

JOURNAL OF THE SENATE [March 1, 1979]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

THURSDAY, March 1, 1979.

10:00 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, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 29.

Absent -- Senators Bear and Maurer -- 2.

Absent with leave -- None.

The president of the senate in the chair.

10:02 A.M.

The senate stood for the prayer which was offered by Reverend William Koehler, Senior Minister of Lake Edge United Church of Christ, Madison.

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

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senators Bear and Maurer were granted a leave of absence for today's session.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 115

Relating to revision of boating laws to conform to applicable federal regulations affecting boat numbering, equipment and accident reporting and granting rule-making authority.

By Senator Harnisch.

To committee on Natural Resources and Tourism.

Senate Bill 116

Relating to requiring hunters to wear "hunter orange" material and providing a penalty.

By Senator Harnisch.

To committee on Natural Resources and Tourism.

Senate Bill 117

Relating to privileges under senior citizen recreation card.

By Senator Harnisch.

To committee on Natural Resources and Tourism.

Senate Bill 118

Relating to use of the state crime laboratory in certain civil cases upon the request of the department of natural resources.

By Senator Harnisch.

To committee on Natural Resources and Tourism.

Senate Bill 119

Relating to providing a penalty for the illegal taking or possession of lake sturgeon.

By Senator Harnisch.

To committee on Natural Resources and Tourism.

Senate Bill 120

Relating to survival of power of attorney.

By Senators Berger, Frank, Murphy and Adelman, by request of Real Property, Probate and Trust Law Section, State Bar of Wisconsin.

To committee on Judiciary and Consumer Affairs.

Senate Bill 121

Relating to employment relations in higher education and making appropriations.

By Senators Van Sistine, Bablitch, Goyke, Frank, Harnisch, Krueger, Strohl, Bear and Radosevich; cosponsored by

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Representatives Roberts, Schneider, Hauke, Vanderperren, Behnke, McClain, Barry, Murray, Andrea, Plewa, Barczak, Rogers, D. Travis, Ellis, Kedrowski, Potter, Helbach, Shoemaker, Lorman, Radtke, Dorff, Byers, Kincaid, Menos, Hasenohrl, Porter and Bradley.

To committee on Agriculture, Labor and Local Affairs.

Senate Bill 122

Relating to metering of gas and electric service, rate structures of public utilities supplying gas and electricity, a public service commission study of energy conservation incentives, granting rule-making authority and providing a penalty.

By Senators Braun, Berger, Moody, Strohl, Cullen, Bablitch, Risser, Flynn, Bear and Harnisch; cosponsored by Representatives Metz, Becker, Wahner, Tuczynski, Ulichny, Coggs, Medinger, Behnke, Broydrick, Kirby, Leopold, Soucie, Andrea, Ferrall, Ward, Otte, Clarenbach, Everson, Loftus, Norquist, D. Travis and Miller.

To committee on Insurance and Utilities.

Senate Bill 123

Relating to establishment of foreign trade zones for nonprofit nonstock corporations.

By Senator Murphy.

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

Senate Bill 124

Relating to false imprisonment, kidnapping and abduction, and changing penalties for those crimes.

By Senators Murphy, Lasee and Kreul.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Agriculture, Labor, and Local Affairs reports and recommends for introduction:

Senate Bill 125

Relating to providing financial assistance to cities, counties, towns and villages for costs of snow removal and making an appropriation.

Introduction:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Swan, Kreul;

Noes, 0 -- None.

JEROME VAN SISTINE

Chair

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

The committee on Governmental and Veterans' Affairs reports and recommends:

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.

Adoption:

Ayes, 3 -- Senators Swan, Adelman, Van Sistine;

Noes, 2 -- Senators Roshell, Lasee.

Senate Joint Resolution 7

To amend section 10 of article V of the constitution, relating to the governor's authority to veto appropriation bills in part (first consideration).

Adoption:

Ayes, 4 -- Senators Swan, Roshell, Van Sistine, Lasee;

Noes, 1 -- Senator Adelman.

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Senate Bill 63

Relating to representing this state at any U.S. constitutional convention.

Passage:

Ayes, 4 -- Senators Swan, Roshell, Van Sistine, and Lasee;

Noes, 0 -- None.

MONROE SWAN

Chair

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

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

Assembly Bill 58

Assembly Bill 90

Assembly Bill 46, substitute amendment 1

Concurred in:

Assembly Bill 6, senate amendment 1

Adopted and asks concurrence in:

Assembly Joint Resolution 41

Assembly Joint Resolution 42

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 58

Relating to agricultural transactions under the Wisconsin consumer act and making other changes to that act.

By Representatives Roberts, Barry, Vanderperren, Hasenohrl, Lallensack, Bradley, Shoemaker, Loftus, Hephner, Potter, Lewison, Thompson, Everson, Porter, Conradt, Smith, Gunderson, DeLong, R. Travis, Paulson, Tregoning, Donoghue, D. Travis, Duren, Quackenbush and Flintrop, co-sponsored by Senators Cullen, Chilsen, Thompson, McCallum, Offner, Radosevich and Harnisch.

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

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Assembly Bill 90

Relating to closing hours for Class "A" and Class "B" fermented malt beverage establishments and providing a penalty.

By Representatives Dorff, Lallensack, Potter, Byers and Metz.

Read first time and referred to committee on Governmental and Veterans' Affairs.

By request of Senator Cullen, with unanimous consent, **Assembly Bill 90** was withdrawn from the committee on Governmental and Veterans' Affairs and referred to the committee on Senate Organization.

Assembly Bill 46

Relating to increasing the ceiling on the public debt for veterans' mortgage loans and making an appropriation.

By Representatives Lallensack, Schneider, Dorff, Andrea, Vanderperren, Byers, Conradt, Potter, Wood, Kedrowski, Murray, Paulson and Matty.

Read first time and referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 100** was withdrawn from the committee on Senate Organization and referred to the Joint Survey Committee on Debt Management.

By request of Senator Bablitch, with unanimous consent, the appointment of Ann Haney was withdrawn from the committee on Senate Organization and referred to the committee on Governmental and Veterans' Affairs.

By request of Senator Bablitch, with unanimous consent, the Senate recessed until 10:45 A.M.

10:13 A.M.

RECESS

10:45 A.M.

The senate reconvened.

The president pro tempore of the senate in the chair.

10:45 A.M.

By request of Senator Bablitch, with unanimous consent, the Senate recessed until 10:55 A.M.

10:46 A.M.

RECESS

10:55 A.M.

The senate reconvened.

The president of the senate in the chair.

10:55 A.M.

Assembly Joint Resolution 41

Relating to the public service career of Laurence J. Day, former representative to the assembly from the 86th District.

By Representatives Murray, Lallensack, Vanderperren, Bradley, Hephner, Ward, Hasenohrl, Wahner, Barry, Dorff, Jackamonis, Everson, Soucie, McClain, Kedrowski, Miller, Dilweg, Ulichny, D. Travis, Czerwinski, Barczak, Potter, Rutkowski, Fischer, Donoghue, Wagner, Hauke, Andrea, Rogers, Ferrall, Tesmer, Otte, Swoboda, Wood, Shoemaker, Menos, Duren, Tuczynski, Behnke, Roberts, Lingren, Helbach, Schmidt, Merkt, R. Travis, Paulson, Clarenbach, Kincaid, Lewison, Porter, Conradt, Quackenbush, Medinger, Gagin, Ladwig, Ellis, Prosser, Radtke, Hopkins, Matty, Rooney, Snyder, Larson, Smith, McEssy, Luckhardt, Schneider, Pabst, Lee, Broydrick and Norquist, cosponsored by Senators Bablitch and Chilsen.

Considered as privileged and taken up.

Read.

By request of Senator Flynn, with unanimous consent, the entire membership of the senate was made cosponsors of **Assembly Joint Resolution 41**.

The question was: Concurrence?

Concurred in.

Assembly Joint Resolution 42

Relating to commending Robert T. Huber for his service to the Wisconsin state assembly and to the people of Wisconsin.

By Entire Membership of the Assembly, co-sponsored by Senator Flynn.

Considered as privileged and taken up.

Read.

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By request of Senator Bidwell, with unanimous consent, the entire membership of the senate was made cosponsors of **Assembly Joint Resolution 42**.

The question was: Concurrence?
Concurred in.

CALENDAR OF MARCH 1

Senate Bill 62

Relating to adding 2 dental hygienists to the dentistry examining board.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Berger moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The motion did not prevail.

The question was: Adoption of senate amendment 1?

Senator Murphy asked unanimous consent that **Senate Bill 62** be referred to committee on Human Services.

Senator Berger objected.

Senator Murphy moved that **Senate Bill 62** be referred to committee on Human Services.

The question was: Shall **Senate Bill 62** be referred to committee on Human Services?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 13; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Chilsen, Frank, Harnisch, Kreul, Krueger, Lasee, McCallum, Murphy, Petri, Roshell, Theno, Thompson and Van Sistine -- 16.

Noes -- Senators Berger, Braun, Cullen, Flynn, Goyke, Kleczka, Lorge, Moody, Offner, Radosevich, Risser, Strohl and Swan -- 13.

Absent or not voting -- Senators Bear and Maurer -- 2.

So the motion prevailed.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Assembly Bill 46** was withdrawn from the committee on Senate Organization and taken up at this time.

Assembly Bill 46

Relating to increasing the ceiling on the public debt for veterans' mortgage loans and making an appropriation.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 46

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 1; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Moody, Murphy, Offner, Petri, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 28.

Noes -- Senator Harnisch -- 1.

Absent or not voting -- Senators Bear and Maurer -- 2.

So the bill was concurred in.

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

Senator Bablitch raised the point of order that the tie breaking vote of the Lieutenant Governor, Russell Olson, on the date of February 27, 1979 on the question of indefinite postponement of **Senate Bill 5**, as shown on page 183 of the Senate Journal, was contrary to Senate Rule 2 and Article IV and Article V of the Wisconsin Constitution in that at the time the vote was cast, Governor Lee Sherman Dreyfus was out of the state; that the said vote therefore is null and void, with the result that the question of indefinite postponement failed on a 15-15 vote.

Senator Murphy raised the point of order that the point of order raised by Senator Bablitch was not timely.

The chair ruled Senator Murphy's point of order not well taken.

Senator Chilsen raised the point of order that the Lieutenant Governor was properly presiding on Tuesday, February 27, 1979 and that all action taken that day was valid.

Senator Bablitch raised the point of order that the point of order raised by Senator Chilsen was not timely.

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By request of Senator Chilsen, with unanimous consent, he temporarily withdrew his point of order.

The chair took the point of order by Senator Bablitch under advisement.

By request of Senator Berger, with unanimous consent, the senate adjourned in honor of the birthday of Senator Bablitch.

By request of Senator Bablitch, with unanimous consent, the senate adjourned in honor of the Wisconsin Women for Agriculture.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 57** by Senator Goyke.

Senate amendment 3 to **Senate Bill 62** by Senator Braun.

Senate amendment 1 to **Senate Bill 64** by Senator Van Sistine.

Senate amendment 1 to **Senate Bill 79** by Senators Kreul, Chilsen, Lasee, Roshell, Bear, Krueger and Murphy, by request of Representatives Barry, Bradley, Byers, Conradt, DeLong, Donoghue, Duren, Ellis, Everson, Fischer, Gagin, Goodrich, Harer, Hasenohrl, Helbach, Hephner, Hopkins, Kedrowski, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkt, Murray, Omerick, Opitz, Paulson, Porter, Potter, Quackenbush, Schmidt, Shoemaker, Smith, Snyder, Swoboda, Thompson, Tregoning, Vanderperren and Young.

Senate amendment 2 to **Senate Bill 79** by Senator Berger.

Senate amendment 3 to **Senate Bill 79** by Senators Berger, Cullen, Van Sistine, Braun, Strohl, Lasee, Roshell, Krueger and Harnisch.

By request of Senator Bablitch, with unanimous consent, the senate adjourned pursuant to **Assembly Joint Resolution 1**.

12:45 P.M.