review Board, to succeed Lester B. McAllister of Beloit, pursuant to the statutes governing, to serve a five year term to expire May 1, 1984.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Aging, Business and Financial Institutions and Transportation.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

September 27, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Jerome Quinn of Green Bay as a member of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, representing the Designers' Section as a citizen member to succeed James Seiller of Milwaukee, pursuant to the statutes governing, to serve a three year term ending July 1, 1980.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Governmental and Veterans Affairs.

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Office of the Governor
Madison, Wisconsin**

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To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Arthur W. Shannon of Brookfield, as a member of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, representing the Architects' Section as a citizen member, to succeed Thomas Boykoff of Madison, pursuant to the statutes governing, to serve a three year term to expire July 1, 1981.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Governmental and Veterans Affairs.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

September 27, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint David Wayne Wiltout of Superior as a member of the Veterinary Examining Board, to succeed Joan Arnoldi of Wausau, pursuant to the statutes governing, to serve out the unexpired term of Ms. Arnoldi and which will expire on July 1, 1981.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Agriculture, Labor and Local Affairs.

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State of Wisconsin
Office of the Governor
Madison, Wisconsin

September 27, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Annabelle Zabolio of Genoa as a member of the Wisconsin Waterways Commission to succeed Elizabeth Gunderson of LaCrosse pursuant to the statutes governing, to serve a five year term ending on March 1, 1984.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Natural Resources and Tourism.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Assembly Joint Resolution 83
Assembly Joint Resolution 84

Passed and asks concurrence in:

Assembly Bill 347
Assembly Bill 482
Assembly Bill 517
Assembly Bill 549
Assembly Bill 551
Assembly Bill 576

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 83

Relating to the life and public service of Franklin M. Jahnke.
By Entire Membership of the Assembly, co-sponsored by Senator Bablitch.

Read.

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Considered as privileged and taken up.
Concurred in by unanimous rising vote.

Assembly Joint Resolution 84

Relating to the life and public service of Elmer A. Weiland.

By Entire Membership of the Assembly, co-sponsored by Senator Bablitch.

Read and referred to committee on Senate Organization.

Assembly Bill 347

Relating to changing the register of deeds fees.

By Representatives Tuczynski, Plewa, Pabst, Broydrick, Ward, Becker and Kirby, co-sponsored by Senators Berger and Frank, by request of Milwaukee County.

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

Assembly Bill 482

Relating to the expulsion of pupils from school.

By Representatives Laatsch, Schneider, Byers, Lallensack, Kincaid, Vanderperren, Gunderson, Wahner, Conrad, Hopkins, Bradley, Everson, Jackamonis, Hasenohrl, Klicka, Porter, Ladwig, Harer, McEssy, Thompson, Matty, Dilweg, Tregoning, Paulson, Schmidt, Broydrick, McClain, Wood, Potter, Behnke, D. Travis, Dorff, Menos, Medinger, Swoboda, Leopold, Ferrall, Kedrowski, Lorman, Young, Opitz, Prosser, Goodrich, Snyder, Larson, Quackenbush, Merkt, Murray, Helbach, Tuczynski, Lingren, Fischer, Omernick, R. Travis, Harsdorf, Radtke, Shabaz, Donoghue and Shoemaker, co-sponsored by Senators Theno, McCallum, Bidwell, Bear, Van Sistine, Lasee, Roshell, Kreul, Harnisch, Chilsen, Maurer, Lorge, Johnston, Moody, Murphy and Krueger.

Read first time and referred to committee on Education and Revenue.

Assembly Bill 517

Relating to the filing of elections relating to certain corporate liquidations.

By Representative Shabaz, co-sponsored by Senator Murphy.

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

Assembly Bill 549

Relating to prohibiting possession of fermented malt beverage or intoxicating liquor on school premises and providing a penalty.

By Representatives Roberts, Schneider, Vanderperren, Rooney, Barry, Otte, Potter, Porter, Bradley, Duren, Loftus, Lallensack,

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Quackenbush, Menos, Medinger, Gunderson, Lingren, Shoemaker, Soucie, Norquist, Lee, Lewison, Ellis, Leopold, Kirby, Tuczynski, Barczak, Wahner, Andrea, Flintrop, Matty, Becker, Kincaid, Lewis and Ulichny.

Read first time and referred to committee on Education and Revenue.

Assembly Bill 551

Relating to reimbursement to counties and municipalities by the department of transportation for highway work.

By Representatives Vanderperren, Conradt, Matty, Kincaid, Bradley, Rooney, Hasenohrl, Menos, Porter, Lewison, Ladwig, Gagin and Lewis, co-sponsored by Senator Cullen.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

Assembly Bill 576

Relating to an exception from the limitations on weight, length and number of vehicles in combination for emergency towing operations.

By Representatives Vanderperren, Bradley, Matty, Hasenohrl, Ward, Rogers, Lingren, Conradt, Pabst, Otte, Roberts, Rooney, Byers, Donoghue, McEssy, Andrea and Murray, co-sponsored by Senators Van Sistine, Krueger and Theno.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

CALENDAR OF OCTOBER 9

Senate Bill 27

Relating to a property tax exemption for senior citizen centers.
Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 27** was placed after **Senate Bill 244**.

Senator Flynn in the chair.

9:20 A.M.

By request of Senator Kleczka, with unanimous consent, the senate returned to the eighth order of business.

MOTIONS

By request of Senator Kleczka, with unanimous consent, **Assembly Bill 512** was withdrawn from the joint committee on Finance and referred to committee on Senate Organization.

CALENDAR OF OCTOBER 9

Senate Bill 80

Relating to regulating smoking in public conveyances and places covered and providing a penalty.

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

Adopted.

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

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

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

Senator Cullen asked unanimous consent that **Senate Bill 80** be referred to the committee on Aging, Business and Financial Institutions and Transportation.

Senator Risser objected.

Senator Cullen moved that **Senate Bill 80** be referred to the committee on Aging, Business and Financial Institutions and Transportation.

The question was: Shall **Senate Bill 80** be referred to committee on Aging, Business and Financial Institutions and Transportation?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Frank, Goyke, Kreul, Krueger, Lasee, Murphy, Opitz, Roshell, Swan, Theno and Van Sistine -- 16.

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Noes -- Senators Adelman, Bear, Braun, Flynn, Hanaway, Harnisch, Johnston, Kleczka, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl and Thompson -- 17.

Absent or not voting -- None.

So the motion did not prevail.

Senator Opitz moved indefinite postponement of **Senate Bill 80**.

The question was: Shall **Senate Bill 80** be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Frank, Goyke, Hanaway, Kreul, Krueger, Lasee, Lorge, Murphy, Opitz, Roshell, Swan, Theno and Van Sistine -- 16.

Noes -- Senators Adelman, Bear, Berger, Braun, Cullen, Flynn, Harnisch, Johnston, Kleczka, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl and Thompson -- 17.

Absent or not voting -- None.

So the motion did not prevail.

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

The motion prevailed.

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

Adopted.

Senator Cullen moved that **Senate Bill 80** be referred to committee on Aging, Business and Financial Institutions and Transportation.

The question was: Shall **Senate Bill 80** be referred to committee on Aging, Business and Financial Institutions and Transportation?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Frank, Goyke, Kreul, Krueger, Lasee, Lorge, Murphy, Opitz, Roshell, Swan, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Bear, Braun, Flynn, Hanaway, Harnisch, Johnston, Kleczka, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl and Thompson -- 16.

Absent or not voting -- None.

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So the motion prevailed.

By request of Senator Opitz, with unanimous consent, senate amendment 3 was returned to the author.

Senate Bill 93

Relating to exempting private motor carriers and persons engaged in leasing trailers to private motor carriers from the requirement of obtaining a permit for certain trailers.

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.

Senate Bill 93

Read a third time and passed.

Senate Bill 128

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

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Bablitch asked unanimous consent that senate substitute amendment 2 be considered at this time.

Senator Berger objected.

By request of Senator Bablitch, with unanimous consent, the senate returned to the second order of business.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 29

Relating to the life and public service of Raymond C. Johnson.

By Senators Lorge, Harnisch, Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Johnston, Kleczka, Kreul, Krueger, Lasec, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine; cosponsored by Representatives Robertson, Quackenbush, Schneider, Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Gunderson, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Jackamonis, Johnson, Kedrowski, Kincaid, Kirby, Klecka, Laatsch, Ladwig, Lallensack,

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Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, D. Travis, R. Travis, Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Young.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

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

11:59 A.M.

RECESS

4:00 P.M.

The senate reconvened.

The president of the Senate in the chair.

Senate Bill 128

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

The question was: Adoption of senate substitute amendment 1?

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 Adelman, Bablitch, Berger, Bidwell, Chilsen, Cullen, Flynn, Hanaway, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum, Murphy, Opitz, Radosevich, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Absent -- Senators Bear, Braun, Frank, Goyke, Harnisch, Krueger, Maurer, Moody, Offner and Swan -- 10.

Absent with leave -- None.

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The question was: Adoption of senate substitute amendment 1?

Senator Adelman moved rejection of senate substitute amendment 1 to **Senate Bill 128**.

The question was: Rejection of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 6; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Braun, Chilsen, Flynn, Frank, Goyke, Hanaway, Harnisch, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Risser, Roshell, Strohl, Swan and Theno -- 26.

Noes -- Senators Berger, Johnston, Kleczka, Radosevich, Thompson and Van Sistine -- 6.

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

So the motion prevailed.

Senate amendments 1, 2 and 3 to senate substitute amendment 2 offered by Senator Murphy.

Senator Berger asked unanimous consent that **Senate Bill 128** be referred to committee on Agriculture, Labor and Local Affairs.

Senator Kleczka objected.

By request of Senator Murphy, with unanimous consent, senate amendment 2 to senate substitute amendment 2 was taken up at this time.

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

Senator Berger moved rejection of senate amendment 2 to senate substitute amendment 2 to **Senate Bill 128**.

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

The motion prevailed.

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

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

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

The motion prevailed.

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Senate amendment 4 to senate substitute amendment 2 offered by Senators Flynn, Berger, Braun and Kleczka.

By request of Senator Berger, with unanimous consent, senate amendment 4 to senate substitute amendment 2 was taken up at this time.

The question was: Adoption of senate amendment 4 to senate substitute amendment 2?

Senator Murphy moved rejection of senate amendment 4 to senate substitute amendment 2.

The question was: Rejection of senate amendment 4 to senate substitute amendment 2?

The motion did not prevail.

The question was: Adoption of senate amendment 4 to senate substitute amendment 2?

Adopted.

The question was: Adoption of senate amendment 3 to senate substitute amendment 2?

Senator Berger moved rejection of senate amendment 3 to senate substitute amendment 2.

The question was: Rejection of senate amendment 3 to senate substitute amendment 2?

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Krueger, Lorge, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Theno and Van Sistine -- 23.

Noes -- Senators Bidwell, Chilsen, Hanaway, Johnston, Kreul, Lasee, McCallum, Murphy, Opitz and Thompson -- 10.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate substitute amendment 2?
Adopted.

Ordered to a third reading.

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

Senate Bill 128

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Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators Bidwell, Chilsen, Hanaway, Johnston, Kreul, Murphy and Opitz -- 7.

Absent or not voting -- None.

So the bill passed.

Senator Harnisch moved reconsideration of the vote by which **Senate Bill 128** was passed.

Senator Harnisch asked unanimous consent that the motion for reconsideration of the vote by which **Senate Bill 128** passed be laid on the table.

Senator Kleczka objected.

~~By request of Senator Bablitch, with unanimous consent, the motion to table reconsideration of the vote by which **Senate Bill 128** passed was placed at the foot of the calendar.~~

Senate Bill 222

Relating to photographs on drivers' licenses, elimination of "race" from drivers' licenses, alternation of the license renewal period and license fees, granting rule-making authority and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 222** was referred to joint committee on Finance.

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Senate Bill 244

Relating to the state open housing law.

Read a second time.

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

Adopted.

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

Adopted.

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

Adopted.

Senate amendment 7 to senate substitute amendment 1 offered by Senator Kleczka.

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

Senator Braun moved rejection of senate amendment 7 to senate substitute amendment 1.

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

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Hanaway, Harnisch, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan and Thompson -- 17.

Noes -- Senators Bidwell, Chilsen, Frank, Goyke, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz, Roshell, Theno and Van Sistine -- 16.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate substitute amendment 1?

Senate amendment 8 to senate substitute amendment 1 offered by Senator Goyke.

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

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Senator Flynn moved rejection of senate amendment 8 to senate substitute amendment 1.

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

The motion did not prevail.

The question was: Adoption of senate amendment 8?

Senator Adelman moved that senate amendment 8 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 8 to senate substitute amendment 1 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Hanaway, Harnisch, Lorge, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Frank, Goyke, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Murphy, Opitz, Roshell and Theno -- 13.

Absent or not voting -- None.

So the motion prevailed.

Senator Hanaway moved reconsideration of the vote by which senate amendment 7 to senate substitute amendment 1 to **Senate Bill 244** was rejected.

The question was: Reconsideration of the vote by which senate amendment 7 to senate substitute amendment 1 was rejected?

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

Ayes -- Senators Bidwell, Frank, Goyke, Hanaway, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Murphy, Opitz, Roshell, Theno and Van Sistine -- 15.

Noes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Flynn, Harnisch, Lorge, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan and Thompson -- 17.

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

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 1?

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Senator Kleczka asked unanimous consent that **Senate Bill 244** be referred to joint committee on Finance.

Senator Braun objected.

By request of Senator Bablitch, with unanimous consent, the Senate recessed until 6:15 P.M.

6:10 P.M.

RECESS

6:15 P.M.

The senate reconvened.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 244** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 244** was withdrawn from the joint committee on Finance and considered for action at this time.

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

Ordered to a third reading.

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

Senate Bill 244

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Kleczka, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Theno, Thompson and Van Sistine -- 22.

Noes -- Senators Bidwell, Chilsen, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz and Roshell -- 11.

Absent or not voting -- None.

So the bill passed.

Senate Bill 27

Relating to a property tax exemption for senior citizen centers.

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

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

Senators Bablitch, Bear, Bidwell, Braun, Cullen, Flynn, Goyke, Hanaway, Harnisch, Krueger, Lasee, Lorge, Moody, Opitz, Radosevich, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 21.

Absent -- Senators Adelman, Berger, Chilsen, Frank, Johnston, Kleczka, Kreul, McCallum, Maurer, Murphy, Offner and Risser -- 12.

Absent with leave -- None.

So the motion prevailed.

Ordered to a third reading.

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

Senate Bill 27

Read a third time and passed.

Assembly Bill 69

Relating to permitting a savings and loan association to produce its books as evidence of transactions.

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 69

Read a third time and concurred in.

Assembly Bill 87

Relating to deleting the phrase "christian name" from the statutes.

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 87

Read a third time.

Senator Theno moved nonconcurrence of **Assembly Bill 87**.

The question was: Shall **Assembly Bill 87** be nonconcurred in?

The motion did not prevail.

The question was: Concurrence in **Assembly Bill 87**?

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The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Maurer, Moody, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 24.

Noes -- Senators Bidwell, Chilsen, Goyke, Krueger, Lasee, Lorge, McCallum, Murphy and Theno -- 9.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 105

Relating to requiring counties to reimburse deputy sheriffs for attorney fees, costs and judgments in civil actions.

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 105

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill was concurred in.

By request of Senator Bablitch, with unanimous consent, the motion for reconsideration of **Senate Bill 128** was expunged from the record.

Assembly Bill 457

Relating to construction of cross references in the statutes, and eliminating short titles and references to acts, titles and codes from the statutes for the purpose of clarifying references.

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.

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Assembly Bill 457

Read a third time.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 457** was laid on the table.

Assembly Bill 458

Relating to the incorporation of various laws into the statutes.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 458** was laid on the table.

Assembly Bill 623

Relating to the circuit court for Rock county.

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 623

Read a third time and concurred in.

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

By request of Senator Johnston, with unanimous consent, he was permitted to have the journal indicate his position on passage of **Senate Bill 128** should have been in the affirmative.

By request of Senator Theno, with unanimous consent, the senate adjourned in memory of former Senator Raymond Johnson.

By request of Senator Berger, with unanimous consent, the senate adjourned in honor of Senator Radosevich's birthday, which was October 7.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 260** offered by Senator Berger.

Senate substitute amendment 1 to **Senate Bill 285** offered by Senator Berger.

Senate amendment 1 to **Senate Bill 301** offered by Senator Berger.

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Senate amendment 1 to **Senate Bill 320** offered by Senator **Berger**.

Senate amendment 1 to **Senate Bill 336** offered by Senator **Berger**.

Upon motion of Senator **Bablitch** the senate adjourned until 9:00 A.M. Wednesday, October 10.

7:13 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 561, Assembly Amendment 2

1. On line 4, delete the comma.