

STATE OF WISCONSIN

Senate Journal

1977 Special Session

FRIDAY, November 11, 1977.

9:00 A.M.

The senate met.

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

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Morrison was granted a leave of absence until 10:15 A.M.

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, McKenna, Maurer, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- Senator Morrison -- 1.

The senate stood for the prayer which was offered by Reverend Joseph E. Dawson, Pastor of Mount Zion Baptist Church, Madison.

The senate remained standing and Senator Goyke 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:

Motions Under Joint Rule 7:

A joint certificate of commendation by Representative Donoghue; cosponsored by Senator Krueger for the MERRILL FOOTBALL TEAM on the occasion of their being victorious.

A joint certificate of congratulations by Representative Matty; cosponsored by Senator Van Sistine for the COLEMAN COUGARS on the occasion of their football victories.

Amended and concurred in as amended:

Senate Bill 1, Special Session (assembly amendment 1 adopted)

Senate Bill 2, Special Session (assembly substitute amendment 1 adopted)

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 7:

A joint certificate of commendation by Representative Donoghue; cosponsored by Senator Krueger for the MERRILL FOOTBALL TEAM on the occasion of their being victorious.

A joint certificate of congratulations by Representative Matty; cosponsored by Senator Van Sistine for the COLEMAN COUGARS on the occasion of their football victories.

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

CALENDAR OF NOVEMBER 11

Senate Bill 1, Special Session

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

The question was: Concurrence in assembly amendment 1?

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Senator Sensenbrenner moved nonconcurrency.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Dorman, Goyke, Harnisch, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, McKenna, Murphy, Parys, Peloquin, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 22.

Noes -- Senators Adelman, Bablitch, Braun, Cullen, Flynn, Frank, Maurer, Offner, Petri and Radosevich -- 10.

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

So the motion prevailed.

Ordered immediately messaged.

MOTIONS UNDER JOINT RULE 7

A joint certificate of commendation by Senator Lorge; cosponsored by Representatives Byers and Roth for CHET KRAUSE on the occasion of the 25th anniversary of Krause Publications.

A joint certificate of commendation by Senator Theno; cosponsored by Representative Kedrowski for the PARK FALLS CHAMBER OF COMMERCE on the occasion of the 25th anniversary of "Flambeau Rama".

A joint certificate of commendation by Senator Petri; cosponsored by Representative Gower for JOHN D. KEHOE on the occasion of his service to his community.

A joint certificate of commendation by Senator Bablitch; cosponsored by Representative Wahner for NORMAN J. TAUGHER on the occasion of his retirement from state service.

A joint certificate of condolence by Senator Bablitch; cosponsored by Representative Groshek for the FAMILY OF ELWIN W. SIGMUND on the occasion of his death.

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

By request of Senator Parys, with unanimous consent, the senate recessed until 10:35 A.M.

9:54 A.M.

RECESS

10:35 A.M.

The senate reconvened.

CALENDAR OF NOVEMBER 11

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.

The question was: Concurrence in assembly substitute amendment 1?

Senate amendment 1 to assembly substitute amendment 1 to **Senate Bill 2, Special Session** offered by Senators Kleczka and Berger.

Senator Thompson moved rejection.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Lasee, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 20.

Noes -- Senators Berger, Bidwell, Chilsen, Keppler, Kleczka, Krueger, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner and Theno -- 13.

Absent or not voting -- None.

So the motion prevailed.

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

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Senate amendment 1 to senate amendment 2 to assembly substitute amendment 1 to **Senate Bill 2**, Special Session offered by Senator Sensenbrenner.

Senator Offner moved rejection of senate amendment 1 to senate amendment 2.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Flynn, Frank, Keppler, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 16.

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Dorman, Goyke, Harnisch, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 17.

Absent or not voting -- None.

So the motion did not prevail.

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

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Goyke, Harnisch, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 16.

Noes -- Senators Adelman, Bablitch, Braun, Dorman, Flynn, Frank, Keppler, Kleczka, McKenna, Maurer, Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 17.

Absent or not voting -- None.

So the amendment was not adopted.

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

Senator Sensenbrenner moved rejection.

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

Ayes -- Senators Berger, Bidwell, Chilsen, Keppler, Krueger, Lasee, Lorge, McCallum, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 14.

Noes -- Senators Adelman, Bablitch, Braun, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Kleczka, McKenna, Maurer,

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Morrison, Offner, Peloquin, Radosevich, Risser, Thompson and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

Senate amendment 2 to assembly substitute amendment 1 adopted.

Senate amendment 3 to assembly substitute amendment 1 to **Senate Bill 2**, Special Session offered by Senators Offner and McKenna.

Senate amendment 3 to assembly substitute amendment 1 adopted.

Senate amendment 4 to assembly substitute amendment 1 to **Senate Bill 2**, Special Session offered by Senators Offner and McKenna.

Upon motion of Senator Bablitch the senate recessed until 2:00 P.M.

12:23 P.M.

RECESS

2:00 P.M.

The senate reconvened.

QUORUM CALL

Senator Sensenbrenner 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, Flynn, Frank, Goyke, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Theno and Van Sistine -- 28.

Absent -- Senators Harnisch, Krueger, Murphy, Swan and Thompson -- 5.

Absent with leave -- None.

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The question was: Adoption of senate amendment 4 to assembly substitute amendment 1?

Adopted.

Senate amendment 5 to assembly substitute amendment 1 to **Senate Bill 2**, Special Session offered by Senators Offner and McKenna.

Senate amendment 5 to assembly substitute amendment 1 adopted.

Senate amendment 6 to assembly substitute amendment 1 to **Senate Bill 2**, Special Session offered by Senator Berger.

Senator Thompson moved rejection.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Cullen, Dorman, Flynn, Frank, Goyke, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 19.

Noes -- Senators Berger, Bidwell, Chilsen, Keppler, Kleczka, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 13.

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

So the motion prevailed.

The question was: Concurrence in assembly substitute amendment 1 to **Senate Bill 2**, Special Session?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Braun, Dorman, Flynn, Frank, Goyke, Keppler, Kleczka, McKenna, Maurer, Morrison, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Thompson and Van Sistine -- 20.

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Krueger, Lasee, Lorge, McCallum, Murphy, Petri, Sensenbrenner and Theno -- 12.

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

So the amendment was concurred in as amended.

Ordered immediately messaged.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Joint Resolution 1, Special Session

Relating to the adjournment *sine die* of the November 1977 special session.

Introduction:

Ayes, 5 -- Senators Risser, Bablitch, Kleczka, Krueger and Sensenbrenner;

Noes, 0 -- None.

Read and referred to committee on Senate Organization.

FRED A. RISSER

Chairman

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

I am directed to inform you that the assembly has recessed from its position on:

Assembly amendment 1 to **Senate Bill 1, Special Session.**

Concurred in:

Senate amendments 2, 8, and 11 to **Assembly Bill 1, Special Session.**

Nonconcurrent in:

Senate amendment 1 to **Assembly Bill 1, Special Session.**

Upon motion of Senator Bablitch the senate recessed until 2:40 P.M.

2:35 P.M.

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RECESS

2:40 P.M.

The senate reconvened.

CALENDAR OF NOVEMBER 11

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.

The question was: Shall the senate adhere to its position on senate amendment 1?

Senator Bablitch moved that the senate recede from its position on senate amendment 1.

The motion prevailed.

Ordered immediately messaged.

Upon motion of Senator Bablitch the senate recessed until 3:50 P.M.

2:42 P.M.

RECESS

3:50 P.M.

The senate reconvened.

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:

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

Absent -- Senators Goyke, Swan and Theno -- 3.

Absent with leave -- None.

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:

Motions Under Joint Rule 7:

A joint certificate of congratulations by Representative Donoghue; cosponsored by Senator Krueger for the TOMAHAWK HIGH SCHOOL TRACK TEAM on the occasion of their undefeated season.

A joint certificate of condolence by Representatives Thompson and Tregoning; cosponsored by Senator Bidwell for the FAMILY OF LEO F. MULCAHY on the occasion of his death.

A joint certificate of commendation by Representative Kedrowski; cosponsored by Senator Theno for BOB POPPE on the occasion of his retirement after 30 years of service to the Town of Highbridge as Postmaster.

A joint certificate of commendation by Representative Gower; cosponsored by Senator Petri for DON C. LEIBELT on the occasion of receiving the FFA Award.

Concurred in as amended:

Senate Bill 2, Special Session, (assembly amendment 1 to senate amendment 4 adopted)

Concurred in:

Senate amendments 2, 3 and 5 to assembly substitute amendment 1 to **Senate Bill 2**, Special Session

By request of Senator Bablitch, with unanimous consent, the message was considered for action at this time.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 7:

A joint certificate of congratulations by Representative Donoghue; cosponsored by Senator Krueger for the TOMAHAWK HIGH SCHOOL TRACK TEAM on the occasion of their undefeated season.

A joint certificate of condolence by Representatives Thompson and Tregoning; cosponsored by Senator Bidwell for the FAMILY OF LEO F. MULCAHY on the occasion of his death.

A joint certificate of commendation by Representative Kedrowski; cosponsored by Senator Theno for BOB POPPE on the occasion of his retirement after 30 years of service to the Town of Highbridge as Postmaster.

A joint certificate of commendation by Representative Gower; cosponsored by Senator Petri for DON C. LEIBELT on the occasion of receiving the FFA Award.

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

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.

The question was: Concurrence in assembly amendment 1 to senate amendment 4?

Concurred in.

Ordered immediately messaged.

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:

Assembly Joint Resolution 2, Special Session

Assembly Joint Resolution 3, Special Session

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 2, Special Session

Relating to the life and public service of Frank E. Schaeffer, Jr.

By Representative Leopold and all members of the Assembly, cosponsored by Senator Parys, by request of Harout Sanasarian.

Read.

Considered as privileged.

By request of Senator Parys, with unanimous consent, **Assembly Joint Resolution 2, Special Session** was laid on the table.

Assembly Joint Resolution 3, Special Session

Relating to the adjournment sine die of the November 1977 special session.

By Representatives Jackamonis, Wahner, Ferrall and Kedrowski, cosponsored by Senators Risser, Bablitch and Kleczka.

Read.

Considered as privileged.

Concurred in.

By request of Senator Bablitch, with unanimous consent, all actions were ordered immediately messaged.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of Veterans' Day.

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Upon motion of Senator Bablitch the senate adjourned pursuant to **Assembly Joint Resolution 3, Special Session.**

4:15 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to engrossed assembly substitute amendment 1 to **Senate Bill 2** Special Session:

On page 2, line 19, after "(2) (b)" insert ", (6)".

GUESTS

During today's session, the following visitors honored the senate with their presence:

Daniel F. Rinzel of Washington, D.C., guest of Senator Sensenbrenner.