

JOURNAL OF THE SENATE [January 29, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

THURSDAY, January 29, 1981.

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, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Harvey W. Schweppe of Monona United Methodist Church, Monona.

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 45

Relating to a property tax exemption for vehicles.

By Senator Opitz; cosponsored by Representative Ellis.

To Joint Survey committee on Tax Exemptions.

Senate Bill 46

Relating to registration fees for motor trucks used exclusively by groups participating in parades or other entertainment.

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By Senator Opitz.

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

Senate Bill 47

Relating to preventing the state and persons from entering into farmland preservation agreements and specifying that agricultural land shall be assessed according to its present use.

By Senator Opitz.

To committee on Agriculture and Natural Resources.

Senate Bill 48

Relating to rights of judge substitution in criminal cases.

By Senators Opitz, Roshell, Lasee and Risser; cosponsored by Representatives Ellis, Hopkins, Stitt, Goodrich, Young, R. Travis and Potter.

To committee on Judiciary and Consumer Affairs.

Senate Bill 49

Relating to popular election of members of vocational, technical and adult education district boards.

By Senators Opitz, Lasee, Harsdorf and Chilsen; cosponsored by Representatives Ellis, Shabaz, Menos, Bradley, Lewison, Matty, Stitt, Klicka and Nelsen.

To committee on Education and State Institutions.

Senate Bill 50

Relating to establishing a beginning farmer loan program.

By Senators Kreul, Roshell, Cullen and Bidwell.

To Joint Survey committee on Debt Management.

Senate Bill 51

Relating to local approval of solid or hazardous waste sites and facilities.

By Senators Opitz, Lorge, Harsdorf, Roshell, Kreul and Johnston; cosponsored by Representatives Hasenohrl, Matty, Schmidt, Porter, Menos, R. Travis, Harer, Young, Thompson, Stitt, Robertson and Kincaid.

To committee on Agriculture and Natural Resources.

Senate Bill 52

Relating to creating an income tax credit for persons that place in service certain kinds of depreciable property.

By Senators Opitz, Goyke, Engeleiter and Johnston; cosponsored by Representatives Ellis, Matty and Stitt.

To Joint Survey committee on Tax Exemptions.

COMMITTEE REPORTS

The committee on State and Local Affairs and Taxation reports and recommends:

Senate Joint Resolution 5

To amend section 3 of article XI of the constitution, relating to indebtedness for sewage collection or treatment systems in counties, cities or sewerage districts over 150,000 population (2nd consideration).

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Moody, Adelman, Van Sistine, Berger, Hanaway and Lasee;

Noes, 0 -- None.

Adoption as amended:

Ayes, 5 -- Senators Moody, Van Sistine, Berger, Hanaway and Lasee;

Noes, 1 -- Senator Adelman.

JAMES P. MOODY

Chair

The joint committee on Finance reports and recommends:

Senate Bill 10

Relating to revising the Wisconsin fund appropriation, revising the point source pollution abatement program, placing limitations upon disbursements from general purpose revenue sum sufficient appropriations, authorizing appropriations reestimates, authorizing expenditure of certain anticipated state revenues, priority for payment of state claims, a procedure for reduction of state expenditures in the event of insufficient revenues, reducing the primary guaranteed valuation for the 1980-81 school year, initial payment of aid to families with dependent children, authorizing bonding and making appropriations and appropriation changes.

Introduction and adoption of senate substitute amendment 1:

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, and Roshell, Representatives Norquist, Otte, Roberts, Kirby, Barry and Metz;

Noes, 2 -- Senator McCallum and Representative Ellis.

Passage as amended with an emergency statement attached:

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Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Offner, Braun and Roshell; Representatives Norquist, Otte, Roberts, Kirby, Barry and Metz.

Noes, 2 -- Senator McCallum and Representative Ellis.

GERALD D. KLECZKA
Chair

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

Senate Bill 24

Relating to the maximum guarantee of accounts in state-chartered credit unions and limiting membership of credit unions in central credit unions.

Passage:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

McKELVEY, CHANDLER, of Stevens Point, as the Secretary Designate for the Department of Development, effective September 1, 1980, to serve at the Pleasure of the Governor.

Confirmation:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

PEDERSON, THOMAS E., of Madison, as the Commissioner of Banking, to succeed Erich Mildenberg, to serve for the term ending March 1, 1983.

Confirmation:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

DAHM, HARRY F., of Merrill, as a member of the Credit Union Review Board, to succeed Robert Lechner, to serve a five year term to expire on May 1, 1985.

Confirmation:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

TIM CULLEN
Chair

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PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Natural Resources**

January 28, 1981

To the Honorable the Senate:

Attached is the report on Maintenance Provisions for Private Sewage Systems funded under the Wisconsin Fund Program, required under Chapter 34, Laws of 1979.

The Private Sewage System grant program generated a large amount of interest in 1980, particularly during December, during which month the Department reviewed a large number of new grant applications, and made an equally large number of grant awards. Information compiled during this period has enabled development of a more complete report than was previously possible.

If you have any questions or concerns regarding this report, please do not hesitate to contact myself or my staff.

Sincerely,
C.D. BESADNY
Secretary

**State of Wisconsin
Legislative Reference Bureau**

January 27, 1981

To the Honorable the Senate:

We are enclosing two copies of a report of a study on child day care funds sent to us by Secretary of Health and Social Services Donald Percy. The study was made pursuant to Chapter 34, Laws of 1979, Sec. 2020(7), which says that the presiding officer of each house determines the appropriate standing committee to receive the report.

Sincerely yours,
DR. H. RUPERT THEOBALD
Chief

Read and referred to committee on Human Services.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 79-43

A RULE to create Ch. HSS 310, relating to procedure for complaints of inmates of adult correctional institutions.

Submitted by Department of Health and Social Services.

Report received from agency, January 27, 1981.

Referred to committee on Human Services, January 29, 1981.

Clearinghouse Rule 80-97

A RULE to amend PI 3.03 (3) (c) and 3.07 (11), relating to excluding district administrators, secondary school administrators and elementary school administrators from receiving a one-year Wisconsin teaching license.

Submitted by Department of Public Instruction.

Report received from agency, January 27, 1981.

Referred to committee on Education and State Institutions, January 29, 1981.

Clearinghouse Rule 80-139

A RULE to create NR 120.50 to 120.54, relating to nonpoint source water pollution abatement program.

Submitted by Department of Natural Resources.

Report received from agency, January 27, 1981.

Referred to committee on Agriculture and Natural Resources, January 29, 1981.

Clearinghouse Rule 81-21

AN ORDER to repeal and recreate s. Ind 69.07, relating to fees for amusement ride inspections.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, January 28, 1981.

Referred to committee on Aging, Business and Financial Institutions and Transportation, January 29, 1981.

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

Clearinghouse Rule 80-185

A RULE to renumber Ch. MVD 9; to amend Trans 136.01, as renumbered, 136.02 (1) and (2), as renumbered, and 136.03, as renumbered; and to create Trans 136.04, relating to motor vehicle salvage dealer licensing, facilities and records.

Review period waived.

Clearinghouse Rule 80-197

A RULE to create Ch. Trans 111, relating to special restricted operator's licenses.

Review period waived.

TIM CULLEN

Chair

CALENDAR OF JANUARY 29

Senate Joint Resolution 5

To amend section 3 of article XI of the constitution, relating to indebtedness for sewage collection or treatment systems in counties, cities or sewerage districts over 150,000 population (2nd consideration).

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.

Senate amendment 2 offered by Senators Moody, Hanaway, Berger, Van Sistine and Lasee.

The question was: Adoption of senate amendment 2?

Adopted.

Ordered to a third reading.

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

Senate Joint Resolution 5

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, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None -- 1.

So the resolution passed.

Senate Bill 10

Relating to revising the Wisconsin fund appropriation, revising the point source pollution abatement program, placing limitations upon disbursements from general purpose revenue sum sufficient appropriations, authorizing appropriations reestimates, authorizing expenditure of certain anticipated state revenues, priority for payment of state claims, a procedure for reduction of state expenditures in the event of insufficient revenues, reducing the primary guaranteed valuation for the 1980-81 school year, initial payment of aid to families with dependent children, authorizing bonding and making appropriations and appropriation changes.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senator Hanaway.

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

By request of Senator Maurer, with unanimous consent, the senate recessed until 10:44 A.M.

10:25 A.M.

RECESS

10:44 A.M.

The senate reconvened.

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

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

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

By request of Senator Kleczka, with unanimous consent, senate amendment 1 to senate substitute amendment 1 was placed after senate amendment 7 to senate substitute amendment 1.

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

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

Adopted.

Senate amendment 3 to senate substitute amendment 1 offered by Senators Moody, Offner, Kleczka, Maurer and Strohl.

By request of Senator Moody, with unanimous consent, senate amendment 3 to senate substitute amendment 1 was placed after senate amendment 1 to senate substitute amendment 1.

By request of Senator Hanaway, with unanimous consent, senate amendment 1 to senate substitute amendment 1 to **Senate Bill 10** was considered at this time.

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

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Maurer, Moody, Risser, Roshell, Strohl, Thompson and Van Sistine -- 18.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Offner, Opitz and Theno -- 15.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 4 to senate substitute amendment 1 offered by Senators Theno and Harnisch.

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

Senator Kleczka moved rejection of senate amendment 4 to senate substitute amendment 1.

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

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, Lorman,

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McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl and Van Sistine -- 28.

Noes -- Senators Chilsen, Harnisch, Krueger, Theno and Thompson -- 5.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 5 to senate substitute amendment 1 offered by Senators McCallum and Harnisch.

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?

By request of Senator McCallum, with unanimous consent, senate amendment 5 to senate substitute amendment 1 was returned to the author.

Senate amendment 6 to senate substitute amendment 1 offered by Senator McCallum.

By request of Senator McCallum, with unanimous consent, senate amendment 6 to senate substitute amendment 1 was placed after senate amendment 3 to senate substitute amendment 1.

Senate amendment 7 to senate substitute amendment 1 offered by Senators Roshell and Harsdorf.

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

Senator Kleczka 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 motion prevailed.

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

By request of Senator Moody, with unanimous consent, senate amendment 3 to senate substitute amendment 1 was placed after senate amendment 9 to senate substitute amendment 1.

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

By request of Senator McCallum, with unanimous consent, senate amendment 6 to senate substitute amendment 1 was placed after senate amendment 9 to senate substitute amendment 1.

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

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

Senator Kleczka 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 ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harsdorf, Johnston, Kleczka, Lorman, McCallum, Maurer, Offner, Risser, Roshell, Thompson and Van Sistine -- 22.

Noes -- Senators Bidwell, George, Harnisch, Kreul, Krueger, Lasee, Lorge, Moody, Opitz, Strohl and Theno -- 11.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 9 to senate substitute amendment 1 offered by Senator McCallum.

The question was: Adoption of senate amendment 9 to senate substitute amendment 1?

Senator Kleczka moved rejection of senate amendment 9 to senate substitute amendment 1.

The question was: Rejection of senate amendment 9 to senate substitute amendment 1?

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, Berger, Braun, Chilsen, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Maurer,

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Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 13.

Absent or not voting -- None.

So the motion prevailed.

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

Senator Kleczka moved rejection of senate amendment 6 to senate substitute amendment 1.

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

By request of Senator Chilsen, with unanimous consent, he asked that the journal show that he was incorrectly recorded on the vote for rejection of senate amendment 9 to senate substitute amendment 1 to **Senate Bill 10**. His vote should have been recorded in the negative.

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

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, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Krueger, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 13.

Absent or not voting -- None.

So the motion prevailed.

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

Senator Lorge moved rejection of senate amendment 3 to senate substitute amendment 1.

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

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

Ayes -- Senators Bidwell, Chilsen, Cullen, Engeleiter, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz, Roshell, Theno, Thompson and Van Sistine -- 20.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Flynn, Frank, George, Kleczka, Maurer, Moody, Offner, Risser and Strohl - - 13.

Absent or not voting -- None.

So the motion prevailed.

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 final action at this time.

Senate Bill 10

Read a third time.

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Kleczka, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 18.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 15.

Absent or not voting -- None.

So the bill passed.

Assembly Joint Resolution 6

Granting the use of the legislative chambers on February 7 and 8, 1981, to the 1981 Model Legislature of the Young Republicans and Young Democrats.

Read.

Concurred in.

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

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M., Tuesday, February 3.

2:06 P.M.