

JOURNAL OF THE SENATE [May 24, 1979]

STATE OF WISCONSIN

**Senate Journal**

**Eighty-Fourth Regular Session**

THURSDAY, May 24, 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, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- None.

Absent with leave -- Senator Frank -- 1.

The senate stood for the prayer which was offered by Reverend Kenneth Hoffman, pastor of Lakeview Northside American Lutheran Church of Madison.

The senate remained standing and Senator McCallum 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 Frank was granted a leave of absence for today's session.

INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 244**

Relating to the state open housing law.

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By Senators Braun, Berger, Moody and Swan; cosponsored by Representative Becker.

To committee on Judiciary and Consumer Affairs.

### **Senate Bill 245**

Relating to motor fuel taxes on gasohol.

By Senators Bear, Moody, Radosevich, Berger, Cullen, Goyke, Roshell, Forge, Lasee, Thompson, Krueger, Kreul, Murphy, Maurer, Johnston, Frank, Theno, Strohl, McCallum, Harnisch and Risser; cosponsored by Representatives Jackamonis, Wahner, McClain, Rogers, Thompson, Gunderson, Becker, D. Travis, Everson, Otte, Duren, Flintrop, Ferrall, Loftus, Harsdorf, Laatsch, Behnke, Kincaid, Shoemaker, Ward, Menos, Conradt, Omernick and Fregoning.

To Joint Survey committee on Tax Exemptions.

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## COMMITTEE REPORTS

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

### **Senate Bill 212**

Relating to fees for financing statement searches by the secretary of state and making an appropriation.

Passage:

Ayes, 6 -- Senators Swan, Roshell, Adelman, Van Sistine, Lasee, Johnston;

Noes, 0 -- None.

### **Assembly Bill 284**

Relating to handwritten and other informal entries in contests.

Concurrence:

Ayes, 6 -- Senators Swan, Roshell, Adelman, Van Sistine, Lasee, Johnston;

Noes, 0 -- None.

MONROE SWAN

Chair

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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

May 21, 1979

To the Honorable, the Senate:

I wish to reaffirm that I have designated Donald E. Percy as Secretary of the Department of Health and Social Services to serve at the pleasure of the Governor, effective January 2, 1979.

I have designated the salary as \$55,000 which is within the pay range maximum of executive salary group 9.

Sincerely,  
LEE SHERMAN DREYFUS  
Governor

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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 adopted and asks concurrence in:

**Assembly Joint Resolution 63**

Passed and asks concurrence in

**Assembly Bill 302**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 63**

Directing the attorney general to intervene in the California nuclear power plant moratorium case.

By Representatives Jackamonis and Munts.

Read and referred to committee on Senate Organization.

**Assembly Bill 302**

Relating to the use of paths adjacent to roadways by bicycles and mopeds.

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By Representatives Miller, Thompson, D. Travis, Coggs, Ward, Kedrowski, Ferrall, Wahner, Shabaz, Wagner, Everson, McClain, Tuczynski, Clarenbach, Lallensack, Munts, Omernick, Goodrich, Gunderson, Kincaid, Shoemaker, Roberts, Metz and Soucie, co-sponsored by Senators Risser, Braun and Bear.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation

### CALENDAR OF MAY 24

#### **Senate Joint Resolution 5**

To amend section 12 of article XIII; and to create section 12(4)(a) to (c) of article XIII of the constitution, relating to primaries in recall elections (first consideration).

Read a second time.

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

Senate amendment 2 offered by Senator Berger.

Senator Bear 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, 15; noes, 16; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bear, Braun, Goyke, Krueger, Lorge, Maurer, Moody, Offner, Risser, Strohl, Swan, Theno, Thompson and Van Sistine -- 15.

Noes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Flynn, Harnisch, Johnston, Kleczka, Kreul, Lasee, McCallum, Murphy, Opitz, Radosovich and Roshell -- 16.

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

So the motion did not prevail.

Senate amendment 1 to senate amendment 2 offered by Senator Berger.

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

Adopted.

The question was: Adoption of senate amendment 2?

Senator Bear moved rejection of senate amendment 2.

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The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Braun, Cullen, Flynn, Goyke, Krueger, Lasee, Lorge, Maurer, Moody, Offner, Risser, Strohl, Swan, Theno, Thompson and Van Sistine -- 19.

Noes -- Senators Berger, Bidwell, Chilsen, Harnisch, Johnston, Kleczka, Kreul, McCallum, Murphy, Opitz, Radosevich and Roshell -- 12.

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

So the motion prevailed.

Senator Chilsen moved rejection of **Senate Joint Resolution 5**.

The question was: Rejection of **Senate Joint Resolution 5**?

The ayes and noes were required and the vote was: ayes, 14; noes, 17; absent or not voting, 1; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum, Murphy, Opitz, Radosevich, Roshell and Theno -- 14.

Noes -- Senators Adelman, Bablitch, Bear, Braun, Cullen, Flynn, Goyke, Harnisch, Krueger, Maurer, Moody, Offner, Risser, Strohl, Swan, Thompson and Van Sistine -- 17.

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

So the resolution was not rejected.

Senate amendment 3 offered by Senator Berger.

Senator Swan moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?  
Rejected.

Senate amendment 4 offered by Senator Berger.

The question was: Adoption of senate amendment 4?  
Adopted.

Senate amendment 5 offered by Senator Berger.

The question was: Adoption of senate amendment 5?  
Adopted.

Senate amendment 6 offered by Senator Berger.

Senator Braun moved rejection of senate amendment 6.

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The question was: Rejection of senate amendment 6?

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

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

Noes -- Senators Berger, Bidwell and Kreul -- 3.

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

So the motion prevailed.

Senate amendment 7 offered by Senator Chilsen.

The question was: Adoption of senate amendment 7?

Senator Braun moved rejection of senate amendment 7.

The question was: Rejection of senate amendment 7?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 1; as follows:

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

Noes -- Senators Berger, Bidwell, Chilsen, Johnston, Kreul, Lasee, McCallum, Murphy, Opitz, Radosevich, Roshell and Theno -- 12.

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

So the motion prevailed.

Ordered to a third reading.

Senator Bablitch asked unanimous consent that the rules be suspended and the resolution be read a third time.

Senator Berger objected.

Senator Bablitch moved that the rules be suspended and the resolution be read a third time.

The question was: Shall the rules be suspended and the resolution be read a third time?

The ayes and noes were required and the vote was: ayes, 19; noes, 12; absent or not voting, 1; as follows:

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

Noes -- Senators Berger, Bidwell, Chilsen, Johnston, Kreul, Krueger, Lasee, McCallum, Murphy, Opitz, Roshell and Theno -- 12.

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

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

**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.

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 85**

Read a third time and passed.

**Senate Bill 156**

Relating to deletion of the requirement for an affidavit from the circulator of nomination papers and providing a penalty.

Read a second time.

Senate amendment 1 offered by Senator Berger.

The question was: Adoption of senate amendment 1?

Senator Braun moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Braun, Flynn, Goyke, Harnisch, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 16.

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Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Johnston, Kleczka, Kreul, Krueger, Lasec, Lorge, McCallum, Murphy, Opitz, Roshell and Theno -- 15.

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

So the motion prevailed.

Ordered to a third reading.

Senator Bablitch asked unanimous consent that the rules be suspended and the bill be read a third time.

Senator Berger objected.

By request of Senator Berger, with unanimous consent, he withdrew his objection.

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

### **Senate Bill 156**

Read a third time and passed.

### **Senate Bill 168**

Relating to "Class C" liquor licenses permitting the sale of wine in restaurants, permitting minors to enter "Class B" and "Class C" licensed restaurants for certain purposes and providing a penalty.

Read a second time.

By request of Senator Flynn, with unanimous consent, **Senate Bill 168** was placed at the foot of the calendar.

### **Assembly Joint Resolution 50**

Memorializing Congress, the President of the United States and the Secretary of Transportation to retain the Amtrak North Coast Hiawatha in the National Amtrak Transportation System.

Read and concurred in.

### **Assembly Joint Resolution 59**

Relating to the life and public service of Dr. Anthony R. Curreri, outstanding physician and cancer expert.

Read.

By request of Senator Bablitch, with unanimous consent, the entire membership of the Senate were made co-authors.

Concurred in.



**Assembly Joint Resolution 60**

Relating to the life and public service of William Gorham Rice.

Read.

By request of Senator Bablitch, with unanimous consent, the entire membership of the Senate were made co-authors.

Concurred in.

**Assembly Joint Resolution 61**

Commending Dean Glenn S. Pound on the occasion of his retirement.

Read.

By request of Senator Bablitch, with unanimous consent, the entire membership of the Senate were made co-authors.

Concurred in.

**Assembly Joint Resolution 62**

Relating to the life and public service of Mildred Baker Abel.

Read and concurred in.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 168** was laid on the table.

**Assembly Bill 101**

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

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 101**

Read a third time and concurred in.

**Assembly Bill 114**

Relating to destruction of obsolete records by counties and towns.

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 114**

Read a third time and concurred in.

**Assembly Bill 268**

Relating to county authority to operate a county museum, contribute funds to a city-owned museum and issue certain bonds.

Read a second time.

Senator Lasee moved non-concurrence.

The question was: Non-concurrence?

The ayes and noes were demanded and the vote was: ayes, 7; noes, 24; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Krueger, Lasee, McCallum, Murphy and Opitz -- 7.

Noes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Goyke, Harnisch, Johnston, Kleczka, Kreul, Lorge, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 24.

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

So the motion did not prevail.

Ordered to a third reading.

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

**Assembly Bill 268**

Read a third time and concurred in.

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

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AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 57** by Senators Goyke and McCallum.

Senate amendment 1 to **Senate Bill 168** by Senator Risser.

Senate amendment 2 to **Senate Bill 168** by Senator Flynn.

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CITATIONS

MOTIONS UNDER SENATE RULE 97

Adopted:

A Certificate of Congratulations by Senator Opitz for FRIEDENS UNITED CHURCH OF CHRIST on the occasion of its 125th year of Christian service in the Port Washington community.

MOTIONS UNDER JOINT RULE 7

Adopted:

A Joint Certificate of Congratulations by Senators Braun and Flynn, cosponsored by Representative Pabst, to the boys' and girls' track teams of Pius XI High School;

A Joint Certificate of Congratulations by Senators Braun and Flynn, cosponsored by Representative Pabst, for TIM BRAUN of Pius High School on his outstanding performance in the WISAA state track meet;

and

A Joint Certificate of Congratulations by Senator Maurer, cosponsored by Representative Dorff, for JOHN BRANDES on the occasion of his retirement from employment to the town of Pleasant Prairie.

Upon motion of Senator Bablitch the senate adjourned until 1:30 P.M. Tuesday, May 29.

12:30 P.M.

GUESTS

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

Thirty-three Soviet citizens, as part of a cultural exchange, were guests of Senator Risser.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 111**

1. On page 82, line 27, substitute "14.58 (15)" for "177.12".