

JOURNAL OF THE SENATE [April 17, 1979]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

TUESDAY, April 17, 1979.

10:00 A.M.

The senate met.

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

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

Senators Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Flynn, Frank, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 27.

Absent -- Senators Adelman, Cullen, Theno -- 3.

Absent with leave -- None.

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

The senate remained standing and Senator Harnisch 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, Senator Adelman was granted a leave of absence for the balance of today's session.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 179

Prohibiting the use of dogs to hunt bear and providing a penalty.

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By Senators Theno, Moody and Berger; cosponsored by Representatives Loftus, Coggs, Medinger, Clarenbach, Ward, Soucie and Munts.

To committee on Natural Resources and Tourism.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 3

Relating to the senate's presiding officer.

Introduction:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Krueger and Murphy;

Noes, 0 -- None.

Read and referred to committee on Senate Organization.

FRED A. RISSER

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 58

Relating to battery by prisoners.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Senate Bill 77

Relating to allowing the same judge to hear the preliminary examination and the trial.

Passage:

Ayes, 3 -- Senators Adelman, Bear, and Braun;

Noes, 1 -- Senator Murphy.

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Senate Bill 78

Relating to allowing misdemeanor juries to separate and reassemble at a later time.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

The committee on Aging, Business & Financial Institutions and Transportation reports and recommends:

JACKSON, LOWELL B., of Madison, as Secretary of the Department of Transportation, to succeed Dale Cattnach, to serve for the term ending at the pleasure of the Governor.

Confirmation:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Senate Bill 72

Relating to rights and duties of drivers and pedestrians at controlled intersections and providing a penalty.

Passage:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Senate Bill 94

Relating to tax counseling at senior citizen centers.

Passage:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Assembly Bill 99

Relating to payment of special fuel taxes.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

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Noes, 0 -- None.

TIMOTHY CULLEN
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 43

Granting the use of the senate and assembly chambers to Wisconsin American Legion Auxiliary Badger Girls State in 1979 and 1980, for the purpose of holding a practice legislative session.

Concurrence:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Krueger and
Murphy;

Noes, 0 -- None.

FRED A. RISSER
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

April 10, 1979.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on April 4, 1979, and ending on April 10, 1979.

Yours very truly,
VEL PHILLIPS
Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number; the code numbers indicating areas of legislative action; the code numbers indicating areas of administrative action.

O'Rouke, W.J., 540 W. Washington Ave., Madison, WI 53703 (608) 257-3665; Wisconsin Veterinary Medical Assn., 540 W. Washington Ave., Madison, WI 53703 (608) 257-3665; 1; 109.

Wimmer, James W. Jr., P.O. Box 1482, Madison, WI 53701 (414) 256-5223; Village of Whitefish Bay, 5300 N. Marlborough

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Dr., Whitefish Bay, WI 53217 (414) 962-6690; 4, 6-14, 16-23; 101, 109, 116, 119, 127-129, 133, 136, 137, 139-142, 144-146, 148-150, 170, 174, 176, 183.

Brady, Allen B., 133 S. Butler St., Madison, WI 53703 (608) 256-6886; Allied Mechanical Employers Council, Inc., 133 S. Butler St., Madison, WI 53703 (608) 256-6886; 3, 4, 7, 11-22; 101, 116, 118, 127, 136, 137, 149, 150, 158, 167, 170, 174, 184.

Oradei, Bruce, 101 W. Beltline Hwy., P.O. Box 8003, Madison, WI 53708 (608) 255-2971; Wisconsin Education Assn. Council, 101 W. Beltline Hwy, P.O. Box 8003, Madison, WI 53708 (608) 255-2971; 1-25; 101-185.

The chart of code numbers can be found on pages 99 and 100 of the Senate Journal of February 6, 1979.

State of Wisconsin
Elections Board

April 16, 1979

Donald J. Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

To the Honorable, the Senate

Please be advised that David W. Opitz, Republican, 140 S. Park Street, Port Washington, Wisconsin 53074, was elected State Senator at the Special Election held in the Twentieth Senate District on April 3, 1979.

Very truly yours,

GERALD J. FERWERDA

Executive Secretary

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**State of Wisconsin
Elections Board**

April 16, 1979

**Donald J. Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin
To the Honorable, the Senate**

Please be advised that Rod K. Johnston, Republican, 6410 North Lake Drive, Fox Point, Wisconsin 53217, was elected State Senator at the Special Election held in the Fourth Senate District on April 3, 1979.

**Very truly yours,
GERALD J. FERWERDA
Executive Secretary**

Senators Bablitch and Krueger escorted newly elected Senators Johnston and Opitz to the bar of the Senate where they took and subscribed the oath of office.

**Wisconsin Legislature
Assembly Chamber**

April 17, 1979

**Donald J. Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin
To the Honorable, the Senate**

The Assembly has received resignation letters from David Opitz and Rod Johnston effective April 17, 1979 as a result of their election to the Senate.

**MARCEL DANDENEAU
Assembly Chief Clerk**

CALENDAR OF APRIL 17

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).

Read a second time.

Senate amendment 1 to **Senate Joint Resolution 7** offered by Senator Berger.

The question was: Adoption of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 14; absent or not voting, 3; as follows:

Ayes -- Senators Bear, Berger, Braun, Chilsen, Goyke, Harnisch, Johnston, Kleczka, Maurer, Moody, Roshell, Strohl, Swan, Thompson and Van Sistine -- 15.

Noes -- Senators Bablitch, Bidwell, Flynn, Frank, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Offner, Opitz, Radosevich and Risser -- 14.

Absent or not voting -- Senators Adelman, Cullen and Theno -- 3.
So the amendment was adopted.

Senator Chilsen moved reconsideration of the vote by which senate amendment 1 to **Senate Joint Resolution 7** was adopted.

The question was: Reconsideration of the vote by which senate amendment 1 was adopted?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 12; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bear, Bidwell, Chilsen, Flynn, Frank, Johnston, Kreul, Krueger, Lorge, McCallum, Murphy, Offner, Opitz, Radosevich, Risser and Strohl -- 17.

Noes -- Senators Berger, Braun, Goyke, Harnisch, Kleczka, Lasee, Maurer, Moody, Roshell, Swan, Thompson and Van Sistine -- 12.

Absent or not voting -- Senators Adelman, Cullen and Theno -- 3.

So the vote by which senate amendment 1 was adopted was reconsidered.

The question was: Adoption of senate amendment 1?

The amendment was not adopted.

Ordered to a third reading.

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

Senate Joint Resolution 7

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 1; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Flynn, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan and Van Sistine -- 28.

Noes -- Senator Thompson -- 1.

Absent or not voting -- Senators Adelman, Cullen and Theno -- 3.

So the joint resolution was adopted.

LEAVE OF ABSENCE

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

Senate Bill 63

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

Read a second time.

The president pro tempore of the senate in the chair.

10:40 A.M.

Senator Radosevich moved that **Senate Bill 63** be referred to committee on Judiciary and Consumer Affairs.

By request of Senator Swan, with unanimous consent, **Senate Bill 63** was referred to committee on Governmental and Veterans Affairs.

Assembly Joint Resolution 43

Granting the use of the senate and assembly chambers to Wisconsin American Legion Auxiliary Badger Girls State in 1979 and 1980, for the purpose of holding a practice legislative session.

Read a second time.

Concurred in.

By request of Senator Chilsen, with unanimous consent, the Senate returned to the fifth order of business.

PETITIONS AND COMMUNICATIONS

Senate Petition 3

A petition by 618 residents of Marathon County in opposition to legislation which would ban the sale of "junk foods" as recommended by the Senate Subcommittee on Nutrition.

By Senator Chilsen.

Read and referred to committee on Education and Revenue.

Senator Van Sistine asked unanimous consent that **Senate Bill 121** be withdrawn from committee on Agriculture, Labor and Local Affairs and be referred to joint committee on Finance.

Senator Murphy objected.

Senator Van Sistine moved that **Senate Bill 121** be withdrawn from committee on Agriculture, Labor and Local Affairs and be referred to joint committee on Finance.

By request of Senator Van Sistine, with unanimous consent, he withdrew his motion to move **Senate Bill 121** from the committee on Agriculture Labor and Local Affairs.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 31** by Senator Frank, by request of Congressman Thomas Petri.

Senate substitute amendment 1 to **Senate Bill 61** by Senator Frank.

Senate amendment 9 to **Senate Bill 79** by Senator Goyke.

Senate amendments 10 and 11 to **Senate Bill 79** by Senator Lorge.

Senate amendment 1 to **Senate Bill 98** by Senator Murphy.

Senate amendments 3 and 4 to **Senate Bill 101** by Senator Goyke.

Senate amendment 2 to **Senate Bill 122** by Senator Lorge.

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Upon motion of Senator Bablitch the senate adjourned until
10:00 A.M. Thursday, April 19.

11:20 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 161

1. On page 4, line 3, delete "and 25 cents for each" and substitute "or".