

STATE OF WISCONSIN
Senate Journal
Eighty-Fourth Regular Session

THURSDAY, February 15, 1979.

9:00 A.M.

The senate met.

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

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

Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Frank, Flynn, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Harvey W. Schweppe, of Monona United Methodist Church, Monona.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 11

Providing for an advisory referendum on the question of enacting the death penalty in this state.

By Senators Murphy, Lasee and Roshell; cosponsored by Representatives Hopkins, Klicka, Lewis and Behnke.

Read and referred to committee on Judiciary and Consumer Affairs.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 85

Relating to membership of Milwaukee's board of assessors, certification of the deputy tax commissioner and the dates for completion of the Milwaukee assessment rolls and filing assessment objections.

By Senator Braun, by request of the City of Milwaukee.

To committee on Governmental and Veterans Affairs.

Senate Bill 86

Relating to regulating the collecting and recycling of waste oil, making appropriations, granting rule-making authority and providing penalties.

By Senators Murphy, Theno, Kreul, Chilsen, Roshell, Lorge and Braun; cosponsored by Representatives Vanderperren, Metz, Klicka, Kincaid, McClain, Kirby, R. Travis, D. Travis, Donoghue, Gunderson, Helbach, Lingren, Conradt and Tuczynski.

To committee on Natural Resources and Tourism.

Senate Bill 87

Relating to prohibiting courts from placing persons convicted of first-degree murder on probation.

By Senators Murphy, Krueger, Lasee, Kreul, Roshell, Lorge and Theno; cosponsored by Representatives Snyder, Opitz, Shabaz, Klicka, Luckhardt, Hopkins, Andrea, DeLong, Lewis, Lallensack, Behnke, Kincaid, Thompson and Helbach.

To committee on Human Services.

Senate Bill 88

Relating to parole eligibility, probation and mandatory minimum sentences for persons who commit certain felonies while armed.

By Senators Murphy, Krueger, Chilsen, Lasee, Lorge, McCallum, Kreul, Roshell, Theno and Frank; cosponsored by Representatives Snyder, Opitz, Klicka, Shabaz, Porter, Donoghue, Johnston, Andrea, DeLong, Lewis, Behnke, Lewison, Kincaid and Thompson.

To committee on Human Services.

Senate Bill 89

Relating to closing hours for Class "B" and "Class B" establishments.

JOURNAL OF THE SENATE [February 15, 1979]

By Senators Murphy and Krueger; cosponsored by Representatives Behnke, Kincaid, Donoghue and Menos.

To committee on Governmental and Veterans Affairs.

Senate Bill 90

Relating to jurisdiction over children who violate certain liquor laws.

By Senators Murphy, Krueger, Kreul and Roshell; cosponsored by Representatives Snyder, Opitz, Shabaz, Klicka, Donoghue, Luckhardt, Andrea, DeLong, Lallensack, Behnke and Roberts.

To committee on Human Services.

By request of Senator Adelman, with unanimous consent, **Senate Bills 87, 88 and 90** were withdrawn from committee on Human Services and referred to committee on Senate Organization.

Senate Bill 91

Relating to temporary service by retired family court commissioners.

By Senators Murphy, Lorge, Swan and Frank; cosponsored by Representatives Snyder, Opitz, Klicka, Donoghue and Behnke.

To committee on Judiciary and Consumer Affairs.

Senate Bill 92

Relating to deduction of federal income taxes from Wisconsin adjusted gross income.

By Senators Murphy, Kreul, Lorge and Roshell; cosponsored by Representatives Snyder, Porter, Opitz, Shabaz, Klicka, Donoghue, Hopkins, Andrea, Lewis, Behnke, Lewison and Thompson.

To committee on Education and Revenue.

Senate Bill 93

Relating to exempting private motor carriers and persons engaged in leasing trailers to private motor carriers from the requirement of obtaining a permit for certain trailers.

By Senator Risser, by request of Ronald J. C. Belec, President of U-Haul Co. of Western Wisconsin, Inc.

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

Senate Bill 94

Relating to tax counseling at senior citizen centers.

By Senators Cullen, Radosevich, Bablitch, Maurer, Van Sistine, Thompson, Krueger and Chilsen; cosponsored by Representatives Clarenbach, Helbach and D. Travis.

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

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends for introduction:

Senate Bill 95

Relating to assignment of a date to the Wisconsin statutes.

Introduction:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

Noes, 0 -- None.

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

LYNN S. ADELMAN

Chair

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to senate substitute amendment 1 to **Senate Bill 1**

Public Policy Involved

This proposal is desirable public policy.

MICHELE G. RADOSEVICH

Co-chair

DAVID E. CLARENBACH

Co-chair

The joint committee on Finance reports and recommends:

Senate Bill 84

Relating to increasing the amount of the 1978 special property tax credit.

Passage with Emergency Statement attached:

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Offner, Braun and Radosevich, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Kirby;

Noes, 2 -- Senator Chilsen and Representative Ellis.

GERALD D. KLECZKA

Chair

JOURNAL OF THE SENATE [February 15, 1979]

The committee on Education and Revenue reports and recommends:

Senate Bill 4

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

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Goyke, Moody, Offner, Bear and McCallum;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Goyke, Moody, Bear and McCallum;

Noes, 1 -- Senator Offner.

Assembly Bill 17

Relating to terms of current members of school boards in 1st class cities.

Concurrence:

Ayes, 5 -- Senators Goyke, Moody, Offner, Bear and McCallum;

Noes, 0 -- None.

GARY R. GOYKE

Chair

Senator Bablitch called the chair's attention to the Special Order of Business at 9:00 A.M.

SPECIAL ORDERS

Senate Bill 1

Relating to increasing the amount of the 1978 special property tax credit, modifying the standard deduction, excluding from taxation a portion of the gain from the sale of a principal residence by certain persons, modifying and indexing for inflation the individual income tax rates and brackets, increasing personal exemptions, expanding the homestead tax credit, increasing the inheritance tax exemption for interspousal transfers and exempting home heating fuels from sales and use taxes.

By request of Senator Maurer, with unanimous consent, the senate recessed until 10:30 A.M.

9:13 A.M.

RECESS

10:30 A.M.

The senate reconvened.

Senate Bill 1

Relating to increasing the amount of the 1978 special property tax credit, modifying the standard deduction, excluding from taxation a portion of the gain from the sale of a principal residence by certain persons, modifying and indexing for inflation the individual income tax rates and brackets, increasing personal exemptions, expanding the homestead tax credit, increasing the inheritance tax exemption for interspousal transfers and exempting home heating fuels from sales and use taxes.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Kleczka, Flynn, Offner, Bablitch, Risser, Krueger and Chilsen.

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

The president of the senate in the chair.

10:35 A.M.

Senate amendment 1 to senate amendment 1 to senate substitute amendment 1 offered by Senator Berger.

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

Senator Bablitch moved rejection of senate amendment 1 to senate amendment 1 to senate substitute amendment 1.

The question was: Rejection of senate amendment 1 to senate amendment 1 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 5; absent or not voting, 0; as follows:

9

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Chilsen, Cullen, Flynn, Frank, Goyke, Kleczka, Kreul, Krueger, Lasec, Lorge, McCallum, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 26.

JOURNAL OF THE SENATE [February 15, 1979]

Noes -- Senators Berger, Braun, Harnisch, Maurer and Swan --

5.

Absent or not voting -- None.

So the amendment was rejected.

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

Adopted.

Senate amendment 2 to senate substitute amendment 1 offered by Senator Braun.

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

Senator Bablitch moved rejection of senate amendment 2 to senate substitute amendment 1.

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

The ayes and noes were demanded and the vote was: ayes, 27; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Berger, Braun, Maurer and Swan -- 4.

Absent or not voting -- None.

So the amendment was rejected.

Senate amendment 3 to senate substitute amendment 1 offered by Senator Berger.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator Bablitch moved rejection of senate amendment 3 to senate substitute amendment 1.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 5; absent or not voting, 0; as follows:

JOURNAL OF THE SENATE [February 15, 1979]

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Chilsen, Cullen, Flynn, Frank, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators Berger, Braun, Goyke, Maurer and Swan -- 5.

Absent or not voting -- None.

So the amendment was rejected.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Berger.

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

Senator Bablitch moved rejection of senate amendment 4 to senate substitute amendment 1.

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

Senator Kleczka raised the point of order that senate amendment 4 to senate substitute amendment 1 was not in proper form.

The chair ruled the point of order well taken and that senate amendment 4 to senate substitute amendment 1 was not before the senate.

Senate amendment 5 to senate substitute amendment 1 offered by Senator Berger.

The question was: Adoption of senate amendment 5 to senate substitute amendment 1?

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:00 P.M.

11:30 A.M.

RECESS

2:00 P.M.

The senate reconvened.

JOURNAL OF THE SENATE [February 15, 1979]

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, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 28.

Absent -- Senators Harnisch, Kleczka and Swan -- 3.

Absent with leave -- None.

The question was: Adoption of senate amendment 5 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Maurer, with unanimous consent, the senate recessed until 2:20 P.M.

2:05 P.M.

RECESS

2:20 P.M.

The senate reconvened.

The president pro tempore of the senate in the chair.

2:20 P.M.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 1** was placed at the foot of the calendar and **Senate Bill 84** was taken up at this time.

Senate Bill 84

Relating to increasing the amount of the 1978 special property tax credit.

Read a second time.

The president of the senate in the chair.

2:25 P.M.

Senate amendment 1 to **Senate Bill 84** offered by Senators Kleczka, Flynn, Offner and Chilsen.

JOURNAL OF THE SENATE [February 15, 1979]

The question was: Adoption of senate amendment 1?

Senator Berger moved rejection of senate amendment 1 to **Senate Bill 84**.

The question was: Rejection of senate amendment 1?

The amendment was not rejected.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 84

Read a third time.

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

Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- None.

Absent with leave -- None.

So the bill passed as amended.

Senate Bill 1

Relating to increasing the amount of the 1978 special property tax credit, modifying the standard deduction, excluding from taxation a portion of the gain from the sale of a principal residence by certain persons, modifying and indexing for inflation the individual income tax rates and brackets, increasing personal exemptions, expanding the homestead tax credit, increasing the inheritance tax exemption for interspousal transfers and exempting home heating fuels from sales and use taxes.

Senate amendment 6 to senate substitute amendment 1 to **Senate Bill 1** offered by Senator Harnisch.

The question was: Adoption of senate amendment 6 to senate substitute amendment 1?

Senator Bablitch moved rejection of senate amendment 6 to senate substitute amendment 1.

The question was: Rejection of senate amendment 6 to senate substitute amendment 1?

Senate amendment 1 to senate amendment 6 to senate substitute amendment 1 offered by Senator Harnisch.

Senator Bablitch raised the point of order that senate amendment 1 to senate amendment 6 to senate substitute amendment 1 was out of order at this time.

The point of order was well taken.

The question was: Rejection of senate amendment 6 to senate substitute amendment 1?

Rejected.

Senate amendment 7 to senate substitute amendment 1 offered by Senators Kleczka, Flynn and Offner.

The question was: Adoption of senate amendment 7 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?
Adopted.

Ordered to a third reading.

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

Senate Bill 1

Read a third time.

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

Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- None.

Absent with leave -- None.

So the bill passed as amended.

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

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 96

Relating to mandatory state funding for activities required by law of local governments.

By Senators Theno, Flynn, Van Sistine, Roshell, Goyke, Murphy, Krueger, Petri, Kreul, Chilsen, McCallum and Lasee; cosponsored by Representatives Ellis, Vanderperren, Menos, Lallensack, Swoboda, Donoghue, Byers, Radtke, Laatsch, Merkt, Schmidt, Harsdorf, Paulson, Hopkins, Smith and Hasenohrl.

To committee on Agriculture, Labor and Local Affairs.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

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

Assembly Bill 120

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 120

Relating to the period for making tax deductible individual retirement plan contributions.

By Representatives Otte, Hauke, Roberts, Vanderperren, Conradt, Leopold, Lallensack, Becker, Ellis, Barry, Thompson, Shabaz, Lingren and Murray, co-sponsored by Senator Cullen.

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

By request of Senator Bablitch, with unanimous consent, **Senate Bills 87, 88 and 90** were withdrawn from committee on Senate Organization and referred to committee on Human Services.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 89** was withdrawn from committee on Governmental and Veterans Affairs and referred to committee on Senate Organization.

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 6** by Senator Bablitch.

By request of Senator Risser, with unanimous consent, the senate adjourned in honor of the birthday of Susan B. Anthony.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, February 20.

3:50 P.M.

GUESTS

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

Students of Waukesha North High School attended and viewed the Senate on Wednesday, February 14, 1979, guests of Senator Murphy.