

JOURNAL OF THE SENATE [January 24, 1978]

STATE OF WISCONSIN

Senate Journal

Eighty-Third Regular Session

TUESDAY, January 24, 1978.

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Reverend Joseph Washington, retired Baptist minister of Madison.

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

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

Absent -- Senators Krueger and Petri -- 2.

Absent with leave -- None.

LEAVE OF ABSENCE

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 667

Relating to school district operation of public library facilities.

By Senator Morrison.

To committee on Education and Revenue.

Senate Bill 668

Relating to permitting school districts to enter into contracts with other school districts to provide educational services.

By Senators Goyke, Offner, Bidwell, Berger, and Sensenbrenner.

To committee on Education and Revenue.

Senate Bill 669

Relating to an appropriation for a family practice clinic in Appleton.

By Senator Lorge.

To committee on Human Services.

Senate Bill 670

Relating to establishment of lunch periods for pupils.

By Senator Keppler, by request of Mrs. Laura Chmielewski.

To committee on Education and Revenue.

Senate Bill 671

Relating to payment of retirement annuities to employes covered under the Wisconsin retirement fund despite certain employment.

By Senator Van Sistine, cosponsored by Representatives Vanderperren and Metz.

To Joint Survey committee on Retirement Systems.

Senate Bill 672

Relating to extension of the maximum weeks of eligibility for unemployment compensation benefits.

By Senator Swan.

To committee on Agriculture, Aging and Labor.

Senate Bill 673

Relating to eliminating state aid for pupil transfers to reduce racial imbalance, increasing general property tax relief payments and increasing an appropriation.

By Senator Swan.

To committee on Education and Revenue.

COMMITTEE REPORTS

The committee on Senate Organization, acting under Senate Rule 20(1) reports and recommends the following nominations to committees for appointment by the Senate:

Senator Timothy Cullen, to replace Senator Offner, to the Governmental and Veterans' Affairs Committee

Senator Paul Offner, to replace Senator Cullen, to the Education and Revenue Committee.

FRED A. RISSER
Chairman

Considered as privileged and taken up.
Adopted.

The committee for Review of Administrative Rules reports and recommends:

Senate Bill 24

Relating to automatic termination of state regulatory agencies and administrative rules.

Introduction of senate substitute amendment 3:

Ayes, 3 -- Senators Berger, Swan and Offner;

Noes, 0 -- None.

Adoption of senate substitute amendment 3:

Ayes, 3 -- Senators Berger, Swan and Offner;

Noes, 0 -- None.

Passage as amended:

Ayes, 3 -- Senators Berger, Swan and Offner;

Noes, 0 -- None.

Senate Bill 652

Prohibiting the department of natural resources from promulgating rules relating to hunting across public gravel roads for one year.

Passage:

Ayes, 3 -- Senators Berger, Swan and Offner;

Noes, 0 -- None.

Senate Bill 655

Relating to administrative rules and granting rule-making authority.

Passage:

Ayes, 8 -- Senators Berger, Swan and Offner; Representatives Rogers, Clarenbach, McClain, Brist and Thompson.

Noes, 0 -- None.

DAVID G. BERGER
Chairman

The committee on Natural Resources and Tourism reports and recommends:

O'KEEFE, THOMAS, of Hudson, as a member of the Conservation Works Projects Board, to serve for the term ending May 1, 1979.

Confirmation:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich, Murphy and Theno;

Noes, 0 -- None.

Assembly Bill 463

Relating to revising certain flood plain zoning requirements.

Introduction of senate amendment 1:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich, Murphy and Theno;

Noes, 0 -- None.

Adoption of senate amendment 1:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich, Murphy and Theno;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich, Murphy and Theno;

Noes, 0 -- None.

Assembly Bill 632

Relating to interest rate on tax on lands withdrawn from forest croplands.

Concurrence:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich, Murphy and Theno;

Noes, 0 -- None.

Assembly Bill 640

Relating to making various language changes and revising deadlines for action by the department of natural resources (suggested as remedial legislation by the department of natural resources).

Concurrence:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich,
Murphy and Theno;

Noes, 0 -- None.

Assembly Bill 698

Relating to the board of soil and water conservation districts disapproving the plans of a district.

Concurrence:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich,
Murphy and Theno;

Noes, 0 -- None.

Assembly Bill 754

Relating to revising the inland lake protection and rehabilitation law.

Concurrence:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich,
Murphy and Theno;

Noes, 0 -- None.

Assembly Joint Resolution 56

Relating to directing the joint legislative council to study forest fires.

Introduction of senate amendment 1:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich,
Murphy and Theno;

Noes, 0 -- None.

Adoption of senate amendment 1:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich,
Murphy and Theno;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 5 -- Senators Harnisch, Van Sistine, Radosevich,
Murphy and Theno;

Noes, 0 -- None.

THOMAS W. HARNISCH
Chairman

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PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

January 16, 1978.

To the Honorable, the Senate

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists who have cancelled their registration for the duration of the 1977-78 legislative session.

Yours very truly,

DOUGLAS LAFOLLETTE

Secretary of State

Behle, Roland C., Wisconsin Cheese Makers' Association, as of December 23, 1977.

Smith, Colin, R., Fox Cities Chamber of Commerce and Industry, as of January 5, 1978.

Stolte, Paul, State of Wisconsin, NFO, as of January 9, 1978.

Senate Petition 140

A petition by 1,011 residents of the state of Wisconsin in opposition to Assembly Bill 321, relating to prohibiting and restricting state and local abortion subsidies.

By Senator Thompson.

Read and referred to committee on Human Services

Senate Petition 141

A petition by 19 residents of the State of Wisconsin in support of Assembly Bill 240, relating to use of amygdalin (laetrile).

By Senator Thompson.

Read and referred to committee on Human Services.

EXECUTIVE COMMUNICATIONS

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

January 17, 1978.

**Mr. Donald Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin**

Dear Mr. Schneider:

I respectfully request permission to address a joint session of the State Legislature on Tuesday, January 31, 1978, at 10 o'clock A.M., for the purpose of delivering a "State of the State" address.

**Sincerely,
MARTIN J. SCHREIBER
Governor**

By request of Senator Bablitch, with unanimous consent, the senate will meet in joint session with the Assembly at 10:15 A.M., January 24, 1978.

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

January 20, 1978.

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 Donald E. Percy, of Madison, as a member of the Health Facilities Authority, to succeed Manuel Carballo, resigned, to serve for the term ending June 30, 1980.

**Sincerely,
MARTIN J. SCHREIBER
Governor**

Read and referred to committee on Human Services.

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

January 20, 1978.

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

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Catherine Doyle, of Madison, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 1983.

Sincerely,
MARTIN J. SCHREIBER
Governor

Read and referred to committee on Education and Revenue.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and the calendar established by the committee on Senate Organization for Tuesday, January 24, was taken up.

CALENDAR OF JANUARY 24

Senate Bill 15

Relating to revision of municipal employment collective bargaining impasse resolution procedures, providing for final and binding arbitration, authorizing a limited right to strike, granting rule-making authority and providing penalties.

Senator Bablitch asked unanimous consent that Items I and II of the vetoed part of the bill be considered enmasse.

The question was: Shall the vetoed part of the bill, Items I and II section 111.70(1)(nm) pass notwithstanding the objections of the Governor?

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

Ayes -- None.

Noes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Absent or not voting -- Senators Krueger and Petri -- 2.

Less than two-thirds having voted in the affirmative, the Senate refused to pass the vetoed part of the bill notwithstanding the objections of the Governor.

The question was: Shall the vetoed part of the bill, Item III section 111.70(4) (cm) pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

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Ayes -- Senators Adelman, Berger, Bidwell, Chilsen, Dorman, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, Morrison, Murphy, Petri and Sensenbrenner -- 16.

Noes -- Senators Bablitch, Braun, Cullen, Flynn, Frank, McKenna, Maurer, Offner, Parys, Peloquin, Radosevich, Risser, Swan, Theno, Thompson and Van Sistine -- 16.

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

Less than two-thirds having voted in the affirmative, the senate refused to pass the vetoed part of the bill notwithstanding the objections of the Governor.

Senate Bill 91

Relating to the composition of school boards in cities of the 1st class and to the salary of board members.

By request of Senator Berger, with unanimous consent **Senate Bill 91** was placed on the table.

Senate Bill 104

Relating to length and load limitations for auto carriers.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

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

Noes -- Senators Bidwell and Risser -- 2.

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

More than two-thirds having voted in the affirmative, the bill passed notwithstanding the objections of the Governor.

Ordered immediately messaged.

Senate Bill 108

Relating to equal coverage for chiropractic and physician services in contracts of health insurance.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 108** was placed at the foot of the calendar after **Senate Bill 1, Special Session**.

Senate Bill 134

Relating to energy, drought and natural disaster assistance and making appropriations.

By request of Senator Bablitch with unanimous consent, Item I, section 22.13(3)(c) and Item II, section 59.07(98) were considered enmass.

The question was: Shall the vetoed part of the bill, Item I, section 22.13(3)(c) and Item II, section 59.07(98), pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 8; noes, 24; absent or not voting, 1; as follows:

Ayes -- Senators Goyke, Keppler, Lasee, McCallum, Maurer, Murphy, Sensenbrenner and Swan -- 8.

Noes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Harnisch, Kleczka, Lorge, McKenna, Morrison, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Theno, Thompson and Van Sistine -- 24.

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

Less than two-thirds having voted in the affirmative, the Senate refused to pass the vetoed part of the bill notwithstanding the objections of the Governor.

Senate Bill 234

Relating to limitations on weight, length and number of vehicles in emergency towing operations.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

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

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

Noes -- Senators Braun, Flynn and Risser -- 3.

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

More than two-thirds having voted in the affirmative, the bill passed notwithstanding the objections of the Governor.

Ordered immediately messaged.

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Senate Bill 1, Special Session

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

The question was: Shall the vetoed part of the bill, Item I, section 752.33, pass notwithstanding the objections of the Governor?

QUORUM CALL

Senator Berger 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, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- Senator Krueger -- 1.

The question was: Shall the vetoed part of the bill, Item I section 752.33 pass notwithstanding the objections of the Governor?

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

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, Murphy, Parys, Peloquin, Petri, Sensenbrenner, Swan, Theno and Van Sistine -- 19.

Noes -- Senators Adelman, Bablitch, Braun, Dorman, Flynn, Frank, McKenna, Maurer, Morrison, Offner, Radosevich, Risser and Thompson -- 13.

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

Less than two-thirds having voted in the affirmative, the Senate refused to pass the vetoed part of the bill notwithstanding the objection of the Governor.

Senate Bill 108

Relating to equal coverage for chiropractic and physician services in contracts of health insurance.

The question was: Shall the bill pass, notwithstanding the objections of the Governor?

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

Ayes -- Senators Berger, Bidwell, Cullen, Dorman, Flynn, Frank, Keppler, Kleczka, McKenna, Morrison, Parys, Peloquin, Radosevich, Swan and Thompson -- 15.

Noes -- Senators Adelman, Bablitch, Braun, Chilsen, Goyke, Harnisch, Lasee, Lorge, McCallum, Maurer, Murphy, Offner, Petri, Risser, Sensenbrenner, Theno and Van Sistine -- 17.

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

Less than two-thirds having voted in the affirmative, the Senate refused to pass the bill notwithstanding the objections of the Governor.

By request of Senator Bablitch, with unanimous consent, all actions were 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 passed notwithstanding the objections of the Governor in:

Assembly Bill 150

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 150

Relating to exempting producers of honey from food processing regulation.

Referred to committee on Senate Organization.

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

11:47 A.M.

RECESS

2:00 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:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- Senator Morrison -- 1.

Absent with leave -- Senator Krueger -- 1.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 150** and all other measures received from the Assembly will be considered for action immediately.

Assembly Bill 150

Relating to exempting producers of honey from food processing regulation.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Dorman, Flynn, Frank, Goyke, Harnisch, Keppler, Kleczka, Lasee, Lorge, McCallum, McKenna, Maurer, Morrison, Murphy, Offner, Parys, Peloquin, Petri, Radosevich, Risser, Sensenbrenner, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

More than two-thirds having voted in the affirmative, the bill passed notwithstanding the objections of the Governor.

Ordered immediately messaged.

Upon motion of Senator Bablitch the senate recessed until 4:30 P.M.

2:12 P.M.

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RECESS

4:30 P.M.

The senate reconvened.

Upon motion of Senator Bablitch the Senate recessed until 4:45 P.M.

4:35 P.M.

RECESS

4:45 P.M.

The senate reconvened.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 674

Relating to various cosmetology law changes.

By Senators Thompson, Kleczka and Parys; cosponsored by Representatives Clarenbach and Bear, by request of the Wisconsin Hairdressers and Cosmetologists Association, Inc.

To committee on Human Services.

Senate Bill 675

Relating to eliminating sales and use taxes on computer and data processing services.

By Senators Goyke, Van Sistine, Morrison, Lorge, Bidwell, Lasee, Cullen, Parys, Swan, Murphy, McCallum, Keppler, Petri, Chilsen, Sensenbrenner and Theno; cosponsored by Representatives Flintrop, Roberts, Behnke, Schneider, Ellis, Dandeneau, Loftus, Rogers, Conradt, Mohn, Lingren, Hanson, Hasenhorl, Andrea, Gerlach, Day, Barry, Bear, Duren, Hephner, Medinger, Snyder, Olson, Potter, Gunderson, Goodrich, Gower, Donoghue, Luckhardt, Johnston, Schmidt, Vanderperren, Merkt, Engeleiter, Matty, Thompson, Delong, Harsdorf, Lorman, Shabaz, Lewis, Lewison, Bradley, Quackenbush, Travis and Groshek.

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To Joint Survey Committee on Tax Exemptions.

LEAVE OF ABSENCE

By request of Senator Radosevich, with unanimous consent, she was granted a leave of absence for next week's session.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 562** by Senator Murphy

Senate amendment 1 to **Senate Bill 596** by Senator Murphy

Senate amendment 1 to **Senate Bill 637** by Senator Offner

Senate substitute amendment 2 to **Assembly Joint Resolution 54**
by Senator Flynn

Senate amendment 1 to **Assembly Bill 139** by Senator Murphy

Upon motion of Senator Bablitch the senate adjourned until
10:00 A.M. Tuesday, January 31.

4:50 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to:

Senate Bill 127, senate substitute amendment 2

On page 2, line 4, substitute "(a)" for "9a)".

Relating to:

Senate Bill 578

On page 36, line 1, substitute "49.49" for "49,49".