

JOURNAL OF THE SENATE [February 10, 1981]

STATE OF WISCONSIN

# Senate Journal

Eighty-Fifth Regular Session

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TUESDAY, February 10, 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, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

Absent -- Senators Frank, Krueger, and Lorman -- 3.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Larry Moody of Trinity United Methodist Church, Madison.

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

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## INTRODUCTION OF BILLS

Read first time and referred:

### **Senate Bill 76**

Relating to authorizing the dentistry examining board to sanction a dentist or dental hygienist for incompetence, negligence or overbilling and increasing staff assigned to the dentistry examining board.

By Senators Thompson, Johnston, Engeleiter, Goyke, Van Sistine, Opitz, Braun, Krueger, Kreul, Roshell and Moody; cosponsored by Representatives Wagner, Rogers, Swoboda,

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Shoemaker, Leopold, R. Travis, Andrea, Vanderperren, Nelsen, Ulichny, Donoghue, Becker, De Long, Smith, Kunicki, Klicka, Neubauer, Medinger, Larson, Hopkins, Harer, Conradt, Quackenbush, Tesmer and Flintrop, by request of Wisconsin Dental Association.

To committee on Human Services.

### **Senate Bill 77**

Relating to removing the requirements of U.S. citizenship and good moral character from certain employment and licensure statutes.

By Senator Braun; cosponsored by Representative Norquist.

To committee on Labor, Government, Veterans Affairs and Tourism.

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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.

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

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

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### COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

#### **Senate Joint Resolution 2**

To amend section 12 of article XIII; and to create section 12 (4) (a) to (c) of article XIII of the constitution, relating to primaries in recall elections (2nd consideration).

Adoption:

Ayes, 4 -- Senators Adelman, George, Braun and Johnston;

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

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SENATE CLEARINGHOUSE ORDERS

**Clearinghouse Rule 80-184**

A RULE to repeal TR 3.03, 5.01 and 8.02, relating to eligibility of part-time teaching assistants, teachers' affidavits and receipt of annuity while teaching.

Submitted by Department of Employee Trust Funds.

Report received from agency, February 6, 1981.

Referred to committee on Education and State Institutions, February 10, 1981.

**Clearinghouse Rule 80-245**

A RULE to repeal Chs. RR 1 to 11; and to create Ch. Trans-RR 1, relating to the operation and administration of the Wisconsin rustic roads program.

Submitted by Rustic Roads Board.

Report received from agency, February 9, 1981.

Referred to committee on Aging, Business and Financial Institutions and Transportation, February 10, 1981.

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

**Senate Clearinghouse Rule 80-160**

A rule to create Ch. Trans 207, relating to the establishment of standards and specifications for the design and construction of county, town, village and city bridges, arches or culverts.

Review period waived.

**Clearinghouse Rule 80-229**

A RULE to renumber and amend Ch. MVD 11; to amend Trans 101.03 to 101.08, as renumbered; and to create Trans 101.01, relating to point values for traffic violations and revocations and suspensions. tf

Review period waived.

TIM CULLEN  
Chair

The committee on Human Services reports and recommends:

**Clearinghouse Rule 80-82**

A RULE to amend A-E 1.15 (4) (c), relating to requirements for entrance to examination for architects.

No action taken.

**Clearinghouse Rule 80-96**

A RULE to amend A-E 1.03, 1.13 (2) and 1.15 (4) (d); and to create A-E 1.14, relating to issuance of certificates, supervision of architectural experience requirement, registration and requirements for architect examination.

No action taken.

**Clearinghouse Rule 80-131**

A RULE to create Med 8.12, relating to temporary certificates for physician's assistants.

No action taken.

**Clearinghouse Rule 80-149**

A RULE to repeal and recreate Ch. REB 9, relating to real estate trust accounts.

No action taken.

**Clearinghouse Rule 80-151**

A RULE to amend REB 15.03 (1), 15.04 (4), 15.05 (4), 15.07 (2), 15.11, 15.12 and 15.14 (1); and to create REB 15.13 (5), relating to conduct and ethical practices for real estate licensees.

No action taken.

**Clearinghouse Rule 80-157**

A RULE to repeal and recreate B 3.03, relating to barber shop regulation.

No action taken.

**Clearinghouse Rule 80-171**

A RULE to repeal REB 16.05 (1); to renumber REB 16.05 (2), (3) and (6); to renumber and amend REB 16.05 (4); to amend REB 16.03 (2); to repeal and recreate REB 16.03 (2) (b); and to create REB 16.02 (4), relating to educational requirement for real estate licenses.

No action taken.

**Clearinghouse Rule 80-200**

A RULE to repeal and recreate C 1.02 (16) and (18); and to amend C 1.02 (11) and (12), relating to sanitation standards for equipment and instruments in beauty salons.

No action taken.

**Clearinghouse Rule 80-204**

A RULE to create A-E 1.15 (4) (e), relating to requirements for examination for architects.

No action taken.

CARL W. THOMPSON  
Chair

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MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

**Senate Bill 10**

Adopted and asks concurrence in:

**Assembly Joint Resolution 5**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 5**

Relating to revising the right to bail and authorizing the legislature to permit circuit courts to deny release on bail for a limited period to certain accused persons (2nd consideration).

By Representatives Rooney, Hauke, Tesmer, Andrea, Hasenohrl, Thompson, Kincaid, Vanderperren, Radtke, Knox, Menos, Gerlach, Dorff, Johnson, Tuczynski, Prosser, Schmidt, Byers, Wagner, Potter, Shoemaker, Everson, Plous, Metz, Smith, Jackamonis, Schneider, Wood, Flintrop, Behnke, Murray, Fischer, Holschbach, Swoboda, Kirby, Looby, Barczak, Porter, Ladwig, Lewison, Conradt, Quackenbush, Harer, Hopkins, McEwen, Merkt, Plewa, Otte, Duren, Bradley, Matty, Dilweg, Larson, Donoghue, Paulson, Berndt, Barry, Laatsch, Nelsen, Panzer, Stitt, Young, R. Travis, Shabaz, Goodrich, Roberts, DeLong, McEssy, Robertson, Schneiders and Tregoning.

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

Senator Bablitch asked unanimous consent that the rules be suspended and **Senate Joint Resolution 2** be considered at this time.

Senator Berger objected.

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Senator Bablitch moved that the rules be suspended and **Senate Joint Resolution 2** be considered at this time.

The question was: Shall the rules be suspended and **Senate Joint Resolution 2** be considered at this time?

The ayes and noes were required and the vote was: ayes, 25; noes, 4; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Braun, Cullen, Flynn, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 25.

Noes -- Senators Berger, Chilsen, Lorge and Opitz -- 4.

Absent or not voting -- Senators Engeleiter, Frank, Krueger and Lorman -- 4.

More than two-thirds having voted in the affirmative the motion prevailed.

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CALENDAR OF FEBRUARY 10

**Senate Joint Resolution 2**

To amend section 12 of article XIII; and to create section 12 (4) (a) to (c) of article XIII of the constitution, relating to primaries in recall elections (2nd consideration).

Read a second time.

Senator Berger moved rejection of **Senate Joint Resolution 2**.

The question was: Rejection of **Senate Joint Resolution 2**?

The motion did not prevail.

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

The ayes and noes were demanded and the vote was: ayes, 23; noes, 7; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Braun, Cullen, Engeleiter, Flynn, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Noes -- Senators Berger, Chilsen, Kreul, Lasee, Lorge, McCallum and Opitz -- 7.

Absent -- Senators Frank, Krueger and Lorman -- 3.

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So the motion prevailed and the resolution was ordered to a third reading.

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

### **Senate Joint Resolution 2**

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Braun, Cullen, Flynn, George, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 20.

Noes -- Senators Berger, Bidwell, Chilsen, Engeleiter, Harsdorf, Kreul, Lasee, Lorge, McCallum and Opitz -- 10.

Absent -- Senators Frank, Krueger and Lorman -- 3.

So the joint resolution was adopted.

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### AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 47** by Senator Opitz.

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

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, February 12.

10:45 A.M.

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### CHIEF CLERK'S REPORT

The chief clerk records:

#### **Senate Bill 10**

Correctly enrolled and presented to the Governor on February 10, 1981.