

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

FRIDAY, October 30, 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, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- Senator Kleczka -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Stephen Minnema of the First United Presbyterian Church of Waunakee.

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

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Assembly Bill 800

Relating to the net proceeds tax on mining of metallic minerals, the membership of the investment and local impact fund board and the environmental effects of mining, making appropriations, granting rule-making authority and providing a penalty.

Concurrence:

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Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Offner, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Wood and Ellis;

Noes, 2 -- Senator Braun and Representative Metz.

GERALD D. KLECZKA

Chair

PETITIONS AND COMMUNICATIONS

RULING OF THE CHAIR

On Wednesday, October 28, **Senate Resolution 11** was introduced and referred to committee on Senate Organization. Senator Chilsen of the 29th District raised the point of order that the resolution was privileged and should be taken up immediately. The chair took the point of order under advisement.

A reading of Senate Rule 69 indicates that a privileged resolution may be taken up immediately unless referred to a calendar or committee. It would then appear that the question of whether the resolution is privileged or not has no basis for the resolution coming before the senate immediately. Since the resolution was referred to committee prior to the point of order being raised it would appear that the point of order is moot and therefore the point of order is not well taken.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 648

Relating to financing for town sanitary districts.

By Senator McCallum; cosponsored by Representative Nelsen.

To committee on State and Local Affairs and Taxation.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

October 29, 1981

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
567 -----	36-----	October 28, 1981
21 -----	37-----	October 28, 1981
92 -----	38-----	October 28, 1981
93 -----	39-----	October 28, 1981
94 -----	40-----	October 28, 1981
120 -----	41-----	October 28, 1981
124 -----	42-----	October 28, 1981

Sincerely,
LEE SHERMAN DREYFUS
Governor

SENATE CLEARINGHOUSE ORDERS

The committee on Insurance and Utilities reports and recommends:

Clearinghouse Rule 81-24

AN ORDER to repeal Grp 4.10 and 12.10, relating to transmission of premiums for group life insurance from annuitants of the Wisconsin retirement system.

No action taken.

KURT A. FRANK
Chair

CALENDAR OF OCTOBER 30

Senate Bill 214

Relating to community service work by defendants and probationers.

Read.

Senate amendment 1 to assembly amendment 1 offered by Senator Braun.

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

Adopted.

The question was: Concurrence of assembly amendment 1?

Concurred in as amended.

Senate amendment 1 to assembly amendment 2 offered by Senator Braun.

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

Adopted.

The question was: Concurrence of assembly amendment 2?

Concurred in as amended.

SPECIAL ORDERS

Assembly Bill 800

Relating to the net proceeds tax on mining of metallic minerals, the membership of the investment and local impact fund board and the environmental effects of mining, making appropriations, granting rule-making authority and providing a penalty.

Read a second time.

Senate amendment 1 offered by Senator Theno.

The question was: Adoption of senate amendment 1?

Senator Cullen moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The motion prevailed.

Senate amendment 2 offered by Senators Braun and Berger.

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The question was: Adoption of senate amendment 2?

Senator Bablitch asked unanimous consent that the record of the vote by which senate amendment 1 was rejected be expunged.

Senator Hanaway objected.

Senator Bablitch moved reconsideration of the vote by which senate amendment 1 dto **Assembly Bill 800** was rejected.

The question was: Adoption of senate amendment 2?

Senator Cullen moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno and Van Sistine -- 28.

Noes -- Senators Berger, Braun, George and Thompson -- 4.

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

So the motion prevailed.

Senate amendment 3 offered by Senators Braun and Berger.

The question was: Adoption of senate amendment 3?

Senator Cullen moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

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

Ayes -- Senators Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Roshell, Strohl, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators Adelman, Berger, Braun, George, Moody and Risser -- 6.

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

So the motion prevailed.

Senate amendment 4 offered by Senators Berger and Braun.

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The question was: Adoption of senate amendment 4?

Senator Cullen moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The motion prevailed.

Senate amendment 5 offered by Senators Berger and Braun.

The question was: Adoption of senate amendment 5?

Senator Cullen moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?

The motion prevailed.

Senate amendment 6 offered by Senators Berger and Braun.

The question was: Adoption of senate amendment 6?

Senator Cullen moved rejection of senate amendment 6.

The question was: Rejection of senate amendment 6?

The motion prevailed.

Senate amendment 7 offered by Senators Berger and Braun.

The question was: Adoption of senate amendment 7?

Senator Cullen moved rejection of senate amendment 7.

The question was: Rejection of senate amendment 7?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 29.

Noes -- Senators Adelman, Berger, Braun and George -- 4.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 8 to **Assembly Bill 800** offered by Senators Berger and Braun.

The question was: Adoption of senate amendment 8?

Senator Cullen moved rejection of senate amendment 8.

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The question was: Rejection of senate amendment 8?

The motion prevailed.

Senate amendment 9 offered by Senators Berger and Braun.

The question was: Adoption of senate amendment 9?

Senator Harnisch moved rejection of senate amendment 9.

The question was: Rejection of senate amendment 9?

The motion prevailed.

Senate amendment 10 offered by Senator George.

The question was: Adoption of senate amendment 10?

Senator Cullen moved rejection of senate amendment 10.

The question was: Rejection of senate amendment 10?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 5; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Roshell, Strohl, Theno and Van Sistine -- 26.

Noes -- Senators Berger, Braun, George, Risser and Thompson -- 5.

Absent or not voting -- Senators Engeleiter and Kleczka -- 2.

So the motion prevailed.

Senate amendment 11 offered by Senator Berger.

The question was: Adoption of senate amendment 11?

Senator Cullen moved rejection of senate amendment 11.

The question was: Rejection of senate amendment 11?

The motion prevailed.

Senate amendment 12 offered by Senator Berger.

The question was: Adoption of senate amendment 12?

Senator Cullen moved rejection of senate amendment 12.

The question was: Rejection of senate amendment 12?

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

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Ayes -- Senators Adelman, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Roshell, Strohl, Thompson and Van Sistine -- 26.

Noes -- Senators Berger, Braun, George, Harsdorf, Risser and Theno -- 6.

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

So the motion prevailed.

Senate amendment 13 offered by Senator Braun.

The question was: Adoption of senate amendment 13?

Senator Cullen moved rejection of senate amendment 13.

The question was: Rejection of senate amendment 13?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, Maurer, Offner, Opitz, Roshell, Strohl, Theno and Van Sistine -- 24.

Noes -- Senators Adelman, Berger, Braun, George, McCallum, Moody, Risser and Thompson -- 8.

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

So the motion prevailed.

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

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

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

Absent or not voting -- None.

So the motion prevailed.

The question was: Rejection of senate amendment 1?

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The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 30.

Noes -- Senators Hanaway, Opitz and Theno -- 3.

Absent or not voting -- None.

So the motion prevailed.

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 800

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

Noes -- Senators Berger, Braun and George -- 3.

Absent or not voting -- None.

So the bill was concurred in.

By request of Senator Bablitch, with unanimous consent, all action on **Assembly Bill 800** was ordered immediately messaged.

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 adopted:

Senate Bill 558, report of Committee of Conference

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Bill 558** was considered at this time.

The question was: Concurrence of the Committee of Conference report?

The ayes and noes were required and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 29.

Noes -- Senators Berger, Braun, George and Moody -- 4.

Absent or not voting -- None.

So the Committee of Conference report was concurred in.

Passed and asks concurrence in:

Assembly Bill 239

Concurred in:

Assembly Bill 25, senate substitute amendment 1

Assembly Bill 272, senate amendments 1 and 5

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 239

Relating to requiring automatic sprinkler systems in all newly constructed places of employment and public buildings.

By Representatives Ulichny, Smith, D. Travis, Broydrick, Plous, Crawford and Kunicki, co-sponsored by Senators Berger, Strohl, George and Flynn.

Read first time and referred to committee on Labor, Government, Veterans Affairs and Tourism.

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Senate Bill 99

Relating to the spending limit for repair of town highways and bridges.

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 99

Read a third time and passed.

MOTIONS

Senator Hanaway asked unanimous consent that **Senate Bill 424** be withdrawn from joint committee on Finance and referred to the committee on Senate Organization.

Senator Bablitch objected.

Senator Hanaway asked unanimous consent that **Senate Bill 152** be withdrawn from the committee on State and Local Affairs and Taxation and referred to committee on Senate Organization.

Senator Bablitch objected.

Senator Hanaway asked unanimous consent that **Senate Bill 376** be withdrawn from the committee on State and Local Affairs and Taxation and referred to committee on Senate Organization.

Senator Bablitch objected.

Senator Hanaway moved that **Senate Bill 152** be withdrawn from the committee on State and Local Affairs and Taxation and referred to committee on Senate Organization.

The question was: Shall **Senate Bill 152** be withdrawn from committee on State and Local Affairs and Taxation and referred to committee on Senate Organization?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 14.

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Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

Senator Hanaway asked unanimous consent that **Senate Bill 38** be withdrawn from Joint Survey Committee on Tax Exemptions and referred to the committee on Senate Organization.

Senator Berger raised the point of order that a bill cannot be withdrawn from a joint survey committee without a committee report.

The chair took the point of order under advisement.

Senator Opitz moved that **Assembly Bill 45** be withdrawn from committee on State and Local Affairs and Taxation and referred to committee on Senate Organization.

Senator Bablitch raised the point of order that the motion to withdraw **Assembly Bill 45** from committee is subject to motion to table.

The chair took the point of order under advisement.

Senator Hanaway asked unanimous consent that **Senate Bill 13** be withdrawn from committee on Senate Organization and placed on the calendar of January 27, 1982.

Senator Bablitch objected.

Senator Hanaway moved that **Senate Bill 13** be withdrawn from the committee on Senate Organization and placed on the calendar of January 27, 1982.

The question was: Shall **Senate Bill 13** be withdrawn from committee on Senate Organization and placed on the calendar of January 27, 1982?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 14.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 19.

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Absent or not voting -- None.

So the motion did not prevail.

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

By request of Senator Bablitch, with unanimous consent, the senate recessed until 3:00 P.M.

12:37 P.M.

RECESS

3:00 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 3:20 P.M.

3:03 P.M.

RECESS

3:20 P.M.

The senate reconvened.

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

3:21 P.M.

RECESS

4:00 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 5:34 P.M.

4:20 P.M.

RECESS

5:34 P.M.

The senate reconvened.

LEAVE OF ABSENCE

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

Senator Bablitch moved that the senate adjourn pursuant to **Senate Joint Resolution 1**.

The question was: Shall the senate adjourn pursuant to **Senate Joint Resolution 1**?

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

Ayes -- Senators Adelman, Bablitch, Berger, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Krueger, Lasee, Lorge, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 20.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lorman, McCallum and Opitz -- 10.

Absent or not voting -- Senators Braun, Maurer and Theno -- 3.

So the senate adjourned pursuant to **Senate Joint Resolution 1**.

5:49 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 581, senate substitute amendment 1

1. Page 2, line 22: restore the stricken period.

Senate Bill 581

1. Page 4, line 18: restore the stricken period.