

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

THURSDAY, June 4, 1981.

• 9:00 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, Lasee, Lorge, Lorman, Maurer, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- Senator Krueger -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Dr. H. Conrad Hoyer, retired Lutheran Pastor of Phillips.

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

LEAVE OF ABSENCE

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 431

Relating to membership on the investment and local impact fund board.

By Senator Cullen.

To committee on State and Local Affairs and Taxation.

Senate Bill 432

Relating to authorization for collective bargaining of certain position classification matters with classified state employees.

By Senator Offner; cosponsored by Representative Clarenbach.

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

Senate Bill 433

Relating to suspension of special disability payments for protective occupation employes who return to work full-time.

By Senators Johnston and Chilsen.

To Joint Survey committee on Retirement Systems.

Senate Bill 434

Relating to admission to the state bar.

By Senators Johnston, Offner and McCallum.

To committee on Judiciary and Consumer Affairs.

Senate Bill 435

Relating to restitution paid by worthless check violators.

By Senators Johnston, Offner, Frank, Roshell, Moody, Lasee and McCallum; cosponsored by Representatives Becker, Barczak, Medinger, Menos, Conradt, Kincaid, Young, Porter, McEwen, Matty, Luckhardt, DeLong, Laatsch and Ladwig.

To committee on Judiciary and Consumer Affairs.

Senate Bill 436

Relating to mandatory subjects of collective bargaining and use of mediation-arbitration during the term of a collective bargaining agreement in local government employment other than law enforcement and fire fighting employment.

By Senator Van Sistine; cosponsored by Representatives Johnson and Clarenbach.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 24

Relating to expressing appreciation to Algeria for its help in releasing the American hostages held by Iran.

Concurrence:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Chilsen and Hanaway;

Noes, 0 -- None.

FRED A. RISSER

Chair

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

Senate Bill 247

Relating to modulating headlamps on motor-driven cycles, motor bicycles and mopeds during daylight.

Passage:

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

Noes, 0 -- None.

Assembly Bill 19

Relating to permitting minors to enter premises licensed to sell beer and liquor to attend dances or to engage in marching or drilling.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell and Cullen;

Noes, 1 -- Senator Engeleiter.

Concurrence as amended:

Ayes, 6 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell and Cullen;

Noes, 1 -- Senator Engeleiter.

TIM CULLEN

Chair

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The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 163

Relating to the procedures by which criminal defendants and parties to civil actions exercise the right to substitution of judge.

Introduction and adoption of senate amendment 1:

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

Noes, 1 -- Senator George.

Passage as amended:

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

Noes, 1 -- Senator George.

LYNN S. ADELMAN
Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 9

A petition by 50 residents of the State of Wisconsin in opposition to the proposal to reclassify Morning Doves as game birds and urging the Department of Natural Resources to ban the use of lead shot.

By Senator Moody.

Read and referred to committee on Agriculture and Natural Resources.

Wisconsin Solid Waste Recycling Authority

May 29, 1981

To the Honorable the Senate

As required by Wisconsin Statute 232.10(5), we are pleased to submit to you for Legislative committee review, a proposed resolution to establish a "study area" for the purpose of further developing a solid waste recycling project in Brown County. I call to your attention s. 232.10(5)(a) which further describes the handling of the proposed resolution.

As permitted under s. 232.10(2)(a), the Brown County Board of Supervisors, on December 16, 1980, unanimously requested the Authority to establish a "study area" to examine the feasibility of recycling in Brown County. Under legislation enacted last summer, the establishment of a "study area" is the first step of a two-step procedure for establishing future recycling regions. Under this recent legislation, we are required to prepare a "preliminary feasibility report" on recycling, hold a hearing, and to obtain

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Legislative committee review of the proposed resolution to establish a study area before formally establishing a study area.

The preliminary feasibility report on Brown County--which is enclosed--was published in March 1981 and recommends that Brown County be designated a study area. The paper titled "Summary of Public Hearing" enclosed with this letter summarizes the procedures used to distribute the report and publicize the hearing, and summarizes the hearing.

While we have been going through the process of establishing a study area, we have been concurrently working with Brown County to expedite the project. Brown County and this Authority have jointly developed a contract and commenced negotiations with Wisconsin Public Service Corporations (WPS) for sale of refuse derived fuel to WPS.

We look forward to a timely review of this proposed resolution. Please refer any questions or comments to me.

Very truly yours
WARREN K. PORTER
Executive Director

Read and referred to committee on Agriculture and Natural Resources.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-230

A RULE to create NR 110.08 (5), relating to approval of new sewage treatment facilities.

Submitted by Department of Natural Resources.

Report received from agency, June 2, 1981.

Referred to committee on Agriculture and Natural Resources, June 4, 1981.

Clearinghouse Rule 80-231

A RULE to amend NR 121.01 and 121.03 to 121.09, relating to areawide water quality management plans.

Submitted by Department of Natural Resources.

Report received from agency, June 2, 1981.

Referred to committee on Agriculture and Natural Resources, June 4, 1981.

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State of Wisconsin
Revisor of Statutes Bureau
Madison, Wisconsin

June 1, 1981

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

Dear Mr. Schneider:

The following rules have been published and are effective:

Clearinghouse Rule 79-53 effective June 1, 1980.
Clearinghouse Rule 80-15 effective June 1, 1980.
Clearinghouse Rule 80-94 effective June 1, 1981.
Clearinghouse Rule 80-100 effective June 1, 1981.
Clearinghouse Rule 80-111 effective June 1, 1981.
Clearinghouse Rule 80-163 effective June 1, 1981.
Clearinghouse Rule 80-200 effective June 1, 1981.
Clearinghouse Rule 80-202 effective June 1, 1981.
Clearinghouse Rule 80-240 effective June 1, 1981.
Clearinghouse Rule 80-243 effective June 1, 1981.
Clearinghouse Rule 80-245 effective June 1, 1981.
Clearinghouse Rule 80-251 effective June 1, 1981.
Clearinghouse Rule 81-2 effective June 1, 1981.
Clearinghouse Rule 81-29 effective June 1, 1981.

The following rules have been published and will be effective:

Clearinghouse Rule 80-163 effective November 1, 1981.
Clearinghouse Rule 80-219 effective July 1, 1981.

Sincerely,
GARY L. POULSON
Assistant Revisor

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Assembly Bill 36
Assembly Bill 345

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Assembly Bill 405

Concurred in:

Senate Bill 1

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 36

Relating to authorizing the department of natural resources to distribute free trees to schools for arbor day observance and increasing an appropriation.

By Representatives Ellis, McEssy, Nelsen, Norquist, Behnke, Hasenohrl, Hopkins, Dorff, Ladwig, Kincaid, Goodrich and Matty, co-sponsored by Senators Johnston, Roshell, Van Sistine and Krueger.

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

Assembly Bill 345

Relating to requests by assessors to view property.

By Representatives Johnson, Schneider, Hasenohrl, Ulichny, Shoemaker, Broydrick, R. Travis, Rooney, Helbach, Neubauer, Kincaid, Donoghue, Looby, Czarnezki, Hopkins and Knox, co-sponsored by Senators Cullen and Moody.

Read first time and referred to committee on State and Local Affairs and Taxation.

Assembly Bill 405

Relating to the deadline for pretrial discovery in traffic cases.

By Representatives Shabaz and Hauke, co-sponsored by Senator Hanaway.

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

CALENDAR OF JUNE 4

Senate Bill 22

Relating to issuance of Wisconsin housing finance authority bonds and notes for, and providing, housing rehabilitation loans.

Read a second time.

The question was: Adoption of senate substitute amendment 1?
Senator Frank in the chair.

9:16 A.M.

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The question was: Adoption of senate substitute amendment 1?

By request of Senator Chilsen, with unanimous consent, he was made a coauthor of senate substitute amendment 1.

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 22

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, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

Noes -- Senators Lasee and Opitz -- 2.

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

So the bill passed.

The president in the chair.

9:50 A.M.

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.

Read a second time.

By request of Senator Thompson, with unanimous consent, **Senate Bill 76** was referred to committee on Human Services.

Senate Bill 163

Relating to the procedures by which criminal defendants and parties to civil actions exercise the right to substitution of judge.

Read a second time.

The question was: Adoption of senate amendment 1?

Senate amendment 1 to senate amendment 1 offered by Senator Adelman.

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

Adopted.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 offered by Senators Opitz and Hanaway.

Senator Adelman raised the point of order that senate amendment 2 was not germane.

The chair ruled that pursuant to Senate Rule 50, senate amendment 2 to **Senate Bill 163** changes the intent of the bill and the point of order is well taken.

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 163

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bidwell, Braun, Frank, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorman, McCallum, Maurer, Offner, Opitz, Roshell, Strohl, Theno, and Van Sistine -- 20.

Noes -- Senators Bablitch, Berger, Chilsen, Cullen, Engeleiter, Flynn, George, Goyke, Lorge, Moody, Risser and Thompson -- 12.

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

So the bill passed.

Senate Bill 169

Relating to interest rates on life insurance policy loans and granting rule-making authority.

Read a second time.

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

By request of Senator Frank, with unanimous consent, senate amendments 1 and 2 to senate substitute amendment 1 were withdrawn and returned to the author.

Senate amendment 3 to senate substitute amendment 1 offered by Senator Cullen.

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

Adopted.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Cullen.

The question was: Adoption of senate amendment 4 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 Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 169

Read a third time and passed.

Senate Bill 247

Relating to modulating headlamps on motor-driven cycles, motor bicycles and mopeds during daylight.

Read a second time.

Senate amendment 1 offered by Senator Flynn.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 247

Read a third time and passed.

Senate Bill 368

An act to authorize release of \$5,000 from the conservation fund for payment of a claim against the state made by Donald Wirth.

Read a second time.

Ordered to a third reading.

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

Senate Bill 368

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, Engleiter, Flynn, Frank, George, Goyke, Hanaway,

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Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the bill passed.

Senate Bill 418

An act to authorize and direct release of a sum sufficient from moneys appropriated to the university of Wisconsin system for payment of a claim against the state made by John C. Weaver.

Read a second time.

By request of Senator Adelman, with unanimous consent, **Senate Bill 418** was referred to Joint Survey committee on Retirement Systems.

Assembly Joint Resolution 24

Relating to expressing appreciation to Algeria for its help in releasing the American hostages held by Iran.

Read.

Concurred in.

Assembly Bill 19

Relating to permitting minors to enter premises licensed to sell beer and liquor to attend dances or to engage in marching or drilling.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

Assembly Bill 19

Read a third time and concurred in as amended.

Assembly Bill 406

Relating to an interstate corrections compact and making an appropriation.

Read a second time.

Senate amendment 1 offered by Senators Braun, Berger, Kleczka, Strohl, Maurer, George, Flynn, Adelman, Bidwell, Moody and Harnisch.

The question was: Adoption of senate amendment 1?

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Senator Goyke moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

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

Ayes -- Senators Adelman, Chilsen, Frank, Goyke, Hanaway, Johnston, Kreul, Lasee, Lorge, McCallum, Offner, Opitz, Roshell, and Van Sistine -- 14.

Noes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, Engeleiter, Flynn, George, Harnisch, Harsdorf, Kleczka, Lorman, Maurer, Moody, Risser, Strohl, Theno and Thompson -- 18.

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

So the motion did not prevail.

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

Senate amendment 2 offered by Senator Braun.

The question was: Adoption of senate amendment 2?

By request of Senator Braun, with unanimous consent, senate amendment 2 was withdrawn and returned to the author.

Senate amendment 3 offered by Senators Braun, Berger and Kleczka.

The question was: Adoption of senate amendment 3?

Senator Goyke moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?
The motion did not prevail.

The question was: Adoption of senate amendment 3?
Adopted.

Senator Goyke moved reconsideration of the vote by which senate amendment 1 to **Assembly Bill 406** was adopted.

The question was: Reconsideration of the vote by which senate amendment 1 was adopted?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes -- Senators Chilsen, Frank, Goyke, Hanaway, Johnston, Kreul, Lasee, Lorge, McCallum, Offner, Opitz, Roshell, and Van Sistine -- 13.

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Noes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Engeleiter, Flynn, George, Harnisch, Harsdorf, Kleczka, Lorman, Maurer, Moody, Risser, Strohl, Theno and Thompson -- 19.

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

So the motion did not prevail.

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 406

Read a third time and concurred in as amended.

By request of Senator Bablitch, with unanimous consent, special guests from the Nigerian Rivers State House of Assembly were introduced: Honorable Lebari Emmanuel Mwara, Member; Honorable Orokomiebia Edwin Dakoru, Member; Honorable Dennis Dic-Fiberesima, Member; Honorable Chief Frederick Erimri-Hanson, Member; Honorable Chief Chinyere V. A. Oparaeli, Member; Mr. Japhet Charlie Daworiye, Clerk; and the Honorable R. R. Briggs, Speaker of the Rivers State House of Assembly, addressed the Senate.

Senator Kleczka moved reconsideration of the vote by which **Senate Bill 163** passed.

By request of Senator Kleczka, with unanimous consent, the motion to reconsider the vote by which **Senate Bill 163** passed was laid on the table.

By request of Senator Bablitch, with unanimous consent, the Senate returned to the eighth order of business.

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Senate Joint Resolution 27, assembly amendment 2

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MOTIONS

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 126** was withdrawn from committee on Senate Organization and referred to committee on State and Local Affairs and Taxation.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 231** by Senators Johnston and Hanaway.

Senate amendment 1 to **Senate Bill 331** by Senator Theno.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, June 9.

12:15 P.M.