

JOURNAL OF THE SENATE [April 26, 1979]

STATE OF WISCONSIN

# Senate Journal

**Eighty-Fourth Regular Session**

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THURSDAY, April 26, 1979.

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, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- Senator Frank -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend John Shield, of Lake Edge United Church of Christ, Madison.

The senate remained standing and Senator Goyke 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 18**

To amend section 1 of article VIII of the constitution, relating to property tax exemption for the homestead property of residents aged 65 or older (1st consideration).

By Senators Theno, Kreul, Chilsen, Krueger, Cullen, Van Sistine, Bear, Lasee, Murphy, Frank and Roshell; cosponsored by Representatives Kincaid and Murray.

Read first time and referred to committee on Education and Revenue

JOURNAL OF THE SENATE [April 26, 1979]

**Senate Joint Resolution 19**

Relating to proclaiming May 18, 19 and 20, 1979, as Syttende Mai Weekend.

By senators Thompson and Harnisch, by request of the Norwegians of Wisconsin.

Read and referred to committee on Senate Organization.

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 196**

Relating to permitting studded tires on vehicles bearing registration plates issued to disabled veterans, nonveteran disabled persons and certain other persons.

By Senators Theno, Goyke, Krueger, Chilsen and Lorge; cosponsored by Representative McEssy.

To committee on Governmental and Veterans' Affairs.

**Senate Bill 197**

Relating to the good samaritan law.

By Senators Theno, Van Sistine, Roshell, Murphy, Moody, Berger, Harnisch, Braun, Kreul, Lasee, Chilsen, Krueger and Lorge; cosponsored by Representatives Kincaid, Kedrowski, Byers, Gunderson, Wahner and Soucie.

To committee on Human Services.

**Senate Bill 198**

Relating to restricting drug paraphernalia and providing penalties.

By Senators Lasee, Kreul, Chilsen, Roshell and Opitz; cosponsored by Representatives Klicka, Laatsch and Fischer.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 199**

Relating to failure to stop at the scene of an accident and revising penalties.

By Senators Lasee, Murphy, Berger, Roshell and Opitz; cosponsored by Representatives Fischer and Becker.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 200**

Relating to tuition payments by the state for children in certain group homes.

JOURNAL OF THE SENATE [April 26, 1979]

By Senators Lasee, McCallum, Braun, Berger, Roshell and Opitz; cosponsored by Representatives Fischer, Becker and Barry.  
To committee on Education and Revenue.

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COMMITTEE REPORTS

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

**Senate Bill 201**

Relating to establishing a mandatory motor vehicle inspection program, granting rule-making authority and providing a penalty.

By the request of the Wisconsin Automobile and Truck Dealers Association.

Introduction:

Ayes, 4 -- Senators Thompson, Roshell, Bidwell and Cullen;

Noes, 1 -- Senator Moody.

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

**Senate Bill 202**

Relating to mandatory safety inspection prior to transfer of motor vehicles, granting rule-making authority, making an appropriation and providing a penalty.

By request of the Wisconsin Automobile and Truck Dealers Association.

Introduction:

Ayes, 4 -- Senators Thompson, Roshell, Bidwell and Cullen;

Noes, 1 -- Senator Moody.

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

TIM CULLEN

Chair

The committee on Insurance and Utilities reports and recommends:

MITCHELL, SUSAN, of Madison, as Commissioner of Insurance, to succeed Harold R. Wilde, to serve for the term ending March 1, 1983.

Confirmation:

Ayes, 5 -- Senators Frank, Strohl, Berger, Lorge and Moody;

JOURNAL OF THE SENATE [April 26, 1979]

Noes, 0 -- None.

**Senate Bill 99**

Relating to insurance investments.

Passage:

Ayes, 5 -- Senators Frank, Strohl, Berger, Lorge and Moody;

Noes, 0 -- None.

**Senate Bill 144**

Relating to insurance claims adjustment practices, creating a claims adjustment advisory council, granting rule-making authority and providing penalties.

Passage:

Ayes, 5 -- Senators Frank, Strohl, Berger, Lorge and Moody;

Noes, 0 -- None.

**Senate Bill 146**

Relating to miscellaneous corrections and revisions in the insurance code and related statutes.

Introduction and 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 Joint committee on Revisions, Repeals and Uniform Laws reports and recommends:

**Senate Bill 176**

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

Passage:

Ayes, 4 -- Senator Strohl, Representatives Andrea, Shoemaker and Harer;

JOURNAL OF THE SENATE [April 26, 1979]

Noes, 0 -- None.

JOSEPH ANDREA  
Co-chair

JOSEPH STROHL  
Co-chair

The committee on Judiciary and Consumer Affairs reports and recommends:

**Senate Bill 44**

Relating to legal representation in small claims type actions.  
Introduction and adoption of senate substitute amendment 1:  
Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;  
Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;  
Noes, 0 -- None.

**Senate Bill 140**

Relating to a plea of guilty for crimes committed in several counties.

Passage:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and  
Murphy;  
Noes, 0 -- None.

**Senate Bill 147**

Relating to criteria for commitment of criminal defendants if there is a finding of not guilty by reason of mental disease or defect.

Passage:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and  
Murphy;  
Noes, 0 -- None.

**Assembly Bill 58**

Relating to agricultural transactions under the Wisconsin consumer act and making other changes to that act.

Concurrence:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and  
Murphy;  
Noes, 0 -- None.

LYNN S. ADELMAN  
Chair

# JOURNAL OF THE SENATE [April 26, 1979]

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## PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Commission on Interstate Cooperation

April 20, 1979.

Donald J. Schneider  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin

To the Honorable, the Senate

Pursuant to the provisions of s.13.54 (4) of the statutes, I herewith submit a report of the following receipts and disbursements from the Commission on Interstate Cooperation's Contingent Fund during the period beginning July 1, 1977 and ending January 18, 1979.

WILLIAM A. BABLITCH  
Chair

A copy of this report may be obtained in Room 140 South.

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## MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

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

Assembly Bill 184  
Assembly Bill 16  
Assembly Bill 68  
Assembly Bill 73  
Assembly Bill 156

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## MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 184

Relating to the leasing of school property.

By Representatives Lingren, Flintrop, Andrea, Swoboda, DeLong, Jackamonis, Munts, Ferrall, Medinger, Loftus, Opitz, Potter, Miller, Otte, Harsdorf, Lorman, Fischer, McClain, D. Travis, Clarenbach, Helbach, Ulichny, Merkt, Norquist, Ellis, Barczak,

## JOURNAL OF THE SENATE [April 26, 1979]

Young, Goodrich, Barry, Wood and Dilweg, co-sponsored by Senators Goyke, Risser, Murphy, Adelman, Van Sistine, Bear, Theno, Strohl, McCallum and Moody.

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

### **Assembly Bill 16**

Relating to citation forms for municipal court.

By Representatives Lee, Leopold and Broydrick, co-sponsored by Senator Braun, by request of the city of Milwaukee.

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

### **Assembly Bill 68**

Relating to exceptions to parking time limits for residents.

By Representatives Ulichny, Ward, Behnke, Leopold, Tesmer, Menos and Soucie, co-sponsored by Senators Moody, Flynn, Berger, Swan and Braun.

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

### **Assembly Bill 73**

Relating to discontinuance of interim allowances to members of the legislature for postage and clerical assistance.

By Representatives Kirby, Tuczynski, Norquist, Lee, Roberts, Fischer and Jackamonis, co-sponsored by Senator Braun.

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

### **Assembly Bill 156**

Relating to equipping authorized emergency vehicles with lamps used to activate traffic control signal preemption devices and providing a penalty.

By Representatives Vanderperren, Otte, Dilweg, Matty, Lallensack, Lewison, Bradley, McClain, Menos, Opitz, Porter, Conradt, Rooney and Metz, co-sponsored by Senators Van Sistine and Chilsen.

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

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## LEAVE OF ABSENCE

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

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CALENDAR OF APRIL 26

**Senate Bill 62**

Relating to adding 2 dental hygienists to the dentistry examining board.

Read a second time.

The question was: Adoption of senate amendment 1?

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

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

Senate amendment 1 to senate amendment 3 offered by Senator Murphy.

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

By request of Senator Murphy, with unanimous consent, senate amendment 1 to senate amendment 3 was returned to the author.

The question was: Adoption of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bear, Berger, Braun, Cullen, Flynn, Goyke, Harnisch, Johnston, Kleczka, Moody, Offner, Radosevich, Risser, Strohl, Swan and Thompson -- 17.

Noes -- Senators Adelman, Bidwell, Chilsen, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Murphy, Opitz, Roshell, Theno and Van Sistine -- 14.

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

So the amendment was adopted.

The question was: Adoption of senate amendment 4?

Senator Berger moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 19; absent or not voting, 1; as follows:

Ayes -- Senators Berger, Braun, Cullen, Flynn, Goyke, Kleczka, Moody, Offner, Radosevich, Risser, Strohl and Thompson -- 12.

JOURNAL OF THE SENATE [April 26, 1979]

Noes -- Senators Adelman, Bablitch, Bear, Bidwell, Chilsen, Harnisch, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Murphy, Opitz, Roshell, Swan, Theno and Van Sistine -- 19.

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

So the motion did not prevail.

By request of Senator Maurer, with unanimous consent, the Senate recessed until 11:20 A.M.

11:02 A.M.

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RECESS

11:20 A.M.

The senate reconvened.

Senator Radosevich asked unanimous consent that **Senate Bill 62** be referred to the joint committee for Review of Administrative Rules.

Senator Murphy objected.

Senator Radosevich moved that **Senate Bill 62** be referred to the joint committee for Review of Administrative Rules.

The question was: Shall **Senate Bill 62** be referred to the joint committee for Review of Administrative Rules?

The ayes and noes were required and the vote was: ayes, 24; noes, 7; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 24.

Noes -- Senators Bidwell, Chilsen, Johnston, Lorge, Murphy, Opitz and Theno -- 7.

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

So the motion prevailed.

JOURNAL OF THE SENATE [April 26, 1979]

**Senate Bill 75**

Relating to extension of state medical malpractice plan to podiatrists.

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 75**

Read a third time and passed.

**Senate Bill 76**

Relating to licensing and regulation of social workers, creating a social workers council, creating a social worker-client privilege, making an appropriation, granting rule-making authority and providing penalties.

Read a second time.

Senate amendment 1 offered by Senator Berger.

By request of Senator Berger, with unanimous consent, **Senate Bill 76** was referred to the joint committee for Review of Administrative Rules.

Senator Flynn in the chair.

11:30 A.M.

**Senate Bill 80**

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

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 80** was referred to joint committee on Finance.

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

Senator Goyke asked unanimous consent that **Senate Joint Resolution 12** be withdrawn from committee on Senate Organization and be referred to committee on Education and Revenue.

Senator Bablitch objected.

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AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 76** by Senator Berger.

**JOURNAL OF THE SENATE [April 26, 1979]**

Senate amendment 3 to **Senate Bill 76** by Senator Offner.

Senate amendment 4 to **Senate Bill 76** by Senator Offner.

Senate substitute amendment 1 to **Senate Bill 57** by Senators Goyke and McCallum.

Senate amendment 12 to **Senate Bill 79** by Senator Goyke at the request of Representative Swoboda.

Senate amendment 13 to **Senate Bill 79** by Senator Lasee.

By request of Senator Bidwell, with unanimous consent, the Senate adjourned in honor of the retirement of Frank Overton and the birthday of Senator Kreul.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, May 1.

11:45 A.M.

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**CHIEF CLERK'S CORRECTION**

Suggested by Legislative Reference Bureau

**Senate Bill 160**

1. On page 3, delete lines 10 to 20.
2. On page 4, line 28, substitute "10." for "7."