

JOURNAL OF THE SENATE [March 3, 1982]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

WEDNESDAY, March 3, 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 Pastor Terry Tarsiuk, associate pastor of the Madison Gospel Tabernacle.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 800

Relating to transporting pupils and handicapped adults in vans.

By Senators Lorman and Roshell; cosponsored by Representative Munts, Everson and Berndt.

To committee on Education and State Institutions.

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Senate Bill 801

Relating to revising the statutes that regulate solicitation and fund raising by charitable organizations, granting rule-making authority and providing penalties.

By Senators Lorman and Roshell; cosponsored by Representative Everson.

To committee on Judiciary and Consumer Affairs.

Senate Bill 802

Relating to prohibiting persons 18 to 20 years old from purchasing alcohol beverages to carry out after 9 p.m., and providing a penalty.

By Senator Lorman; cosponsored by Representative Goodrich.

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

COMMITTEE REPORTS

The committee on Human Services reports and recommends:

Senate Bill 763

Relating to extending the 2nd opinion program in medical assistance and affecting an appropriation.

Passage:

Ayes, 3 -- Senators Thompson, Strohl and Theno;

Noes, 0 -- None.

Senate Bill 614

Relating to real property violating codes or health orders.

Passage:

Ayes, 2 -- Senators Thompson and Strohl;

Noes, 1 -- Senator Theno.

CARL W. THOMPSON

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 731

Relating to the creation of a uniform unclaimed property act, granting rule-making authority, affecting appropriations and providing penalties.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

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Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

LYNN S. ADELMAN
Chair

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

Assembly Bill 602

Relating to club liquor licenses.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Concurrence:

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

Noes, 0 -- None.

TIM CULLEN
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Secretary of State

February 19, 1982

To the Honorable the Senate:

Enclosed is a report of all civil actions and the disposition of those actions brought by the Secretary of State under the Wisconsin Lobby Law, (Subchapter III of Chapter 13, Wisconsin Statutes) as required by s. 13.685(5), Wis. Stats. It is submitted to you for distribution to such standing committees as you feel are appropriate.

Thank you.

Case 79 CV2615 against South Shore Sportsmen Club, Inc. Filed in Dane County Circuit Court on May 24, 1980.

Defendant answered complaint and case awaiting scheduling by court.

Read and referred to committee on Natural Resources.

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Case 79 CV2616 against Milwaukee Tenants Union. Filed in Dane County Circuit Court on May 24, 1980.

Statement filed, but after statutory deadline. Defendant has refused to pay forfeiture for tardy filing and has answered complaint. Case awaiting scheduling by court.

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

Case 81 CV5084 against Milwaukee District Council #48, AFSCME. Filed in Dane County Circuit Court on October 20, 1981.

Statement filed, but after statutory deadline. Defendant has refused to pay forfeiture for tardy filing, but has not answered complaint and is discussing settlement.

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

Respectfully submitted,
VEL PHILLIPS
Secretary of State

CALENDAR OF MARCH 3

By request of Senator Bablitch, with unanimous consent, the appointments were considered enmasse.

HARTIG, JUDY, of Racine, as a member of the Public Defender Board, to succeed Patricia M. Heim, to serve for the term ending May 1, 1984.

Read.

MORRISON, JAMES WILLIAM, of Brown Deer, as a member of the Public Defender Board, to succeed Theodore Hodan, to serve for the term ending May 1, 1984.

Read.

SPRENGER, ROLAND A., of Brookfield, as a member of the Savings and Loan Review Board, to succeed Elaine Wahburn, to serve for the term ending May 1, 1985.

Read.

The question was: Shall the appointments be confirmed?

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

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

Noes -- None.

Absent or not voting -- None.

So the appointments were confirmed.

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 786

Concurred in:

Senate Bill 174

Senate Bill 316

Amended and concurred in as amended:

Senate Bill 150, assembly amendments 1 and 16

Senate Bill 450, assembly amendments 1 and 2

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 786

Relating to the authority of municipalities to establish public inland lake protection and rehabilitation districts.

By Representative Wagner.

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

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Assembly Bill 249

Relating to miscellaneous dog regulation and rabies control program changes and changing and creating a penalty.

Read.

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The question was: Concurrence of assembly amendment 1 to senate substitute amendment 1?

Concurred in.

Senate Joint Resolution 49

Relating to proclaiming April 18 to 24, 1982, Ground Zero Week.
Read.

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

The question was: Shall the joint resolution be adopted?
Adopted.

Senate Joint Resolution 58

Relating to requesting the judicial council to study the statutes and rules affecting venue.

Read.

Adopted.

Senate Joint Resolution 59

Relating to requesting the legislative council to study dispositions and enforcement options for juvenile offenders.

Read.

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

The question was: Shall the joint resolution be adopted?
Adopted.

Senate Bill 46

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

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 46** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 46** was withdrawn from the joint committee on Finance and considered for action at this time.

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.

Senate Bill 46

Read a third time.

Senator Bablitch moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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 question was: Shall the bill pass?

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

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

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 219

Relating to service of garnishee summons and complaint in 1st class cities.

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.

Senate Bill 219

Read a third time and passed.

Senate Bill 262

Relating to establishing by rule the criteria for establishing the priorities for highway and bridge projects and granting rule-making authority.

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 262

Read a third time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 262** was referred to joint committee on Finance.

Senate Bill 313

Relating to the applicable proceedings for claims pertaining to incidental expenses upon condemnation.

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.

Senate Bill 313

Read a third time and passed.

Senate Bill 319

Relating to use of tires equipped with tungsten carbide studs on certain motor vehicles.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 319** was referred to joint committee on Finance.

Senate Bill 455

Relating to misconduct aboard motor busses and providing a penalty.

Read a second time.

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 455

Read a third time and passed.

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Senate Bill 466

Relating to destruction of documents subject to subpoena and providing penalties.

Read a second time.

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 466

Read a third time and passed.

Senate Bill 504

Relating to temporary borrowing by school boards.

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.

Senate Bill 504

Read a third time and passed.

Senate Bill 607

Relating to transfer, use and possession of firearms and providing penalties.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 607** was referred to joint committee on Finance.

Senate Bill 757

Relating to reducing the FTE positions authorized for the department of transportation.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 757** was referred to joint committee on Finance.

Assembly Bill 62

Relating to renewable energy resources and increasing an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

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Adopted.

The question was: Adoption of senate amendment 2?

Senator Opitz moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The motion did not prevail.

The question was: Adoption of senate amendment 2?

Adopted.

Senate amendment 1 to senate amendment 3 offered by Senator Strohl.

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

Adopted.

The question was: Adoption of senate amendment 3?

Adopted.

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 62

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, 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 Krueger, Lasee and Opitz -- 3.

Absent or not voting -- None.

So the bill was concurred in as amended.

Assembly Bill 465

Relating to a vehicle owner's liability when the vehicle illegally passes a school bus 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 465

Read a third time and concurred in.

Assembly Bill 479

Relating to removal of illegally parked vehicles in a private parking facility.

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.

Assembly Bill 479

Read a third time and concurred in.

Assembly Bill 514

Relating to modifications to the height of a vehicle and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Cullen, with unanimous consent, **Assembly Bill 514** was placed after **Assembly Bill 590**.

Assembly Bill 537

Relating to patients compensation panels.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Assembly Bill 537** was referred to joint committee on Finance.

Assembly Bill 590

Relating to excepting food product donors from civil liability.

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 590

Read a third time and concurred in as amended.

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

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Assembly Bill 514

Relating to modifications to the height of a vehicle and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Cullen, with unanimous consent, senate amendment 1 was laid on the table.

Senate substitute amendment 1 offered by Senator Cullen.

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.

Assembly Bill 514

Read a third time and concurred in as amended.

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

AMENDMENTS OFFERED

Senate amendments 1 and 2 to **Assembly Bill 718** by Senator George.

Senate substitute amendment 1 to **Senate Bill 433** by Senator Johnston.

Senate amendment 1 to **Senate Bill 772** by Senator Bablitch.

Senate substitute amendment 1 to **Assembly Bill 370** by Senator Flynn.

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

11:09 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 783

1. Page 52, line 16: delete "in such" and substitute "into such an".

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Senate Bill 790

1. Page 29, delete lines 12 to 15.

Note: This deletion is made because Chapter 96, Laws of 1981, repealed chapter 42, 1979 stats., parts of which were being amended in this bill.