

STATE OF WISCONSIN  
**Senate Journal**

**1977 Special Session**

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MONDAY, November 7, 1977.

2:00 P.M.

The senate met.

The senate was called to order by Fred A. Risser, president pro tempore of the senate.

The clerk read the proclamations by the Governor.

United States of America  
The State of Wisconsin  
Executive Department

*A Proclamation*

I, Martin J. Schreiber, Acting Governor of the State of Wisconsin, pursuant to Section II of Article IV of the Constitution of Wisconsin, do hereby require the convening of a special session of the Legislature of the State, said special session to take place at the Capitol in Madison, on the seventh day of November, A.D., 1977, at two o'clock P.M., solely for the purpose of considering and acting upon the following specific subjects of legislative business, to wit:

To provide for changes in the law relating to the implementation of a court of appeals and making an appropriation.

To provide for eliminating the personnel functions of the Department of Administration, altering the functions of the Personnel Board, creating a Department of Employment Relations, a Division of Personnel, an Affirmative Action Council and a Personnel Commission, making diverse changes in the statutes relating to state personnel procedures, changing the award of veterans preference points in state and local civil service examination, granting rule-making authority and transferring and making appropriations.

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To provide for changes in the laws relating to operating a motor vehicle while under the influence of an intoxicant or controlled substance, suspension or revocation of an operators' license on refusal to submit to tests for being under the influence of and intoxicant or controlled substance, occupational licenses, providing penalties, and making appropriations.

(Seal)

**IN TESTIMONY WHEREOF, I**  
have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this eighteenth day of October in the year of Our Lord one thousand nine hundred and seventy-seven.

**MARTIN J. SCHREIBER**

Acting Governor

By the Acting Governor:

**DOUGLAS LAFOLLETTE**

Secretary of State

United States of America

The State of Wisconsin

Executive Department

*A Proclamation*

I, Martin J. Schreiber, Acting Governor of the State of Wisconsin, under and by virtue of Section II of Article IV of the Constitution of Wisconsin, which provides that the Governor shall have the power to convene the Legislature on extraordinary occasions, do issue this, my proclamation expanding the purposes for which the Legislature of the State shall convene at the seat of government at Madison, on the seventh day of November, A.D., 1977, at two o'clock P.M., to include, along with the consideration of the legislative business specified in my proclamation of the eighteenth day of October, A.D., 1977, the following additional subjects of legislative business, to wit:

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**Obtaining advice and consent to the following gubernatorial nominations for appointment:**

**Gordon Polder, Eau Claire, Psychology Examining Board; Douglas Henderson, Stevens Point, Psychology Examining Board; Mark Converse, Green Bay, Psychology Examining Board.**

**Changes in the state reimbursement to counties for children who are in shelter care facilities.**

**Worker's compensation.**

(Seal)

**IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this fourth day of November in the year of Our Lord one thousand nine hundred and seventy-seven.**

**MARTIN J. SCHREIBER  
Acting Governor**

**By the Acting Governor:**

**DOUGLAS LAFOLLETTE  
Secretary of State**

**The senate stood for the prayer which was offered by Reverend H. William Jordan, Pastor of Mount Olive Lutheran Church of Madison.**

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

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**LEAVE OF ABSENCE**

**By request of Senator Krueger, with unanimous consent, Senator Theno was granted a leave of absence for the balance of the day.**

**By request of Senator Bablitch, with unanimous consent, Senator Parys was granted a leave of absence for the balance of the day.**

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The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, Maurer, Morrison, Murphy, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Thompson and Van Sistine -- 30.

Absent -- Senator McKenna -- 1.

Absent with leave -- Senators Parys and Theno -- 2.

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### COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

#### **Senate Resolution 1, Special Session**

Relating to the rules of the senate for the November 1977 special session.

Introduction:

Ayes, 4 -- Senators Risser, Bablitch, Kleczka and Sensenbrenner;

Noes, 0 -- None.

Read.

Considered as privileged.

The question was: Adoption?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 1; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, Maurer, Morrison, Murphy, Offner, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Thompson and Van Sistine -- 29.

Noes -- Senator McCallum -- 1.

Absent or not voting -- Senators McKenna, Parys and Theno -- 3.

So the resolution was adopted.

**Senate Bill 1, Special Session**

Relating to the implementation of a court of appeals and making appropriations.

By request of Acting Governor Martin J. Schreiber.

Introduction:

Ayes, 4 -- Senators Risser, Bablitch, Kleczka and Sensenbrenner;

Noes, 0 -- None.

Read first time and referred to Joint Survey Committee on Retirement Systems.

**Senate Bill 2, Special Session**

Relating to eliminating the personnel functions of the department of administration, altering the functions of the personnel board, creating a department of employment relations, a division of personnel, an affirmative action council and a personnel commission, making diverse changes in the statutes relating to state personnel procedures, changing the award of veterans preference points in state and local civil service examination, granting rule-making authority and transferring and making appropriations.

By request of Acting Governor Martin J. Schreiber.

Introduction:

Ayes, 4 -- Senators Risser, Bablitch, Kleczka and Sensenbrenner;

Noes, 0 -- None.

Read first time and referred to Joint Survey Committee on Retirement Systems.

**Senate Bill 3, Special Session**

Relating to the implementation of a court of appeals and making an appropriation.

By request of Senators Sensenbrenner, Berger and Murphy, and Representative Shabaz.

Introduction:

Ayes, 4 -- Senators Risser, Bablitch, Kleczka and Sensenbrenner;

Noes, 0 -- None.

Read first time and referred to Joint Survey Committee on Retirement Systems.

FRED A. RISSER  
Chairman

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AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 1**, Special Session by Senator Flynn; cosponsored by Representatives Hauke and Elconin.

Senate substitute amendment 2 to **Senate Bill 1**, Special Session by Senators Sensenbrenner, Murphy and Berger, by request of Representative Shabaz.

Senate amendment 1 to **Senate Bill 2**, Special Session by Senators Offner and McKenna.

Senate amendment 2 to **Senate Bill 2**, Special Session by Senator Thompson.

Upon motion of Senator Bablitch the senate recessed for 15 minutes.

2:20 P.M.

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RECESS

2:35 P.M.

The senate reconvened.

REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS

Appendix to **Senate Bill 2**, Special Session

Recommendation

The report of the Joint Survey Committee is limited to those areas of this bill which pertain to the programs administered by the Department of Employee Trust Funds (DETF). One such area concerns limited term appointments and project appointments, and this bill provides that such appointments shall be subject to the statutes governing the DETF, but with one exception. This bill provides that employer support towards health insurance shall be reduced by one-half for these appointments which require between 600 and 1,044 hours per year. A second area concerns the additional state positions which would become eligible for the adjusted retirement benefits granted to those under the state executive salary plan. This bill would add an estimated 37

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positions under the adjusted benefit plan, but on a prospective basis only.

This committee recommends that the amendment relating to reduced employer support for health insurance be redrafted as an amendment to s. 40.16 of the statutes. The committee also recommends that s. 20.926 (1)(am) as created by this bill be revised slightly to clarify the intent and effective date. Although this committee believes that the adjusted retirement benefit plan for state executive salary positions should be reviewed in the future as to the public policy involved, the committee does not recommend any change in such plan in this legislation. With these points in mind, the committee finds that the sections of this bill related to DETF programs are in the public interest.

**CARL W. THOMPSON**  
Senate Cochair

**EDWARD McCLAIN**  
Assembly Cochair

Read and referred to committee on Governmental and Veterans' Affairs.

By request of Senator Bablitch, with unanimous consent, the senate stood informal for five minutes.

2:50 P.M.

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2:55 P.M.

The senate reconvened.

**REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS**

**Appendix to Senate Bill 1, Special Session**

**Recommendation**

The report by this committee on Senate Bill 1, Special Session is concerned only with those areas which relate to the programs administered by the Department of Employee Trust Funds (DETF). This report notes that some of the proposed amendments to the statutes governing the DETF are inappropriate or unneeded, and that one additional amendment is needed to newly include court of appeals judges under the department programs. Specifically, this committee recommends that amendments in this

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bill to ss. 41.02 (21) (b), 41.05 (6) (n), 41.07 (1) (a) 5., 41.09 (9), and 41.11 (6) (c) 3.b. be *deleted*. In addition, this committee recommends that s. 41.11 (6) (d) 3.b. be amended to include court of appeals judges thereunder. With these amendments to the bill, the committee would find that the references to the statutes governing the DETF are proper and needed.

CARL W. THOMPSON

Senate Cochair

EDWARD McCLAIN

Assembly Cochair

Senator Sensenbrenner raised the point of order that pursuant to s. 13.50 (6) (a) and (b) and senate rule 54, the committee was required to act on senate substitute amendments 1 and 2 to **Senate Bill 1, Special Session**.

The chair took the point of order under advisement.

By request of Senator Bablitch, with unanimous consent, the rules were suspended to allow the ruling of the chair to be submitted at a later date.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Bill 1, Special Session** was referred to the committee on Judiciary and Consumer Affairs.

By request of Senator Flynn, with unanimous consent, **Senate Bill 1, Special Session** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the joint committee on Finance.

Upon motion of Senator Bablitch the senate recessed until 3:45 P.M.

3:00 P.M.

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RECESS

3:45 P.M.

The senate reconvened.



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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

November 4, 1977.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Dr. Gordon J. Polder, of Eau Claire, as a member of the Psychology Examining Board, to serve for the term ending July 1, 1980.

Sincerely,  
MARTIN J. SCHREIBER  
Governor

Read and referred to committee on Human Services.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

November 4, 1977.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Douglas B. Henderson, of Stevens Point, as a member of the Psychology Examining Board, to succeed John Giebink, whose term has expired, to serve for the term ending July 1, 1980.

Sincerely,  
MARTIN J. SCHREIBER  
Governor

Read and referred to committee on Human Services.

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**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**November 4, 1977.**

**To the Honorable, the Senate:**

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Mark Converse, of Green Bay, as a member of the Psychology Examining Board, to succeed Georgia Felger, resigned, to serve for the term ending July 1, 1979.

Sincerely,  
**MARTIN J. SCHREIBER**  
Governor

**Read and referred to committee on Human Services.**

Upon motion of Senator Bablitch the senate recessed until 4:20 P.M.

3:46 P.M.

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**RECESS**

4:20 P.M.

**The senate reconvened.**

Upon motion of Senator Bablitch the senate recessed until 6:00 P.M.

4:27 P.M.

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**RECESS**

6:00 P.M.

**The senate reconvened.**

**Senator Bablitch asked unanimous consent to stand informal.**

**Senator Sensenbrenner objected.**

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By request of Senator Bablitch, with unanimous consent, the senate stood informal for ten minutes.

6:05 P.M.

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The senate reconvened.

6:15 P.M.

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

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COMMITTEE REPORTS

The committee on Governmental and Veterans' Affairs reports and recommends:

**Senate Bill 2, Special Session**

Relating to eliminating the personnel functions of the department of administration, altering the functions of the personnel board, creating a department of employment relations, a division of personnel, an affirmative action council and a personnel commission, making diverse changes in the statutes relating to state personnel procedures, changing the award of veterans preference points in state and local civil service examination, granting rule-making authority and transferring and making appropriations.

Adoption of senate amendment 1:

Ayes, 5 -- Senators Swan, Offner, Lasee, Braun and Adelman;  
Noes, 0 -- None.

Rejection of senate amendment 2:

Ayes, 4 -- Senators Offner, Lasee, Braun and Adelman;  
Noes, 1 -- Senator Swan.

Passage as amended:

Ayes, 3 -- Senators Offner, Braun and Adelman;  
Noes, 2 -- Senators Swan and Lasee.

MONROE SWAN  
Chairman

By request of Senator Bablitch, with unanimous consent, **Senate Bill 2, Special Session** was withdrawn from the committee on Senate Organization and referred to the joint committee on Finance.

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AMENDMENTS OFFERED

Senate amendment 3 to **Senate Bill 2**, Special Session by Senator Swan.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Tuesday, November 8.

6:20 P.M.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to **Senate Bill 1**, Special Session:

1. On page 51, line 10; page 60, line 20; and page 70, line 37; substitute "135" for "... (Senate Bill 74)".
2. On page 90, line 14, substitute "125" for " .... (Assembly Bill 219)".
3. On page 112, line 2, substitute "701.01 (2)" for "701.02, as renumbered".
4. On page 114, delete line 1.
5. On page 114, delete line 25.

Relating to **Senate Bill 2**, Special Session:

1. On page 1, line 24, after "230.08", insert "(2) (e) and".
2. On page 2, line 14, substitute "230.07 (7)" for "230.07 (6)".
3. On page 14, line 16, before "(3)" insert "(2) (e) and"; and substitute "are" for "is".
4. On page 27, line 22, substitute "and" for the 2nd comma.
5. On page 38, lines 13 and 14, substitute "(7)" for "(6)".
6. On page 39, line 1, before "The" insert "(a)"; and delete "(title)".
7. On page 51, line 20, substitute "(e), as" for "(3), as".
8. On page 52, line 10, delete "(a)".
9. On page 55, delete line 14.
10. On page 56, after line 18, insert:  
"343.75 15.04 (4) 15.04 (1)(d)".
11. On page 56, delete line 20.