

JOURNAL OF THE SENATE [February 2, 1982]

STATE OF WISCONSIN

# Senate Journal

**Eighty-Fifth Regular Session**

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TUESDAY, February 2, 1982.

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 Reverend J. Gibbs Clauder of St. Dennis Catholic Church, Madison.

The senate remained standing and Senator Moody 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 Resolution 18**

Memorializing U.S. Department of Agriculture Secretary Block to urge the ordering of, and the President of the United States to order, an investigation of cheese imports.

By Senators Chilsen, Krueger, Lasee, Opitz, Harnisch and Harsdorf.

Read and referred to committee on Agriculture and Natural Resources.

**Senate Joint Resolution 54**

Granting the use of the senate and assembly chambers on April 23 and 24, 1982, to Wisconsin Y.M.C.A. for its Youth in Government program for the purpose of holding a practice legislative session.

By Senator Goyke; cosponsored by Representative Schneider.  
Read and referred to committee on Senate Organization.

**Senate Joint Resolution 55**

Reaffirming support of the goals of the New Deal and honoring the memory and legacy of Franklin D. Roosevelt.

By Senators Thompson and Risser.  
Read and referred to committee on Human Services.

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 734**

Relating to establishing a bicycle registration program in the department of transportation.

By Senator Strohl; cosponsored by Representative Neubauer.

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

**Senate Bill 735**

Relating to jurisdiction over municipal ordinance violation actions.

By Senator Strohl; cosponsored by Representatives Neubauer, Rooney and Ladwig.

To committee on State and Local Affairs and Taxation.

**Senate Bill 736**

Relating to an income tax credit for child restraint systems.

By Senators Bablitch, Adelman and Berger; cosponsored by Representatives D. Travis, Behnke, Medinger, Wood, Matty, Stitt, Ulichny, Jackamonis, Schneiders, Leopold and Dilweg.

To committee on State and Local Affairs and Taxation.

**Senate Bill 737**

Relating to allowing tax incremental financing to be used to provide interest subsidies to private parties who seek to rehabilitate buildings in a tax incremental district.

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By Senators Cullen and Thompson; cosponsored by Representatives Wood and DeLong, by request of the City of Janesville.

To committee on State and Local Affairs and Taxation.

**Senate Bill 738**

Relating to bail and pretrial release and detention.

By Senators Bablitch, Flynn, Berger, Harsdorf, Lorman, Hanaway, Chilsen and Kreul; cosponsored by Representatives Hauke, D. Travis, Rutkowski, Rooney, Hasenohrl and Prosser.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 739**

Relating to membership on the legislative council.

By Senators Hanaway and Flynn; cosponsored by Representatives Gerlach and DeLong.

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

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COMMITTEE REPORTS

The committee on Agriculture and Natural Resources reports and recommends:

AMUNDSON, JANICE, D.V.M., of Arena, as a member of the Veterinary Examining Board, to succeed Dr. Robert Steinkraus, Jr., to serve for the term ending July 1, 1985.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;  
Noes, 0 -- None.

BRAMSCHREIBER, THOMAS, of Bangor, as a member of the Pesticide Advisory Council, to succeed Dennis Danielson, to serve for the term ending July 1, 1982.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;  
Noes, 0 -- None.

FALK, WILLIAM, of Neenah, as a member of the Air Resource Allocation Council, to serve for the term ending July 1, 1983.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;  
Noes, 0 -- None.

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**GRAVES, ROBERT**, of Spring Green, as a member of the Air Resource Allocation Council, to serve for the term ending July 1, 1983.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

**GROSKOPP, MYRON D.**, of Stevens Point, as a member of the Pesticide Advisory Council, to succeed Patrick Buckley, to serve for the term ending July 1, 1983.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

**LARSON, JAMES**, of Waupaca, as a member of the Air Resource Allocation Council, to serve for the term ending July 1, 1983.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

**LARSEN, JUDITH A.**, of Cedarburg, as a member of the Conservation Work Projects Board, to serve for the term ending May 1, 1985.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

**SAEMANN, JOHN**, of Florence, as a member of the Conservation Work Project Board, to succeed Mario Ventura, to serve for the term ending May 1, 1985.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

**SOLUM, B. DUANE**, of Deer Park, as a member of the Agricultural Lands Preservation Board, to succeed Galen L. Smith, to serve for the term ending July 1, 1985.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

**STEARNS, FOREST**, of Milwaukee, as a member of the Pesticide Advisory Council, to serve for the term ending July 1, 1984.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 0 -- None.

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**PIERSON, ROSS**, of Baldwin, as a member of the Agricultural Lands Preservation Board, to succeed Richard Scullion, to serve for the term ending July 1, 1985.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;  
Noes, 0 -- None.

**WOELFLE, WALTER**, of Waukesha, as a member of the Air Resource Allocation Council, to serve for their term ending July 1, 1983.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;  
Noes, 0 -- None.

**Senate Bill 40**

Relating to hunting from airplanes and using airplanes for hunting and increasing penalties.

Passage:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;  
Noes, 0 -- None.

**Senate Bill 145**

Relating to hunting privileges and a permit for disabled persons and granting rule-making authority.

Passage:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;  
Noes, 0 -- None.

**Senate Bill 142**

Relating to the penalty for violating a department of agriculture, trade and consumer protection pest control order.

Passage:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;  
Noes, 0 -- None.

**Senate Bill 184**

Relating to state and local cooperation in suppressing forest fires and increasing an appropriation.

Passage:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;  
Noes, 0 -- None.

**Senate Bill 255**

Relating to repealing the state forestry tax, funding state forestry programs out of the general fund and making appropriations.

Indefinite postponement:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;

Noes, 0 -- None.

**Senate Bill 352**

Relating to deposit procedures in natural resources forfeiture actions.

Passage:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;

Noes, 0 -- None.

**Senate Bill 382**

Relating to increasing the assessment rate on potatoes and changing the districts under the potato industry act, adding members to the potato industry board and granting rule-making authority.

Passage:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;

Noes, 0 -- None.

**Senate Bill 461**

Relating to determining the navigability of farm drainage ditches and the applicability of flood plain and shoreland zoning to land adjacent to farm drainage ditches.

Passage:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;

Noes, 0 -- None.

**Senate Bill 462**

Relating to permits to remove materials from waters of the state.

Passage:

Ayes, 4 -- Senators Harnisch, Thompson, Krueger and Opitz;

Noes, 1 -- Senator Strohl.

**Senate Bill 577**

Relating to membership on the conservation work projects board (suggested as remedial legislation by the conservation work projects board).

Passage:

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Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and  
Opitz;  
Noes, 0 -- None.

**Assembly Bill 52**

Relating to transportation of deer.

Concurrence:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and  
Opitz;  
Noes, 0 -- None.

**Assembly Bill 112**

Relating to declaring agricultural uses not to be nuisances.

Concurrence:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and  
Opitz;  
Noes, 0 -- None.

**Assembly Bill 132**

Relating to discrimination in the purchase of milk, revising  
penalties and increasing an appropriation.

Concurrence:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and  
Opitz;  
Noes, 0 -- None.

**Assembly Bill 394**

Relating to construction of boathouses on navigable waters.

Concurrence:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and  
Opitz;  
Noes, 0 -- None.

**Assembly Bill 509**

Relating to excepting from implied warranty of merchantability  
and fitness for certain sales of livestock.

Concurrence:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and  
Opitz;  
Noes, 0 -- None.

**Assembly Bill 573**

Relating to assessment for private sewage system maintenance.

Concurrence:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and  
Opitz;  
Noes, 0 -- None.

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**Assembly Bill 654**

Relating to the definition of 'inland trout waters'.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;

Noes, 0 -- None.

Concurrence:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;

Noes, 0 -- None.

THOMAS W. HARNISCH  
Chair

The committee on Energy reports and recommends:

**Senate Bill 360**

Relating to a residential weatherization program, granting rule-making authority and making an appropriation.

Introduction and adoption of senate amendment 1 to senate substitute amendment 2:

Ayes, 4 -- Senators Strohl, Harnisch, Berger and Lorman;

Noes, 0 -- None.

Adoption of senate substitute amendment 2:

Ayes, 3 -- Senators Strohl, Harnisch and Berger;

Noes, 1 -- Senator Lorman.

Passage:

Ayes, 3 -- Senators Strohl, Harnisch and Berger;

Noes, 1 -- Senator Lorman.

**Senate Bill 550**

Relating to extending coverage of the renewable energy resource system incentive program.

Indefinite postponement:

Ayes, 3 -- Senators Harnisch, Berger and Lorman;

Noes, 1 -- Senator Strohl.

**Senate Bill 695**

Relating to electric utility rates for certain purposes.

Adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Strohl, Harnisch, Berger and Lorman;

Noes, 0 -- None.

Passage:

Ayes, 4 -- Senators Strohl, Harnisch, Berger and Lorman;

Noes, 0 -- None.



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**Assembly Joint Resolution 52**

Memorializing congress, the president, the U.S. department of energy and the U.S. nuclear regulatory commission to grant Wisconsin final decision-making authority on the siting of a regional or national radioactive waste depository in this state and to ensure that all actions taken by the U.S. department of energy with regard to siting a regional or national radioactive depository in this state shall be done in an open fashion with full access by representatives of state and local government and members of the public.

Concurrence:

Ayes, 4 -- Senators Strohl, Harnisch, Berger and Lorman;

Noes, 0 -- None.

JOE STROHL

Chair

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PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Department of State

January 26, 1982

To the Honorable, the Senate:

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

Yours very truly,  
VEL PHILLIPS  
Secretary of State

*Lobbyist's name, address, telephone number; principal's name, address, telephone number.*

Casper, M. Helen, 625 W. Washington Ave., Madison, WI 53703 (608) 255-9809; Wisconsin Women's Network, 625 W. Washington Ave., Madison, WI 53703 (no phone no.); 6, 7, 9, 12, 16, 19, 22; 101, 115, 127, 136, 145, 146, 148, 170, 180, 184.

Lewein, Robert L., 206 E. Olin Ave., Madison, WI 53713 (608) 257-1456; Rehabilitation Facilities of Wisconsin, Inc., 206 E. Olin Ave., Madison, WI 53713 (608) 257-1456; 7, 9, 11-14, 18-23; 101, 108, 116, 129, 136, 138, 142, 150, 176, 184.

Phillips, Joe, 5645 S. 108th St., Hales Corners, WI 53130 (414) 529-4702; Cornellier Enterprises, Inc., 105 Dearborn St., Beloit, WI 53511 (608) 365-3648; 3, 11, 21.

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Lobbyist Terminations:

Nelson, William F., for Natural Waters, Limited, effective January 22, 1982.

Parys, Ronald, for Rehabilitation Facilities of Wisconsin, Inc., effective January 25, 1982.

Strom, Lester, for Rehabilitation Facilities of Wisconsin, Inc., effective January 25, 1982.

Lobbyist renewal:

Handzel, Henry J., Jr., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; Wisconsin Paper Council, 1920 American Ct., Neenah, WI 54956 (414) 722-1500; 1-25; 101-185.

Registration amendment:

Wisconsin Chiropractic Assn.: change address to 521 E. Washington Ave., Madison, WI 53703.

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CALENDAR OF FEBRUARY 2

RIZZO, FRANK E., of Kenosha, as a member of the Banking Review Board, to succeed himself, to serve for the term ending May 1, 1986.

Read.

The question was: Shall the appointment be confirmed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

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

Absent -- None.

Absent with leave -- None.

So the appointment was confirmed.

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SENATE CLEARINGHOUSE ORDERS

**Clearinghouse Rule 81-125**

AN ORDER to create PSC 165.10, relating to nonutility merchandising activities by telephone utilities.

Submitted by Public Service Commission.

Report received from agency, January 29, 1982.

Referred to committee on Insurance and Utilities, February 2, 1982.

**Clearinghouse Rule 81-194**

AN ORDER to renumber ch. H 71; and to amend HSS 171.21 (2) (a), relating to cleanliness of water at public swimming beaches.

Submitted by Department of Health and Social Services.

Report received from agency, January 28, 1982.

Referred to committee on Human Services, February 2, 1982.

**Clearinghouse Rule 81-246**

AN ORDER to amend PI 14.03, relating to the standard school audit contract.

Submitted by Department of Public Instruction.

Report received from agency, January 29, 1982.

Referred to committee on Education and State Institutions, February 2, 1982.

**Clearinghouse Rule 81-247**

AN ORDER to amend PI 14.01, relating to school district membership counts.

Submitted by Department of Public Instruction.

Report received from agency, January 29, 1982.

Referred to committee on Education and State Institutions, February 2, 1982.

The committee on Agriculture and Natural Resources reports and recommends:

**Clearinghouse Rule 81-190**

AN ORDER to create NR 128.03 (26), 128.05 (4) (u) and 128.09 (4), relating to advance commitment for state grant assistance to municipalities for wastewater treatment projects under the point source water pollution abatement grant program.

No action taken.

THOMAS W. HARNISCH  
Chair

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The committee on Insurance and Utilities reports and recommends:

**Clearinghouse Rule 81-166**

AN ORDER to repeal and recreate Ins 6.51, relating to group coverage termination and replacement.

No action taken.

**Clearinghouse Rule 81-198**

AN ORDER to repeal PSC 136.05 (d); to renumber PSC 136.05 (e); and to amend PSC 136.05 (c), relating to nonessential uses of natural gas.

No action taken.

KURT A. FRANK  
Chair

State of Wisconsin  
Revisor of Statutes Bureau  
Madison, Wisconsin

February 1, 1982

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

Dear Mr. Schneider:

The following rules have been published and are effective:

- Clearinghouse Rule 81- 58 effective February 1, 1982.
- Clearinghouse Rule 81- 59 effective February 1, 1982.
- Clearinghouse Rule 81- 60 effective February 1, 1982.
- Clearinghouse Rule 81-113 effective February 1, 1982.
- Clearinghouse Rule 81-149 effective February 1, 1982.
- Clearinghouse Rule 81-157 effective February 1, 1982.
- Clearinghouse Rule 81-163 effective February 1, 1982.
- Clearinghouse Rule 81-186 effective February 1, 1982.
- Clearinghouse Rule 81-189 effective February 1, 1982.
- Clearinghouse Rule 81-210 effective February 1, 1982.

Sincerely,  
GARY L. POULSON  
Assistant Revisor

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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 passed and asks concurrence in:

**Assembly Bill 54**  
**Assembly Bill 243**  
**Assembly Bill 397**

Concurred in:

**Senate Bill 327**  
**Senate Bill 728**

**Assembly Bill 324**, Assembly adheres to its position, agrees to a committee of conference and appoints Representatives Becker, Medinger and Knox as conferees on its part.

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 54**

Relating to snowmobile travel adjacent to roadways.

By Representatives Potter and Otte.

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

**Assembly Bill 243**

Relating to notice of sale of tax delinquent lands.

By Representatives Stitt, Goodrich, Panzer, Nelsen, Radtke, Knox, Jaronitzky, Hopkins, McEwen, Schmidt, Laatsch, Young, Shoemaker, Thompson and Prosser, co-sponsored by Senators Lorge, Roshell and Lorman.

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

**Assembly Bill 397**

Relating to notifying municipal police departments and county sheriffs when releasing parolees.

By Representatives Donoghue, Byers, Shabaz, Larson, Berndt and Porter.

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

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**Senate Joint Resolution 42**

Relating to directing the legislative council to study the need for noise pollution legislation.

Read.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Shall the joint resolution be adopted?

Adopted.

**Senate Bill 170**

Relating to operating motor vehicles and providing penalties.

Read a second time.

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

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

By request of Senator Kleczka, with unanimous consent, **Senate Bill 170** was referred to joint committee on Finance.

**Senate Bill 308**

Relating to highway jurisdiction transfer agreements between the state and local units of government.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 308** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 308** was withdrawn from the joint committee on Finance and considered for action at this time.

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.

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**Senate Bill 308**

Read a third time and passed.

**Senate Bill 377**

Relating to recall primary requirements for state, congressional, judicial, legislative and county offices and canvassing procedure.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Hanaway, with unanimous consent, **Senate Bill 377** was placed at the foot of the calendar.

**Senate Bill 467**

Relating to notification of inspection of certain records of the department of regulation and licensing.

Read a second time.

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

By request of Senator Kleczka, with unanimous consent, **Senate Bill 467** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 467** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

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

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

The question was: Adoption of senate substitute amendment 1?

Senator Adelman moved indefinite postponement of **Senate Bill 467**.

The question was: Shall **Senate Bill 467** be indefinitely postponed?

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

Ayes -- Senators Adelman, Engeleiter, Flynn, Frank, Harnisch, Johnston, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Strohl and Thompson -- 14.

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Noes -- Senators Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, George, Goyke, Hanaway, Harsdorf, Kleczka, Kreul, Krueger, Lorman, Maurer, Risser, Roshell, Theno and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 1?

Senator Adelman asked unanimous consent that **Senate Bill 467** be referred to joint committee for Review of Administrative Rules.

Senator Berger objected.

Senator Adelman moved that **Senate Bill 467** be referred to joint committee for Review of Administrative Rules.

The question was: Shall **Senate Bill 467** be referred to joint committee for Review of Administrative Rules?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 21; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Engleiter, Frank, Lasee, McCallum, Moody, Offner, Opitz, Risser, Strohl and Thompson -- 11.

Noes -- Senators Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, George, Goyke, Hanaway, Harnisch, Harsdorf, Kleczka, Kreul, Krueger, Lorge, Lorman, Maurer, Roshell, Theno and Van Sistine -- 21.

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

So the motion did not prevail.

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 467**

Read a third time.

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

Ayes -- Senators Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, George, Goyke, Hanaway, Harsdorf, Kleczka, Kreul, Krueger, Lorman, Maurer, Roshell, Theno and Van Sistine -- 18.



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Noes -- Senators Adelman, Engeleiter, Flynn, Frank, Johnston, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Risser, Strohl and Thompson -- 14.

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

So the bill passed.

**Senate Bill 633**

Relating to revising the weight limits for vehicles, establishing fees for certain single trip permits, permitting backhaul permits and creating a penalty.

Read a second time.

The question was: Adoption of senate amendment 1?

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LEAVE OF ABSENCE

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

By request of Senator Kleczka, with unanimous consent, **Senate Bill 633** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 633** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate 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 633**

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lorge, Lorman, Maurer, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine - - 26.

Noes -- Senators Berger, Lasee, McCallum, Moody, Opitz and Theno -- 6.

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

So the bill passed.

**Assembly Bill 296**

Relating to continuance of forfeiture proceedings under the uniform controlled substances act.

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.

**Assembly Bill 296**

Read a third time and concurred in.

**Assembly Bill 297**

Relating to illegal possession of prescription drugs with intent to manufacture or deliver and providing a penalty.

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.

**Assembly Bill 297**

Read a third time and concurred in.

**Assembly Bill 306**

Relating to elements of and defenses to criminal abandonment.

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.

**Assembly Bill 306**

Read a third time and concurred in.

**Assembly Bill 333**

Relating to choosing a jury from another county.

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.

**Assembly Bill 333**

Read a third time and concurred in.

**Assembly Bill 346**

Relating to the number of signatures required on nomination papers for party committeeman or committeewoman.

Read a second time.

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The question was: Adoption of senate amendment 1?

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

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 346**

Read a third time and concurred in.

**Assembly Bill 347**

Relating to deposit of wills in courts.

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.

**Assembly Bill 347**

Read a third time and concurred in.

**Assembly Bill 363**

Relating to motor vehicles used by public or nonpublic schools for driver's education and creating a penalty.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Opitz moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

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

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

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

Absent or not voting -- None.

So the motion did not prevail.

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

Ordered to a third reading.

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

**Assembly Bill 363**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Lorge, Maurer, Moody, Offner, Roshell, Strohl and Van Sistine -- 21.

Noes -- Senators Bidwell, Engeleiter, Harsdorf, Kreul, Krueger, Lasee, Lorman, McCallum, Risser, Theno and Thompson -- 11.

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

So the bill was concurred in as amended.

Senator Chilsen moved reconsideration of the vote by which **Senate Bill 467** passed.

Senator Chilsen asked unanimous consent that the motion to reconsider the vote by which **Senate Bill 467** passed be laid on the table.

Senator Berger objected.

Senator Chilsen moved that the motion to reconsider the vote by which **Senate Bill 467** passed be laid on the table.

The question was: Shall the motion to reconsider the vote by which **Senate Bill 467** passed be laid on the table?

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

Ayes -- Senators Adelman, Chilsen, Engeleiter, Flynn, Frank, Hanaway, Harnisch, Johnston, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Risser, Strohl, Theno and Thompson -- 18.

Noes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, George, Goyke, Harsdorf, Kleczka, Kreul, Krueger, Maurer, Roshell and Van Sistine -- 14.

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

So the motion prevailed.

**Assembly Bill 398**

Relating to witnesses and victims and providing penalties.

Read a second time.

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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 398**

Read a third time and concurred in.

**Assembly Bill 459**

Relating to special identification cards for organizations that transport disabled persons.

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.

**Assembly Bill 459**

Read a third time and concurred in.

**Senate Bill 377**

Relating to recall primary requirements for state, congressional, judicial, legislative and county offices and canvassing procedure.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Senator Kleczka moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The motion prevailed.

Senate amendment 3 offered by Senator Braun.

The question was: Adoption of senate amendment 3?

Adopted.

Senate amendment 4 offered by Senator Opitz.

The question was: Adoption of senate amendment 4?

By request of Senator Opitz, with unanimous consent, senate amendment 4 was returned to the author.

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 377**

Read a third time and passed.

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

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 740**

Relating to application of collective bargaining agreements concerning disciplinary procedure to employes of certain counties and 1st class cities.

By Senator Braun; cosponsored by Representative Behnke, by request of Milwaukee District Council 48 A.F.S.C.M.E.

To committee on State and Local Affairs and Taxation.

**Senate Bill 741**

Relating to miscellaneous corrections and revisions to the laws relating to operating a motor vehicle while under the influence of an intoxicant or a controlled substance, or a combination thereof, or while having a blood alcohol concentration of 0.1 % or more.

By Senators Adelman and Chilsen; cosponsored by Representatives Rutkowski and Rooney by request of Department of Transportation.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 742**

Relating to permitting a state probationary employe to appeal a discharge.

By Senator Goyke.

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

**Senate Bill 743**

Relating to making emergency telephone number systems optional instead of mandatory, agency review of administrative rules imposing requirements and limitations on municipalities, separate property tax statements for school taxes and VTAE taxes, exemption from levy limits, increasing the limit on state participation in airport projects, obsolete language on counties, county powers, county finance, county boards, county social services, subpoenas, inquests and investigations concerning death, county procedures, duties of county clerks with respect to marriage licenses, various procedures in counties, cities, towns and villages, the procedure for filing of resignations of certain officers, to filling vacancies in the offices of coroner and register of deeds and providing a penalty.

By Senators Maurer and Chilsen; cosponsored by Representative Rooney, by request of Governor Lee Sherman Dreyfus.

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To committee on State and Local Affairs and Taxation.

### **Senate Bill 744**

Relating to procedures for nonmoving traffic violations, providing penalties and affecting an appropriation.

By Senators George, Engeleiter, Frank, Roshell, Berger, Van Sistine, Braun and Chilsen, cosponsored by Representatives Plewa, Becker and Meaux.

To committee on Judiciary and Consumer Affairs.

### **Senate Bill 745**

Relating to parole eligibility for persons convicted of first-degree murder.

By Senators Bablitch, Johnston, Flynn, Chilsen, Hanaway, Berger, Goyke, Roshell, Strohl, Kreul, Krueger and Lasec; cosponsored by Representatives Hauke and Rooney.

To committee on Judiciary and Consumer Affairs.

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## PETITIONS AND COMMUNICATIONS

### **Assembly Bill 45**

Relating to exempting interspousal transfers from inheritance taxes.

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## RULING OF THE CHAIR

### **Assembly Bill 45**

Relating to exempting interspousal transfers from inheritance taxes.

On Friday, October 30, 1981 Senator Bablitch raised the point of order that a motion to withdraw Assembly Bill 45 from committee is subject to a motion to table.

The chair has reviewed this matter with great care. At first it would appear that a motion to withdraw is not subject to a motion to table. The chair has reviewed the Senate Journals back through the 1969 legislative session. On several occasions, by unanimous consent, and by a majority vote motions to withdraw have been placed on the table. It would appear that the Senate has established this precedent under several presiding officers, although a ruling has never been issued.

Therefore, it is the opinion of the chair that a motion to withdraw is subject to tabling and the point of order raised by the senator from the 24th, Senator Bablitch, is well taken.

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By request of Senator Bablitch, with unanimous consent, the motion to withdraw **Assembly Bill 45** from committee on State and Local Affairs and Taxation and refer to committee on Senate Organization was laid on the table.

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### RULING OF THE CHAIR

#### **Senate Bill 38**

Relating to exempting interspousal transfers from inheritance taxes.

On Friday, October 30, 1981 Senator Hanaway asked unanimous consent that Senate Bill 38 be withdrawn from the 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 Senate has a long standing precedent of not permitting bills to be withdrawn from a joint survey committee until such time as a report is received. In this situation Senator Hanaway raises the point that the committee has submitted a report on an identical proposal in the Assembly, and that the statutes require a report on proposals, not individual bills, and therefore Senate Bill 38 could be withdrawn.

The chair has ruled on withdrawal of bills from the joint survey committees on several occasions and has held that bills may not be withdrawn without a written report. The question of a report having been made on an identical proposal being used as the report and thereby permitting withdrawal has not been addressed.

Senator Hanaway is correct in his statement that the statutes refer to reports on proposals. However, reading the entire sentence the statutes read in part:

“and such report has been printed as an appendix to the bill and attached thereto as are amendments.”

It is the opinion of the chair that the statutes require a report on each proposal, whether identical with a previous one or not and that the report must be submitted in accordance with 13.52(6).

Therefore the point of order raised by the senator of the fifth, Senator Berger, is well taken.

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



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AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Joint Resolution 29** by Senator Risser.

Senate amendment 1 to **Assembly Bill 561** by Senator Opitz.

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CITATIONS

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MOTIONS UNDER SENATE RULE 97

A Certificate of Commendation by Senator Goyke for WILLIAM GLATZ, JR. on the occasion of becoming an Eagle Scout;

A Certificate of Commendation by Senator Goyke for JAMIE McKEON on the occasion of becoming an Eagle Scout;

A Certificate of Commendation by Senator Goyke for ROBERT PHILLIPS on the occasion of becoming and Eagle Scout;

A Certificate of Commendation by Senator Goyke for JEFFREY RUSSELL on the occasion of becoming an Eagle Scout;

A Certificate of Commendation by Senator Goyke for JEFFREY SEIBOLD on the occasion of becoming an Eagle Scout;

A Certificate of Congratulations by Senator Lorman cosponsored by Representative Everson for MRS. MARY MORRISON on the occasion of her 100th Birthday;

A Certificate of Congratulations by Senator Kreul cosponsored by Representative R. Travis for PAULA BUSBY on the occasion of being chosen Wisconsin's Junior Miss;

A Certificate of Congratulations by Senators Cullen and Thompson for KARL SAMEK on the occasion of his retirement;

A Certificate of Congratulations by Senator Frank cosponsored by Deputy Speaker Tesmer for MR. RALPH DUMMERT on the occasion of being named 1981 St. Francis 'Citizen of the Year';

A Certificate of Congratulations by Senator Opitz for EMIL P. BIEVER on the occasion of 50 years of service;

A Certificate of Congratulations by Senator Opitz for ADOLPH N. ANSAY on the occasion of 50 years of service;

A Certificate of Commendation by Senator Flynn for ROYCE WILLIAMS on the occasion of leaving the Department of Energy for another job;

A Certificate of Commendation by Senator Flynn for ANDREW KUNDRAT on the occasion of his retirement;

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**A Certificate of Commendation by Senator Flynn for LYNN WALLACE on the occasion of leaving the Division of State Energy;**

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**MOTIONS UNDER JOINT RULE 7**

**A Certificate of Condolence by Senator Lorge cosponsored by Representative Byers for the ALVIN HANDRICH FAMILY on the occasion of the passing of Alvin Handrich;**

**A Certificate of Congratulations by Senator Moody cosponsored by Representative Leopold for BROZELLA PUCKETT on the occasion of the fourth anniversary of her service to the Milwaukee School District;**

**A Certificate of Condolence by Representative Byers cosponsored by Senator Lorge for the DR. WILLIAM R. McINNIS FAMILY on the occasion of the passing of Dr. William R. McInnis;**

**A Certificate of Congratulations by Representative Everson cosponsored by Senator Lorman for WALDEMAR 'WALLY' CHRISTIAN on the occasion of his retirement from service to the City of Monona;**

**A Certificate of Congratulations by Representatives Clarenbach, D. Travis, Miller, Munts and Everson cosponsored by Senator Risser for MARVIN E. BRICKSON on the occasion of his retirement as President of the Madison Federation of Labor.**

**Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, February 4.**

**11:51 A.M.**