

JOURNAL OF THE SENATE [May 8, 1979]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

TUESDAY, May 8, 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 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 Dan Neergaard, minister of the Seventh-Day Adventist Church of Madison.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 21

Memorializing Congress not to adopt any form of compulsory military service or system of compulsory registration.

By Senator Risser.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 223

Relating to use-value assessment of agricultural and conservancy lands, repealing the farmland preservation tax credit and farmland preservation program and repealing appropriations.

By Senators Lasee, Opitz and Kreul; cosponsored by Representatives Bradley, Tregoning, Snyder, Conradt, Hopkins, Merkt, Matty and Larson.

To committee on Agriculture, Labor and Local Affairs.

Senate Bill 224

Relating to expanding the state income tax withholding moratorium to certain employees.

By Senators Risser, Kleczka, Offner, Bear, Cullen, Berger, Thompson, Roshell, Theno, Moody, Strohl, Radosevich, Chilsen, Kreul and Lorge; cosponsored by Representatives Miller, Munts, Lorman, Jackamonis, Flintrop, Radtke, Wahner, Ferrall, Lorman, Lingren, Gagin, R. Travis, Johnson, Smith, Shoemaker, Clarenbach, Roberts, Wood, Harer, Schneider, Potter and Medinger.

To committee on Senate Organization.

Senate Bill 225

Relating to the definition of resident for the purposes of fish and game laws.

By Senator Harnisch; cosponsored by Representatives Hasenohrl and Bradley.

To committee on Natural Resources and Tourism.

Senate Bill 226

Relating to contracts for picking up and disposing of deer carcasses.

By Senators Harnisch and Chilsen; cosponsored by Representatives Schneider, Thompson, Hasenohrl and Gunderson.

To committee on Natural Resources and Tourism.

Senate Bill 227

Relating to the taxation of capital gains from farm sales by nonresident aliens.

By Senators Lorge, Murphy, McCallum, Kreul, Chilsen and Lasee.

To Joint Survey committee on Tax Exemptions.

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Senator Radosevich asked unanimous consent that **Senate Bill 223** be withdrawn from committee on Agriculture, Labor and Local Affairs and be referred to Joint Survey committee on Tax Exemptions.

Senator Lasee objected.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 223** was withdrawn from committee on Agriculture, Labor and Local Affairs and referred to committee on Senate Organization.

COMMITTEE REPORTS

The committee on Senate Organization, acting under Senate Rule 20 (1), reports and recommends the following nominations to committee for appointment by the Senate:

To the Migrant Labor Council. Senator Kreul, to replace Senator Bidwell, resigned 5-8-79.

FRED A. RISSER
Chair

Considered as privileged and taken up.
Adopted.

The committee on Human Services reports and recommends for introduction:

Senate Bill 228

Relating to granting creditable service under the Wisconsin retirement fund for military service to public employes with less than 20 years creditable service for retirement purposes.

By request of Judge Sverre Roang, Rock County, Janesville, Wisconsin.

Introduction:

Ayes, 4 -- Senators Thompson, Cullen, Radosevich and Strohl;
Noes, 1 -- Senator Opitz.

Read first time and referred to Joint Survey Committee on Retirement Systems.

Senate Bill 229

Relating to approval of university of Wisconsin -- extension correspondence courses to meet real estate salespersons' initial and continuing education requirements.

By request of Garfield Stock.

Introduction:

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Ayes, 5 -- Senators Thompson, Cullen, Radosevich, Strohl and
Opitz;

Noes, 0 -- None.

Read first time and referred to committee on Human Services.

Senate Bill 230

Relating to popular election of certain members of vocational,
technical and adult education district boards.

By request of Rock County Board of Supervisors.

Introduction:

Ayes, 5 -- Senators Thompson, Cullen, Radosevich, Strohl and
Opitz;

Noes, 0 -- None.

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

CARL W. THOMPSON

Chair

The joint committee for Review of Administrative Rules reports
and recommends for introduction:

Senate Bill 231

Relating to reporting of certain surplus campaign materials.

Read first time and referred to joint committee for Review of
Administrative Rules.

DAVID G. BERGER

Co-chair

The committee on Judiciary and Consumer Affairs reports and
recommends:

Senate Bill 6

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

Introduction and adoption of senate amendment 1 to senate
substitute amendment 1:

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

Noes, 1 -- Senator Murphy.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 2 -- Senators Harnisch and Murphy.

Passage as amended:

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

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Noes, 2 -- Senators Harnisch and Murphy.

Assembly Bill 49

Relating to the definition of intimate parts relating to sexual assault.

Concurrence:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and Murphy;

Noes, 0 -- None.

Assembly Bill 50

Relating to loss of a sexual organ as a result of a sexual assault and charging a penalty.

Concurrence:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and Murphy;

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to **Senate Bill 21**

Public Policy Involved

This proposal is desirable public policy.

MICHELE G. RADOSEVICH

Co-chair

DAVID E. CLARENBACH

Co-chair

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to **Senate Bill 23**

Public Policy Involved

This proposal is desirable public policy.

MICHELE G. RADOSEVICH

Co-chair

DAVID E. CLARENBACH

Co-chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

May 1, 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 25, 1979, and ending on May 1, 1979.

Yours very truly,
VEL PHILLIPS
Secretary of State

Wimmer, James W., Jr., P.O. Box 1482, Madison, WI 53701 (608) 256-5223; Wisconsin Assn. of Tobacco and Candy Distributors, Inc., 22 N. Carroll St., Madison, WI 53703 (608) 256-5223; 1, 3, 4, 7-11, 13-15, 17-22; 101, 109, 116, 119, 129, 130, 136, 137, 140, 143, 148, 170, 174, 175; Village of Shorewood, 3930 N. Murray Ave., Shorewood, WI 53233 (414) 332-4200; 4, 6-14, 16-23; 101, 109, 116, 119, 127-129, 133, 136, 137, 139-142, 144-146, 148-150, 170, 176, 183.

Christianson, Peter Coe, 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Wisconsin Automatic Merchandising Council, c/o Richard Wilkinson, Canteen Food and Vending Service, Div. of Canteen Corp, P.O. Box 2545, Oshkosh, WI 54901 (414) 235-7380; 5, 6, 10, 13, 20-22; 101, 109, 140, 170, 174.

Cagle, Ralph M., Box 2038, Madison, WI 53701 (608) 257-7181; Wisconsin Coalition of Mental Health Professionals, c/o John Heif, 2725 Marshall Ct., Madison, WI 53705 (608) 238-7343; 8, 11, 12, 14, 18-20, 26; 129, 186.

Morgan, James W., P.O. Box 4184, Madison, WI 53711 (608) 271-5252; Wisconsin Liquid Waste Carriers Assn., Inc., Route 7, Box 798, Burlington, WI 53140 (414) 537-4988; 29, 36, 55; 129, 136, 144.

Wimmer, Jr., James W., P.O. Box 1482, Madison, WI 53701 (414) 256-5223; Security Savings and Loan Assn., 184 W. Wisconsin Ave., Milwaukee, WI 53202 (414) 273-1900; 2, 3, 4, 8, 9, 12-18, 20-22, 24, 25; 101, 109, 113, 114, 116, 117, 119, 121, 128, 136, 138-140, 142, 145, 149, 150, 170, 172, 173-175, 179, 183.

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NOTE: Termination

**Milbourne, Claire H., Lobbyist of Common Cause in Wisconsin.
Effective April 26, 1979.**

**State of Wisconsin
Legislative Council**

May 2, 1979.

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

To the Honorable, the Senate

**I am pleased to transmit to you the following Reports to the 1979
Legislature on legislation introduced by the Legislative Council:**

- 1. RL 79-8 -- Legislation Relating to the Practice of Law
(AJR 49)**
- 2. RL 79-9 -- Legislation Relating to School Truancy Laws
(AB 350)**
- 3. RL 79-10 -- Legislation Relating to Insurance Laws
Revision (SB 144 and 146)**
- 4. RL 79-11 -- Legislation Relating to Insurance Laws
Revision (SB 145)**
- 5. RL 79-12 -- Legislation Relating to Statutes Construed by
the Supreme Court (AB 319 and 370)**
- 6. RL 79-13 -- Legislation Relating to Septic Systems (AB
320)**
- 7. RL 79-14 -- Legislation Relating to Privacy of Personal
Records (AB 321)**
- 8. RL 79-15 -- Legislation Relating to School Bus Laws (AB
198, 199, 451, 452, 453, 454 and 455)**
- 9. RL 79-16 -- Legislation Relating to the Determination of
Death (SB 181)**
- 10. RL 79-17 -- Legislation Relating to Gasohol (AB 456)**

**I would appreciate your spreading this letter upon the Journal for
the information of the membership. Additional copies of these**

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Reports are available on request, in the Legislative Council offices,
Room 147 North, State Capitol.

Sincerely,
DAVID J. STUTE
Chief Staff Attorney

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

May 4, 1979.

To the Honorable, the Senate:

I am pleased to inform you that I have appointed Mr. Charles W. Grapentine of Green Bay as Administrator of the Division of Personnel in the Department of Employment Relations. Mr. Grapentine will succeed Mr. Carl Wettengel and serve for a term ending May 7, 1984.

Sincerely,
LEE SHERMAN DREYFUS
Governor

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

State of Wisconsin
Office of the Governor
Madison, Wisconsin

May 4, 1979.

To the Honorable, the Senate:

This is to inform you that I have appointed Mr. Stanley York as Commissioner of the Public Service Commission to succeed John C. Oestreicher, to serve a term ending March 1, 1985.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Insurance and Utilities.

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MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

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

Senate Joint Resolution 19

Senate Bill 48

Senate Bill 43

Senate Bill 129

Senate Bill 130

Adopted and asks concurrence in:

Assembly Joint Resolution 58

Passed and asks concurrence in:

Assembly Bill 101

Assembly Bill 258

Assembly Bill 77

Assembly Bill 284

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 258

Relating to delivery of goods sold by mail or telephone or by any other means, other than face-to-face contact, and providing a penalty.

By Representatives Soucie, Schneider, Hasenohrl, Coggs, Miller, Medinger, Becker, Tuczynski, Barczak, Metz, Helbach, Wood, R. Travis, Gunderson, Gerlach, Andrea, Shoemaker, Johnston, Harsdorf, Broydrick, Lee, Norquist, Lingren, Kincaid, Clarenbach, Kirby, Fischer, Behnke, Pabst, Ferrall, Kedrowski, Wahner, Rutkowski, McClain, Everson, Ulichny, D. Travis and Dorff, co-sponsored by Senators Flynn, Braun, Berger, Moody and Bablitch.

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

By request of Senator Cullen, with unanimous consent, **Assembly Bill 258** was referred to the committee on Senate Organization.

Assembly Bill 77

Relating to prohibiting possession of a dangerous weapon by a convicted felon and providing a penalty.

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By Representatives Klicka, Hopkins, Lewis, Lewison, Porter, Gagin, Schmidt and Merkt.

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

Assembly Bill 284

Relating to handwritten and other informal entries in contests.

By Representatives Jackamonis, Plewa, Kirby, Byers, Omernick, Duren, Lorman, Gagin, Becker and DeLong, co-sponsored by Senators Offner, Adelman, Van Sistine, Lasee and Swan.

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

Assembly Joint Resolution 58

Proclaiming May 17, 1979, to be "Norwegian Independence Day".

By Representatives Loftus, Ulichny, Everson, Barry, Johnson, Paulson and Lewison.

Read first time and referred to committee on Senate Organization.

Assembly Bill 101

Relating to retention of 1976 payment levels for fire department dues paid for 1978.

By Representatives Barry, Thompson, Lewis, Rogers, Fischer, Kincaid, Schneider, Hasenohrl and Wahner, co-sponsored by Senators Thompson, Lasee and Radosevich.

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

By request of Senator Swan, with unanimous consent, **Assembly Bill 101** was referred to the committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, the Senate returned to the fourth order of business.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Senate Bill 224

Relating to expanding the state income tax withholding moratorium to certain employes.

Passage:

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

Noes, 0 -- None.

Assembly Joint Resolution 58

Proclaiming May 17, 1979, to be "Norwegian Independence Day".

Concurrence:

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

Noes, 0 -- None.

FRED A. RISSER
Chair

CALENDAR OF MAY 8

Senate Bill 152

Relating to town authority to enforce town ordinances by issuing citations.

Read a second time.

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 action at this time.

Senate Bill 152

Read a third time and passed.

Assembly Bill 181

Relating to the rate of the unemployment compensation solvency tax to be levied against certain employers.

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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 181

Read a third time and concurred in.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Bill 224** and **Assembly Joint Resolution 58** were taken up at this time.

Senate Bill 224

Relating to expanding the state income tax withholding moratorium to certain employes.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 224** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 224** was withdrawn from the joint committee on Finance and considered for action at this time.

Ordered to a third reading.

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

Senate Bill 224

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes -- 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.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Assembly Joint Resolution 58

Proclaiming May 17, 1979, to be "Norwegian Independence Day".

Read.

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The question was: Concurrence in Assembly Joint Resolution 58?

Concurred in.

Senator Bablitch asked unanimous consent that all action be immediately message.

AMENDMENTS OFFERED

Senate amendment 1 to senate amendment 1 to Senate Bill 79 by Senator Kreul.

CITATIONS

MOTIONS UNDER SENATE RULE 97

Adopted:

A certificate of commendation by Senator Van Sistine for VIRGINIA L. SCHUH on her impressive record as President of AMVETS Auxiliary Department of Wisconsin.

MOTIONS UNDER JOINT RULE 7

Concurred in:

A joint certificate of commendation by Representative Vanderperren; cosponsored by Senator Van Sistine, commending Wisconsin Polka King, Cousin Fuzzy, for the enjoyment he has brought to the people of Wisconsin.

By request of Senator Goyke, with unanimous consent, the Senate adjourned in honor of Senator Opitz for his participation in the Special Olympics Donkey Ride-A-Thon.

By request of Senator Opitz, with unanimous consent, the Senate adjourned in honor of Senator Goyke, who also participated in the Donkey Ride-A-Thon.

By request of Senator Krueger, with unanimous consent, the Senate adjourned in honor of the birthday of Senator Theno.

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**Upon motion of Senator Bablitch the senate adjourned until
10:00 A.M. Thursday May 10.**

10:40 A.M.