

JOURNAL OF THE SENATE [November 10, 1977]

STATE OF WISCONSIN

Senate Journal

1977 Special Session

THURSDAY, November 10, 1977.

10:00 A.M.

The senate met.

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

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, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- Senators McKenna and Offner -- 2.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Louis Swartz, Pastor of Covenant Presbyterian Church of Madison.

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

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

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

Motion Under Joint Rule 7:

A joint certificate of congratulations by Representative Pabst; cosponsored by Senators Parys, Sensenbrenner and Adelman for BEN MARCUS on the occasion of his receiving the Walt Disney Humanitarian Award.

Passed and asks concurrence in:

Assembly Bill 1, Special Session

Assembly Bill 2, Special Session

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 7:

A joint certificate of congratulations by Representative Pabst; cosponsored by Senators Parys, Sensenbrenner and Adelman for BEN MARCUS on the occasion of his receiving the Walt Disney Humanitarian Award.

Read and concurred in.

Assembly Bill 1, Special Session

Relating to operating a motor vehicle while under the influence of an intoxicant or controlled substance, revocation of an operators' license on refusal to submit to tests for being under the influence of an intoxicant or controlled substance, occupational licenses, providing penalties, providing rule-making authority and increasing an appropriation.

By Committee on Assembly Organization, by request of Acting Governor Martin J. Schreiber.

Read first time and referred to committee on Human Services.

Assembly Bill 2, Special Session

Relating to various changes in the worker's compensation law.

By Committee on Assembly Organization, by request of Acting Governor Martin J. Schreiber.

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Read first time and referred to committee on Agriculture, Aging and Labor.

MOTIONS UNDER SENATE RULE 97

A certificate of commendation by Senator Dorman for THE WISCONSIN COUNCIL OF THE BLIND on the occasion of their annual Employer's Awards Banquet.

Read and adopted.

MOTIONS UNDER JOINT RULE 7

A joint certificate of commendation by Senators Murphy and Adelman; cosponsored by Representatives Snyder, Shabaz, Engeleiter, Jackamonis, Lingren and Rutkowski for JUDGE WILLIAM G. CALLOW on the occasion of his years of public service to Waukesha County.

A joint certificate of commendation by Senator Adelman; cosponsored by Representative Rutkowski for HARRY E. GUZNICZAK on the occasion of his 25th year as superintendent of the Franklin School District.

The above motions under joint rule 7 were read and adopted en masse.

CALENDAR OF NOVEMBER 10

Assembly Bill 3, Special Session

Relating to shelter care reimbursement.

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 3, Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler,

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Klecza, Krueger, Lasee, Lorge, McCallum, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

Absent or not voting -- Senators McKenna and Offner -- 2.

So the bill was concurred in.

Ordered immediately messaged.

Upon motion of Senator Bablitch the senate recessed until 10:35 A.M.

10:15 A.M.

RECESS

10:35 A.M.

The senate reconvened.

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

COMMITTEE REPORTS

The committee on Human Services reports and recommends:

Assembly Bill 1, Special Session

Relating to operating a motor vehicle while under the influence of an intoxicant or controlled substance, revocation of an operators' license on refusal to submit to tests for being under the influence of an intoxicant or controlled substance, occupational licenses, providing penalties, providing rule-making authority and increasing an appropriation.

Concurrence:

Ayes, 5 -- Senators Thompson, Offner, Braun, Van Sistine and Petri;

Noes, 0 -- None.

CARL W. THOMPSON
Chairman

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The committee on Agriculture, Aging and Labor reports and recommends:

Assembly Bill 2, Special Session

Relating to various changes in the worker's compensation law.

Concurrence:

Ayes, 7 -- Senators Cullen, Radosevich, Harnisch, Morrison,
Van Sistine, Chilsen and McCallum;

Noes, 0 -- None.

TIM CULLEN
Chairman

Upon motion of Senator Bablitch the senate recessed until
10:45 A.M.

10:38 A.M.

RECESS

10:45 A.M.

The senate reconvened.

CALENDAR OF NOVEMBER 10

Assembly Bill 2, Special Session

Relating to various changes in the worker's compensation law.
Read a second 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, Dorman, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

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Absent -- Senators Flynn and Offner -- 2.

Absent with leave -- None.

Upon motion of Senator Bablitch the senate recessed until 11:05 A.M.

10:50 A.M.†

RECESS

11:05 A.M.

The senate reconvened.

By request of Senator Kleczka, with unanimous consent, the call was raised.

By request of Senator Sensenbrenner, with unanimous consent, the senate recessed until 11:25 A.M.

11:06 A.M.

RECESS

11:25 A.M.

The senate reconvened.

The question was: Shall **Assembly Bill 2**, Special Session be ordered to a third reading.

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 2, Special Session

Read a third time.

By request of Senator Harnisch, with unanimous consent, the vote by which **Assembly Bill 2**, Special Session was ordered to a third reading was reconsidered.

Senate amendment 1 to **Assembly Bill 2**, Special Session offered by Senator Harnisch.

Senator Cullen moved rejection.

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The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Keppler, Kleczka, Krueger, Lasee, McCallum, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno and Van Sistine -- 28.

Noes -- Senators Bidwell, Harnisch, Lorge, Murphy and Thompson -- 5.

Absent or not voting -- None.

So the motion prevailed.

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 2, Special Session

Read a third time.

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, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill was concurred in.

Ordered immediately messaged.

Upon motion of Senator Bablitch the senate recessed until 3:00 P.M.

11:42 A.M.

RECESS

3:00 P.M.

The senate reconvened.

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Upon motion of Senator Bablitch the senate recessed until 4:00 P.M.

3:01 P.M.

RECESS

4:00 A.M.

The senate reconvened.

Assembly Bill 1, Special Session

Relating to operating a motor vehicle while under the influence of an intoxicant or controlled substance, revocation of an operators' license on refusal to submit to tests for being under the influence of an intoxicant or controlled substance, occupational licenses, providing penalties, providing rule-making authority and increasing an appropriation.

Read a second time.

QUORUM CALL

Senator Bablitch called the attention of the chair to the possible lack of a quorum.

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

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

Absent -- Senators Flynn, Offner and Swan -- 3.

Absent with leave -- None.

Senate amendment 1 to **Assembly Bill 1, Special Session** offered by Senators Berger, Radosevich, Swan, Bablitch, Offner, McKenna, Flynn and Morrison.

Senator Parys moved rejection.

The ayes and noes were demanded and the vote was: ayes, 9; noes, 24; absent or not voting, 0; as follows:

Ayes -- Senators Bidwell, Keppler, Lasee, Lorge, Murphy, Parys, Sensenbrenner, Swan and Theno -- 9.

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Noes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, Krueger, McCallum, McKenna, Maurer, Morrison, Offner, Peloquin, Petri, Radosevich, Risser, Thompson and Van Sistine -- 24.

Absent or not voting -- None.

So the motion did not prevail.

Senate amendment 1 adopted.

Senate amendment 2 to **Assembly Bill 1**, Special Session offered by Senator Morrison.

Senate amendment 1 to senate amendment 2 to **Assembly Bill 1**, Special Session offered by Senator Goyke.

Senate amendment 1 to senate amendment 2 adopted.

By request of Senator Cullen, with unanimous consent, he was added as a coauthor of senate amendment 2.

Senate amendment 2 adopted.

Senate amendment 3 to **Assembly Bill 1**, Special Session offered by Senator McKenna.

Senator Goyke moved rejection.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Dorman, Flynn, Frank, Goyke, Harnisch, Murphy, Offner, Parys, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 17.

Noes -- Senators Bidwell, Chilsen, Cullen, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Petri, Sensenbrenner, Swan and Theno -- 15.

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

So the motion prevailed.

Senate amendment 4 to **Assembly Bill 1**, Special Session offered by Senator Murphy.

Senate amendment 1 to senate amendment 4 to **Assembly Bill 1**, Special Session offered by Senator Goyke.

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

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Senate amendment 5 to **Assembly Bill 1**, Special Session offered by Senator Murphy.

Senator Goyke moved rejection.

The motion prevailed.

Senate amendment 6 to **Assembly Bill 1**, Special Session offered by Senators Berger, Murphy and Sensenbrenner.

Senator Goyke moved rejection.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Ablitch, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, McCallum, McKenna, Maurer, Morrison, Offner, Peloquin, Petri, Radosevich, Risser, Swan, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Berger, Lasee, Lorge, Murphy, Parys and Sensenbrenner -- 6.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 7 to **Assembly Bill 1**, Special Session offered by Senators Goyke, Adelman and Morrison.

Senator Kleczka moved rejection.

The motion prevailed.

Senate amendment 8 to **Assembly Bill 1**, Special Session offered by Senator Adelman.

Senate amendment 8 adopted.

Senate amendment 9 to **Assembly Bill 1**, Special Session offered by Senators Sensenbrenner, McCallum and Lasee.

Senator Goyke moved rejection.

By request of Senator Sensenbrenner, with unanimous consent, senate amendment 9 was withdrawn and returned to the author.

Senate amendment 10 to **Assembly Bill 1**, Special Session offered by Senator Harnisch.

Senator Flynn moved rejection.

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By request of Senator Harnisch, with unanimous consent, senate amendment 10 was withdrawn and returned to the author.

Senate amendment 11 to **Assembly Bill 1, Special Session** offered by Senator Cullen.

Senate amendment 11 adopted.

Senate amendment 12 to **Assembly Bill 1, Special Session** offered by Senators Parys and Murphy.

By request of Senator Parys, with unanimous consent, senate amendment 12 was withdrawn and returned to the author.

Senate amendment 13 to **Assembly Bill 1, Special Session** offered by Senators Parys and Murphy.

Senator Goyke moved rejection.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Goyke, Harnisch, Kleczka, McCallum, McKenna, Maurer, Morrison, Offner, Radosevich, Risser, Sensenbrenner, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Bablitch, Berger, Frank, Keppler, Krueger, Lasee, Lorge, Murphy, Parys, Peloquin, Petri and Swan -- 12.

Absent or not voting -- None.

So the motion prevailed.

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 1, Special Session

Read a third time.

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, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

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Absent or not voting -- None.

So the bill was concurred in as amended.

Ordered immediately messaged.

By request of Senator Lorge, with unanimous consent, the senate adjourned in honor of the 202nd birthday of the U.S. Marine Corps and the Governor's proclamation was spread on the journal.

United States of America

The State of Wisconsin

Executive Department

A Proclamation

WHEREAS, the United States Marine Corps was created on November 10, 1775, an act of Continental Congress designated the Continental Marines as a regular branch of our country's armed forces; and,

WHEREAS, for the past two centuries, the United States Marine Corps, a "Force-In-Read-iness", capable of handling any situation, has provided unwavering service on land and at sea, from the American Revolution to the steamy jungles of Vietnam in the protection of freedom; and,

WHEREAS, in two hundred and two years, marine corps men and women have given of their time and, for many, of their very lives, in the naval defense of this country; now,

THEREFORE, I, Martin J. Schreiber, Acting Governor of the State of Wisconsin, do hereby proclaim Thursday, November 10, 1977 as

UNITED STATES MARINE CORPS DAY

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in Wisconsin and I urge all citizens of Wisconsin to pay tribute to all our marine men and women and realize how much they have done to keep our country a free and safe place for us to live.

(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 eighth 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

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Friday, November 11.

7:04 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to **Senate Bill 3**, Special Session:

On page 2, line 23, substitute "implementation" for "implemmentation".

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

On page 6, line 6, after "necessary" insert "and appropriate services are available" which was there inserted by Item 4 of assembly amendment 3 to assembly substitute amendment 2.

Relating to assembly substitute amendment 1 to **Assembly Bill 1**, Special Session:

On page 7, line 13, after "effect" insert "under".