

JOURNAL OF THE SENATE [April 24, 1979]

STATE OF WISCONSIN
Senate Journal
Eighty-Fourth Regular Session

TUESDAY, April 24, 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, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor James A. Knuth, Calvary Lutheran Chapel, Campus Pastor at University of Wisconsin, Missouri Synod, Madison.

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

LEAVE OF ABSENCE

By request of Senator Theno, with unanimous consent, he and Senators Flynn and Risser were each granted a leave of absence from 10:30 A.M. to 10:45 A.M.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 17

Directing the legislative council to study the feasibility of public acquisition and operation of public utilities.

By Senators Braun, Berger, Strohl, Swan, Bear and Thompson; cosponsored by Representatives Wahner, Clarenbach, Loftus, Medinger, Ulichny, Dorff, Kincaid, Becker, Leopold, Kirby, Otte, Metz, Broydrick, Rooney, Ferrall, Ward, Gerlach, Lee, Tuczynski and Norquist.

Read and referred to committee on Insurance and Utilities.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 188

Relating to medical services for minors.

By Senators Risser and Thompson, by request of the Health Policy Council.

To committee on Human Services.

Senate Bill 189

Relating to collective bargaining units consisting of supervisors and providing a penalty.

By Senators Kleczka, Van Sistine, Radosevich, Swan, Harnisch, Goyke, Berger, Bablitch, Cullen, Moody, Strohl, Roshell, Bear, Maurer, Thompson and Risser.

To committee on Agriculture, Labor and Local Affairs.

Senate Bill 190

Relating to creation of a committee on the effects of state and local governmental operations on inflation, and making an appropriation.

By Senators Harnisch, Chilsen, Strohl, Lorge, Berger, Moody, Goyke and Braun; cosponsored by Representatives McClain, Hasenohrl, Gunderson, Thompson and Gerlach.

To committee on Governmental and Veterans Affairs.

Senate Bill 191

Relating to fiscal estimates for bills causing fiscal impact on the private sector or an inflationary or deflationary impact on the state economy.

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By Senators Harnisch, Chilsen, Strohl, Lorge, Berger, McCallum, Goyke and Braun; cosponsored by Representatives Hasenohrl, Behnke, Gunderson, Thompson and Gerlach.

To committee on Education and Revenue.

Senate Bill 192

Relating to fiscal estimates for bills causing fiscal impact on the private sector.

By Senators McCallum, Berger, Roshell, Murphy, Opitz, Lasee, Chilsen, Lorge, Kreul and Bidwell; cosponsored by Representatives Donoghue, Porter, Lewis, Byers, Kincaid, DeLong, Laatsch, Klicka, Kedrowski, Prosser, R. Travis, Omernick, Rogers and Ulichny.

To committee on Education and Revenue.

Senate Bill 193

Relating to capital gains taxation on home sales by persons leaving Wisconsin.

By Senators McCallum, Johnston, Lorge, Bidwell, Krueger, Murphy, Roshell, Opitz, Bear, Lasee, Chilsen and Kreul; cosponsored by Representatives Donoghue, Lewis, Matty, Kincaid, Barry, Helbach, Porter, DeLong, Laatsch, Gagin, Klicka, Omernick, Hopkins and Ladwig.

To committee on Education and Revenue.

Senate Bill 194

Relating to publication of school board meetings by the school district clerk and providing a forfeiture.

By Senator Kleckza; cosponsored by Representative Soucie, by request of the Greenfield Taxpayers' Committee.

To committee on Education and Revenue.

Senate Bill 195

Relating to increasing the income tax exemption for federal civil service retirement annuities.

By Senators Cullen, Berger, Van Sistine, Kleczka, Goyke, Krueger, Murphy, Flynn, Roshell, Frank, Swan, Chilsen, Lasee, Harnisch and Bear; cosponsored by Representatives Swoboda, Vanderperren, Ward, Soucie, Shoemaker, Czerwinski, Menos, Hephner, Quackenbush, Larson, Donoghue, Byers, R. Travis and Hauke, by request of the Wisconsin Federation of Retired Federal Civil Service Employees.

To Joint Survey Committee on Tax Exemptions.

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State of Wisconsin
Department of State

April 17, 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 11, 1979, and ending on April 17, 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.

Christianson, Peter Coe, 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Wisconsin Optometric Assn., 5721 Odana Rd., Madison, WI 53719 (608) 274-4322; 7, 10, 11, 14, 18-22; 101, 129, 132, 138, 140, 163, 165, 170, 174, 180.

Franke, Harry F., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; United Foundrymen of Wisconsin, c/o Lawrence Krueger, Pelton Casteel, Inc., 148 W. Dewey Place, Milwaukee, WI 53207 (414) 481-3400; 3, 13, 17, 20-22; 101, 116, 136, 140, 144, 149, 170, 174, 176, 178; Wis. Optometric Assn., 5721 Odana Rd., Madison, WI 53719 (608) 274-4322; 7, 10, 11, 14, 18-22; 101, 129, 132, 138, 140, 163, 165, 170, 174, 180.

Driessen, Anthony H., 660 E. Mason Street, Milwaukee, WI 53202 (414) 271-5900; Wisconsin Optometric Assn., 5721 Odana Rd., Madison, WI 53719 (608) 274-4322; 7, 10, 11, 14, 18-22; 101, 129, 132, 138, 140, 163, 165, 170, 174, 180; Building Owners & Managers Assn., 735 N. Water Street, Suite 905, Milwaukee, WI 53202 (414) 278-7557; 3, 4, 13, 16, 17, 20-22, 25; 101, 109, 116, 129, 136, 140, 144, 149, 170, 174, 176, 178, 183; United Foundrymen of Wisconsin, c/o Lawrence Krueger, Pelton Casteel, Inc., 148 W. Dewey Place, Milwaukee, WI 53207 (414) 481-3400; 3, 13, 17, 20-22; 101, 116, 136, 140, 144, 149, 170, 174, 176, 178.

Hendee, Kirby, P.O. Box 2626, Madison, WI 53701 (608) 257-0257; R.L. Polk & Co., Polk Building, 431 Howard Street, Detroit, Michigan 48231 (313) 961-6159; 23, 26; 176, 186.

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Whittow, George W., Office of Intergovernmental Fiscal Liaison, Room 701-F, City Hall, Milwaukee, WI 53202 (414) 278-3747; Metropolitan Sewerage District of the County of Milwaukee, 735 N. Water Street, Milwaukee, WI 53202 (414) 278-3982; 1, 3, 5, 6, 8, 10-18, 20-23; 101, 103-104, 107, 109, 116, 127-129, 131, 133-138, 140-142, 144-146, 149, 151, 158, 167, 170-171, 174, 176-178, 181, 182, 110; Sewerage Commission of the City of Milwaukee, 735 N. Water Street, Milwaukee WI 53202 (414) 278-3982; 1, 3-6, 8, 10-18, 20-23; 101, 103, 104, 107, 109-110, 116, 127-129, 131, 133-138, 140-142, 144-146, 149, 151, 158, 167, 170-171, 174, 176-178, 181, 182.

Haselow, Douglas, Office of Intergovernmental Fiscal Liaison, Room 701-F, City Hall, Milwaukee, WI 53202; Sewerage Commission of the City of Milwaukee, 735 N. Water Street, Milwaukee, WI 53202 (414) 278-3982; 1, 3-6, 8, 10-18, 20-23; 101, 103-104, 107, 109-110, 116-117, 128-129, 131, 133-138, 140-142, 144-146, 149, 151, 158, 167, 170-171, 174, 176-178, 181-182; Metropolitan Sewerage District of the County of Milwaukee, 735 N. Water Street, Milwaukee, WI 53202 (414) 278-3982; 1, 3-6, 8, 10-18, 20-23; 101, 103, 104, 107, 109-110, 116, 127-129, 131, 133-138, 140-142, 144-146, 149, 151, 158, 167, 170-171, 174, 176-178, 181-182.

Lightner, Barbara E., 1252 Spaight Street, Madison, WI 53703 (608) 257-4436; Madison Community United, Inc., 306 N. Brooks Street, Madison, WI 53715 (608) 255-8582; 6, 9, 11, 12, 19; 127, 140, 145, 146, 148, 186.

Franke, Harry F., 660 E. Mason Street, Milwaukee, WI 53202 (414) 271-5900; Allied Construction Employers Assn., P.O. Box 08377, 2733 W. Wisconsin Avenue, Milwaukee, WI 53208 (414) 933-8110; 3, 13, 16, 17, 20-22, 25; 101, 109, 116, 129, 136, 140, 144, 149, 170, 174, 176, 178, 183.

Driessen, Anthony H., 660 E. Mason Street, Milwaukee, WI 53202 (414) 271-5900; Allied Construction Employers Assn., P.O. Box 08377, 2733 W. Wisconsin Avenue, Milwaukee, WI 53208 (414) 933-8110; 3, 13, 16, 17, 20-22, 25; 101, 109, 116, 129, 136, 140, 144, 149, 170, 174, 176, 178, 183.

Christianson, Peter Coe, 660 E. Mason Street, Milwaukee, WI 53202 (414) 271-5900; Allied Construction Employers Assn., P.O. Box 08377, 2733 West Wisconsin Avenue, Milwaukee, WI 53208 (414) 933-8110; 3, 13, 16, 17, 20-22, 25; 101, 109, 116, 129, 136, 140, 144, 149, 170, 174, 176, 178, 183.

Van Sickle, Charles S., 25 W. Main Street, Madison, WI 53703 (608) 255-7277; Group Health Cooperative of Eau Claire, 2221 Highland Avenue, Eau Claire, WI 54701 (608) 255-7277; 11, 14,

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15, 18-20, 22, 26; Family Health Plan Cooperative, 6901 W. Edgerton Avenue, Milwaukee, WI 53220 (414) 421-8400; 11, 14, 15, 18-20, 26.

Durkin, Thomas E., 10850 W. Wisconsin Ave., Wauwatosa, WI 53226 (414) 774-1150; Wisconsin Legislation Consultants, 10850 W. Wisconsin Ave., Wauwatosa, WI 53226; 3, 13, 18, 20-23, 26; 176, 144, 177, 178, 186.

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

CALENDAR OF APRIL 24

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.

Read.

Senator Berger asked unanimous consent that the appointment of Lowell B. Jackson be referred to the Senate committee for Review of Administrative Rules.

Senator Cullen objected.

The question was: Shall the appointment be confirmed?

Senator Kleczka in the chair.

10:30 A.M.

The question was: Shall the appointment be confirmed?

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

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- Senator Berger -- 1.

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

So the appointment was confirmed.

SPECIAL ORDERS

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.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 4** was placed after **Senate Bill 94**.

CALENDAR OF APRIL 24

Senate Bill 58

Relating to battery by prisoners.

Read a second time.

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

Senate amendment 2 offered by Senator Murphy.

Senator Adelman moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 5; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Lasee, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 26.

Noes -- Senators Bidwell, Krueger, Lorge, Murphy and Opitz -- 5.

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

So the amendment was rejected.

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 58

Read a third time and passed.

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Senate Bill 72

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

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 72** was placed after **Senate Joint Resolution 4**.

Senate Bill 77

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

Read a second time.

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 77

Read a third time and passed.

Senate Bill 78

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

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 78

Read a third time and passed.

Senate Bill 94

Relating to tax counseling at senior citizen centers.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 94** was referred to joint committee on Finance.

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.

Read.

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Senator Flynn in the chair.

11:05 A.M.

Senator Murphy moved rejection of **Senate Joint Resolution 4?**

The question was: Rejection of **Senate Joint Resolution 4?**

By request of Senator Bablitch, with unanimous consent, the senate recessed until 4:00 P.M.

11:59 A.M.

RECESS

4:00 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 Bablitch, Berger, Braun, Chilsen, Cullen, Flynn, Harnisch, Kreul, Krueger, Lasee, Lorge, McCallum, Moody, Murphy, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 22.

Absent -- Senators Adelman, Bear, Bidwell, Frank, Goyke, Johnston, Kleczka, Maurer, Radosevich and Swan -- 10.

Absent with leave -- None.

The question was: Rejection of **Senate Joint Resolution 4?**

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz, Roshell and Theno -- 13.

Noes -- Senators Adelman, Bablitch, Bear, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 19.

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Absent or not voting -- None.

So the motion did not prevail.

Senator Berger asked unanimous consent that Senate Rule 50 be suspended.

Senator Risser objected.

Senator Berger moved that Senate Rule 50 be suspended.

The question was: Shall Senate Rule 50 be suspended?

The ayes and noes were required and the vote was: ayes, 13; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz, Roshell and Theno -- 13.

Noes -- Senators Adelman, Bablitch, Bear, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 19.

Absent or not voting -- None.

Less than two-thirds having voted in the affirmative the motion did not prevail.

Senate Joint Resolution 4

Ordered to a third reading.

Senator Bablitch asked unanimous consent that the joint resolution be considered for action at this time.

Senator Berger objected.

Senator Bablitch moved that the joint resolution be considered for action at this time.

The ayes and noes were required and the vote was: ayes, 19; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 19.

Noes -- Senators Berger, Bidwell, Chilsen, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz, Roshell and Theno -- 13.

Absent or not voting -- None.

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Less than two-thirds having voted in the affirmative the motion did not prevail.

Senate Bill 72

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

Read a second time.

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 72

Read a third time.

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bear, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Johnston, Lorge, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 20.

Noes -- Senators Adelman, Berger, Kleczka, Kreul, Krueger, Lasee, McCallum, Murphy, Opitz, Radosevich, Swan and Theno -- 12.

Absent or not voting -- None.

So the bill passed.

Assembly Bill 99

Relating to payment of special fuel taxes.

Read a second time.

President pro tempore of the senate in the chair.

5:00 P.M.

Ordered to a third reading.

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

Assembly Bill 99

Read a third time and concurred in.

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 eighth order of business.

MOTIONS

By request of Senator Bablitch, with unanimous consent, **Senate Bill 112** was withdrawn from the joint committee on Finance and referred to committee on Human Services.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 49** by Senator Cullen.

Senate substitute amendment 1 to **Senate Bill 96** by Senator Theno.

Senate amendment 1 to **Senate Bill 104** by Senator Berger.

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

Senate amendment 1 to **Assembly Bill 90** by Senator Murphy.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Thursday, April 26.

5:05 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 111

1. On page 39, line 21, delete "...(1977" and substitute "(1979)".

GUESTS

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

Mrs. Celia Lausted of Colfax, guest of Senator Roshell.