

JOURNAL OF THE SENATE [January 9, 1979]

STATE OF WISCONSIN
Senate Journal
Eighty-Fourth Regular Session

TUESDAY, January 9, 1979.

10:00 A.M.

The senate met.

The senate was called to order by the President of the senate.

The senate stood for the prayer which was offered by Father Thomas Coyle of St. Paul's Catholic Church, University of Wisconsin Catholic Center Chapel of Madison.

The senate remained standing and Senator Adelman 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, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 28.

Absent -- Senators Goyke, Harnisch and Petri -- 3.

Absent with leave -- None.

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Goyke was granted a leave of absence for the balance of the day's session.

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

By request of Senator Risser, with unanimous consent, he and Senator Theno were granted a leave of absence for 10 minutes.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 1

To amend sections 1m and 1n of article V and sections 1m, 1n and 1p of article VI of the constitution so as in effect to repeal said sections; and to amend section 9 of article IV, sections 1, 7 and 8 of article V, section 1 of article VI and section 10 of article XIII of the constitution, relating to gubernatorial succession (2nd consideration).

By Senators Flynn, Risser, Offner, Thompson, Van Sistine, Kleczka, Bear and Bablitch; cosponsored by Representatives Jackamonis, Ferrall, Muntz, Leopold, Behnke, Kincaid, Lingren, Lee, Everson, Roberts, Broydrick, Hauke, Medinger and Andrea.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Senate Joint Resolution 2

To amend section 15 of article IV of the constitution so as in effect to repeal said section, relating to legislative immunity from arrest and civil process (1st consideration).

By Senators Kleczka and Bidwell; cosponsored by Representatives Norquist, Andrea and D. Travis.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Senate Joint Resolution 3

To amend section 1 of article VIII of the constitution, relating to allowing the legislature to provide property or other tax benefits for home improvements (1st consideration).

By Senators Braun, Berger, Flynn, Cullen, Kleczka, Bablitch, Maurer, Bidwell, Frank, Van Sistine, Krueger, Swan, Strohl, Chilsen, Moody, Thompson and Bear; cosponsored by Representatives Leopold, Plewa, Coggs, Ulichny, Helbach, Wahner, Jackamonis, D. Travis, Hasenohrl, Broydrick, Fischer, Lallensack, Swoboda, Andrea, Becker, Kirby, Medinger, Duren, Soucie and Wagner.

Read first time and referred to committee on Education and Revenue.

Senate Joint Resolution 4

Ratifying an amendment to the U.S. Constitution, relating to treating the District of Columbia as a state for the purpose of congressional representation.

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By Senators Risser, Harnisch, Maurer, Goyke, Van Sistine, Thompson, Frank, Braun and Offner; cosponsored by Representatives Wahner, Muntz, Broydrick, D. Travis, Miller and Clarenbach.

Read first time and referred to committee on Judiciary and Consumer Affairs.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 1** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Organization.

Senator Berger asked unanimous consent, that **Senate Joint Resolution 4** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the Joint Committee for Review of Administrative Rules.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 4** was withdrawn from the committee on Judiciary and Consumer Affairs and referred to committee on Senate Organization.

Senator Swan asked unanimous consent that **Senate Joint Resolution 2** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Governmental and Veterans' Affairs.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 2** was withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Organization.

By request of Senator Maurer, with unanimous consent, the senate recessed until 11:45 A.M.

10:25 A.M.

RECESS

11:45 A.M.

The senate reconvened.

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By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolutions 1 and 2** were withdrawn from committee on Senate Organization and referred to committee on Judiciary and Consumer Affairs.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 4** was withdrawn from committee on Senate Organization and referred to committee on Governmental and Veterans' Affairs.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 4

Relating to a state income tax credit for home improvements, making an appropriation and providing a penalty.

By Senators Braun, Berger, Flynn, Cullen, Bablitch, Maurer, Bidwell, Frank, Van Sistine, Krueger, Swan, Strohl, Chilsen, Moody, Thompson and Bear; cosponsored by Representatives Jackamonis, Kedrowski, Plewa, Ulichny, Wahner, Coggs, Lee, Leopold, Helbach, D. Travis, Metz, Hasenohrl, Broydrick, Fischer, Lallensack, Swoboda, Andrea, Becker, Kirby, Medinger, Soucie, Donoghue and Wagner.

To committee on Education and Revenue.

Senate Bill 5

Relating to creating a citizens utility board to advocate for residential consumers in public utility matters and providing a penalty.

By Senators Bablitch, Berger, Braun, Cullen, Offner, Radosevich, Moody, Bear and Flynn; cosponsored by Representatives Wahner, Jackamonis, Wood, Clarenbach, Medinger, Behnke, Metz, Everson, Becker, McClain, Kedrowski, Ferrall, Loftus, Rutkowski, Flintrop, Dorf, D. Travis, Tuczynski, Miller, Broydrick, Wagner, Gerlach, Norquist, Murray, Kirby, Otte and Soucie.

To committee on Insurance and Utilities.

Senate Bill 6

Relating to a plain language and legibility requirement for state income tax forms and materials and certain written agreements with consumers.

By Senators Braun, Berger, Theno, Adelman, Flynn, Frank, Van Sistine, Moody, Chilsen, Strohl, Thompson, Bear, Maurer, Swan and

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Lasee; cosponsored by Representatives Barczak, Plewa, Kirby, Ferrall, Wahner, Coggs, Lee, Leopold, Ulichny, Norquist, Broydrick, Becker, Medinger, Soucie and Wagner, by request of the Department of Justice.

To committee on Education and Revenue.

Senate Bill 7

Relating to standing of counties and municipalities to appeal certain decisions of the department of health and social services.

By Senator Lorge.

To committee on Human Services.

Senate Bill 8

Relating to parole eligibility, probation and a mandatory minimum sentence for persons who commit a crime while armed with a firearm or a facsimile of a firearm.

By Senator Petri.

To committee on Human Services.

Senate Bill 9

Relating to increasing personal exemptions under the income tax for persons who have reached the age of 65 and qualify for the homestead tax credit.

By Senator Petri.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 10

Relating to a sales and use tax exemption for natural gas, propane, coal and oil for use in a private dwelling.

By Senator Petri.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 11

Relating to exempting primary housing mobile homes from the sales and use tax.

By Senator Petri.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 12

Relating to sales tax exemption for food and beverages sold by vocational, technical and adult education districts.

By Senator Van Sistine; cosponsored by Representative Vanderperren.

To Joint Survey Committee on Tax Exemptions.

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Senate Bill 13

Relating to sales and use tax exemptions for mechanical devices to aid breathing.

By Senator Van Sistine; cosponsored by Representative Vanderperren.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 14

Relating to a sales and use tax exemption for home fuels.

By Senators Van Sistine, Braun and Lorge; cosponsored by Representatives Vanderperren and Metz.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 15

Relating to public membership on the legislative council mining committee at the discretion of the legislative council.

By Senator Risser.

To committee on Senate Organization.

Senate Bill 16

Relating to payment of interest by mortgagees on certain real estate tax and insurance deposits.

By Senators Berger, Flynn, Bablitch, Strohl and Braun; cosponsored by Representatives Kirby, Flintrop, Wahner, Leopold, Norquist, Lee, Clarenbach and Soucie.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

To the Senate Committee on Human Services, Senator Radosevich, to replace Senator Bear, resigned 1-9-79.

To the Senate Committee for Review of Administrative Rules, Senator Swan, to replace Senator Radosevich, resigned 1-9-79.

To the Minnesota-Wisconsin Boundary Area Commission, pursuant to s. 14.82, Senators Roshell, Offner, Radosevich and Bidwell.

To the State Supported Programs Study Advisory Committee, pursuant to s. 13.47, Senators Goyke, Swan, Cullen, Braun and Bidwell.

To the Adult Education Center Council, pursuant to s. 15.917 (1) Senator Goyke.

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To the Alcohol and Other Drug Abuse Council, pursuant to s. 14.017 (2), Senators Goyke and Chilsen.

To the Emergency Government Council, pursuant to s. 15.287 (3), Senator Swan.

To the Traffic Law Enforcement Council, pursuant to s. 15.467 (1), Senator Roshell and Murphy.

To the Education Communications Board, pursuant to s. 15.57, Senators Bablitch and Chilsen.

To the Child Labor Council, pursuant to s. 15.227 (5), Senators Van Sistine and Lasee.

To the Education Commission of the States, pursuant to s. 39.76 (1), Senator Goyke.

To the Interstate Cooperation Commission, pursuant to s. 13.54 (1), Senators Cullen, Radosevich and Lorge.

To the Highway Safety Council, pursuant to s. 14.017 (1)(c), Senators Moody and Kruel.

To the State Capitol and Executive Residence Board, pursuant to s. 15.105 (5), Senators Bear, Maurer and McCallum.

To the State Building Commission, pursuant to s. 13.48, Senators Risser, Flynn and Theno.

To the Migrant Labor Council, pursuant to s. 15.227 (8), Senators Van Sistine and Bidwell.

To the Joint Survey Committee on Tax Exemptions, pursuant to s. 13.52, Senators Radosevich, Berger and Petri.

To the Joint Committee on Revisions, Repeals and Uniform Laws, pursuant to Joint Rule 24, Senators Strohl and Lorge.

To the Joint Survey Committee on Retirement Systems, pursuant to s. 13.50, Senators Offner, Frank and Lorge.

To the Committee for Review of Administrative Rules, Senator Moody, to replace Senator Strohl, resigned effective 1-9-79.

To the Committee on Agriculture, Labor and Local Affairs, Senator Thompson, to replace Senator Moody, resigned effective 1-9-79.

FRED A. RISSER

Chair

By request of Senator Bablitch, with unanimous consent, the reading of the committee report was dispensed with.

The question was: Adoption of the committee report?
Adopted.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

January 3, 1979.

I, Vel Phillips, Secretary of State of the State of Wisconsin do hereby certify that the following proposed amendments to the Constitution of the State of Wisconsin, have been approved by the Regular Session of the Legislature of 1977, and duly published, as required by Section 1 of Article XII of the Constitution, and are hereby referred for further approval to the Legislature of 1979.

Senate Joint Resolution 52 (enrolled no. 31)

Senate Joint Resolution 51 (enrolled no. 32)

(seal) IN TESTIMONY WHEREOF, I
have hereunto set my hand and
official seal, in the City of
Madison, this 3rd day of January,
1979.

VEL PHILLIPS

Secretary of State

State of Wisconsin
Senate Chambers
Office of the Chief Clerk

January 9, 1979

To the Honorable, the Senate

Senators:

Pursuant to 13.18 of the Wisconsin Statutes and senate rule 5, I hereby appoint James C. Holperin as assistant chief clerk giving him all powers as are derived from and inherent in said position and to perform the duties and functions of the office in the absence of the chief clerk.

Sincerely,
DONALD J. SCHNEIDER
Chief Clerk

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State of Wisconsin
Senate Chambers
Office of Sergeant-at-Arms

January 9, 1979

To the Honorable, the Senate

This letter is to inform you that I have named Mark F. Smith as my assistant for the 1979-80 Legislative session.

Yours truly,
DANIEL B. FIELDS
Sergeant at Arms

The Assistant Chief Clerk, James C. Holperin and Mark F. Smith, Assistant Sergeant at Arms appeared before the bar of the senate, took and subscribed the oath of office which was administered by the President.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted:

Assembly Resolution 1

Adopted and asks concurrence in:

Assembly Joint Resolution 1

Assembly Joint Resolution 2

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 1

To renumber joint rules 82 to 85; to renumber and amend joint rule 81 (4); to amend joint rule 81 (2) and (3); and to create joint rule 82 (2) and the session schedule for the 1979-81 biennial session period.

By Representative Jackamonis, co-sponsored by Senator Risser, by request of Joint Committee on Legislative Organization.

Read first time and referred to committee on Senate Organization.

Assembly Joint Resolution 2

Extending, by 2 weeks each, the budget deadlines under sections 16.45 and 16.46 of the statutes.

By Representative Jackamonis, by request of Governor Lee Dreyfus.

Read first time and referred to committee on Senate Organization.

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By request of Senator Bablitch, with unanimous consent, the rules were suspended and the calendar for Tuesday, January 9 was taken up at this time.

CALENDAR OF JANUARY 9

Assembly Joint Resolution 1

To renumber joint rules 82 to 85; to renumber and amend joint rule 81 (4); to amend joint rule 81 (2) and (3); and to create joint rule 82 (2) and the session schedule for the 1979-81 biennial session period.

Read.

The question was: Concurrence?

Concurred in.

Assembly Joint Resolution 2

Extending, by 2 weeks each, the budget deadlines under sections 16.45 and 16.46 of the statutes.

Read.

The question was: Concurrence?

Concurred in.

Senator Adelman asked unanimous consent that **Senate Bill 6** be withdrawn from committee on Education and Revenue and referred to committee on Judiciary and Consumer Affairs.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 6** was withdrawn from committee on Education and Revenue and referred to committee on Senate Organization.

Senator Adelman asked unanimous consent that **Senate Bill 8** be withdrawn from committee on Human Services and referred to committee on Judiciary and Consumer Affairs.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 8** was withdrawn from committee on Human Services and referred to committee on Senate Organization.

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

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, January 23.

12:01 P.M.