

JOURNAL OF THE SENATE [June 12, 1979]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

TUESDAY, June 12, 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 Reverend David Johnson, pastor of the First Christian Church of Madison.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 253

Relating to state payment of tuition for children attending public schools and residing in group homes.

By Senator Kreul.

To committee on Education and Revenue.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 24

Relating to increasing the state life insurance fund policy limit.

Adoption of senate amendment 1:

Ayes, 11 -- Senators Kleczka, Flynn, Offner, Braun and Radosevich, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Kirby;

Noes, 2 -- Senator Chilsen and Representative Ellis.

Introduction and adoption of senate amendment 2:

Ayes, 9 -- Senators Kleczka, Flynn, Offner, Braun and Radosevich, Representatives Johnson, Roberts, Norquist and Kirby;

Noes, 4 -- Senator Chilsen, Representatives Otte, Lingren and Ellis.

Indefinite postponement recommended:

Ayes, 8 -- Senators Kleczka, Offner and Chilsen, Representatives Johnson, Otte, Roberts, Lingren and Ellis;

Noes, 5 -- Senators Flynn, Braun and Radosevich, Representatives Norquist and Kirby.

GERALD D. KLECZKA
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

June 5, 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 May 30, 1979, and ending on June 5, 1979.

Yours very truly,
VEL PHILLIPS

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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.

Boullion, James D., 30 W. Mifflin St., #801, Madison, WI 53703 (608) 257-4664; Hayward Lakes Resort Assn., Route 7, Box 186, Hayward, WI 54846 (715) 462-3218; 1, 3, 4, 5, 7-10, 12-15, 17, 18, 20-23; 103, 109, 110, 116, 119, 129, 133-136, 138, 140-142, 144-146, 148, 150, 154, 158, 167, 170, 171, 174, 176-181, 184; ICU Services Corp., P.O. Box 431, Madison, WI 53701 (608) 244-2552; 2, 3, 5, 8, 12, 14-16, 18, 20-22, 24; 101, 113, 117, 119, 128, 136, 138-140, 145, 170, 172, 174, 175, 179, 180, 184; Wisconsin Family Court Commissioners Assn., c/o Russell Hanson, President, 100 W. State St., Westby, WI 54667 (608) 634-3615; 3-5, 8, 9, 12, 16-20, 22; 101, 104, 109, 118, 121-129, 136, 138, 140, 145, 147, 150, 170, 171, 174, 179, 180, 184.

Levin, Barbara, 116 E. Gilman St., #A-1, Madison, WI 53703 (608) 257-4089; Protect Abortion Rights, Inc., P.O. Box 9711, Madison, WI 53715 or 726 Miami Pass, Madison, WI 53711 (608) 238-3338; 11, 19, 26; 111, 119, 126.

Kuehn, Ronald W., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; Assn. of Wisconsin School Administrators, Inc., 1310 Mendota St., Madison, WI 53714; 1-26; 101-186.

Kramer, Carol E., City County Building, Room 313 D, Madison, WI 53709 (608) 266-4788; Dane County, City County Building, Room 313D, Madison, WI 53709 (608) 266-4355 (Office of the Corporation Counsel); 1-26; 101-186.

NOTE: Change of address

Messina, Gene, 222 S. Hamilton St., Suite 15, Madison, WI 53703 (608) 255-0033. (Lobbyist for Wisconsin Assn. on Alcoholism and Other Drug Abuse, Inc.)

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

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State of Wisconsin
Legislative Council

June 6, 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 79-18 -- Legislation Relating to Constitutional and Statutory Revision (AJR 53 and 54, AB 457, 458 and 459)
2. RL 79-19 -- Legislation Relating to Constitutional and Statutory Revision (AB 657)

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

June 6, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint George M. Daley, of Milwaukee, to the Medical

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Examining Board, to succeed Albert L. Freedman, pursuant to the statutes governing, to serve a four year term ending May 1, 1983.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Human Services.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

June 6, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint E. Reid Gilbert, of Spring Green, to the Arts Board, to succeed William Kidd, pursuant to the statutes governing, to serve a three year term ending May 1, 1982.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Human Services.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

June 6, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Floyd R. Holloway, of Union Grove, to the Board of Agriculture, to succeed Kermit Veum, pursuant to the statutes governing, to serve a six year term ending May 1, 1985.

Sincerely,

LEE SHERMAN DREYFUS

Governor

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

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State of Wisconsin
Office of the Governor
Madison, Wisconsin

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To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Arthur L. Sturm, of Manawa, to the Board of Agriculture, to succeed Kenneth Schmidt, pursuant to the statutes governing, to serve a six year term ending May 1, 1985.

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

June 6, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Richard R. Teschner, of Milwaukee, to the Arts Board, to succeed Joel Skornicka, pursuant to the statutes governing, to serve a three year term ending May 1, 1982.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Human Services.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

June 6, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Marylin M. Zirbel, of Bristol, to the State Board of Vocational, Technical and Adult Education, to succeed Irma

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West, pursuant to the statutes governing, to serve a six year term ending May 1, 1985.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Education and Revenue.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

June 11, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Gerald E. Veneman, of Port Edwards, to the University of Wisconsin Board of Regents to succeed John Levine, of Chippewa Falls, pursuant to the statutes governing, to serve a seven year term ending May 1, 1986.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Education and Revenue.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

June 11, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Russell J. O'Harrow, of Oconto Falls, to the University of Wisconsin Board of Regents to succeed Edward Hales, of Racine, pursuant to the statutes governing, to serve a seven year term ending May 1, 1986.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Education and Revenue.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

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

Senate Bill 58

Senate Bill 140

Concurred in as amended:

Senate Bill 72, assembly amendment 1

Passed and asks concurrence in:

Assembly Bill 361

Assembly Bill 522

Assembly Bill 463

Assembly Bill 711

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 361

Relating to the payment of special distributions of metalliferous minerals net proceeds tax revenue to eligible school districts and towns.

By Representatives Quackenbush, Schneider and Gunderson, co-sponsored by Senator Harnisch.

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

Assembly Bill 463

Relating to exceptions to stopping and parking restrictions.

By Representatives Wahner, Cogs, Leopold, Soucie, Plewa, Pabst, Norquist, Broydrick, Tuczynski, Tesmer, Menos, Gerlach, Ulichny, Ward, Lee, Becker, Kirby, Rutkowski and Klicka, co-sponsored by Senators Swan, Berger, Flynn, Moody and Frank, by request of Milwaukee County.

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

Assembly Bill 522

Relating to designation of rustic roads and jurisdiction over such roads.

By Representatives Vanderperren, Kincaid, Bradley, Hasenohrl, Byers, Menos and Barczak, co-sponsored by Senator Van Sistine.

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

Assembly Bill 711

An act authorizing the governor, with the approval of the legislature, to declare a 30-day energy emergency, granting rule-making authority, and providing a penalty.

By Representatives Jackamonis, Wahner, Metz, Matty, Harer, Radtke, Ferrall, Munts, Lorman and Gerlach.

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

CALENDAR OF JUNE 12

Senate Bill 131

An act to appropriate \$4,362.47 from the general fund for payment of a claim made by Melvin Jarchow against the state.

Read a second time.

Senator Berger moved that **Senate Bill 131** be indefinitely postponed.

The question was: Shall **Senate Bill 131** be indefinitely postponed?

Senator Bablitch asked unanimous consent that pursuant to **Senate Rule 73** he be excused from voting on questions relating to **Senate Bill 131**.

Senator Chilsen objected.

Senator Kleczka moved that pursuant to **Senate Rule 73** Senator Bablitch be excused from voting on questions relating to **Senate Bill 131**.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 4; absent or not voting, 0; as follows:

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

Noes -- Senators Bidwell, Chilsen, Kreul and Krueger -- 4.
Absent or not voting -- None.

So the motion prevailed.

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The question was: Shall **Senate Bill 131** be indefinitely postponed?

The motion did not prevail.

The question was: Shall the bill be ordered to a third reading?

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, Chilsen, Flynn, Frank, Goyke, Harnisch, Kleczka, McCallum, Moody, Risser, Theno, Thompson and Van Sistine -- 15.

Noes -- Senators Berger, Bidwell, Cullen, Johnston, Kreul, Krueger, Lasee, Lorge, Maurer, Murphy, Offner, Opitz, Radosevich, Roshell, Strohl and Swan -- 16.

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

So the motion did not prevail.

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.

Senator Harnisch in the chair.

11:00 A.M.

Senate substitute amendment 1 to **Senate Bill 168** offered by Senator Flynn.

By request of Senator Flynn, with unanimous consent, **Senate Bill 168** was placed after **Senate Bill 231**.

Senate Bill 169

Relating to procedure in small claims type actions.

Read a second time.

Senator Murphy asked unanimous consent that senate amendment 1 be revived.

Senator Adelman objected.

Senator Murphy moved that senate amendment 1 be revived.

The question was: Shall senate amendment 1 be revived?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 22; absent or not voting, 0; as follows:

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Ayes -- Senators Bidwell, Chilsen, Johnston, Kreul, Krueger, Lasee, Lorge, Murphy, Opitz and Theno -- 10.

Noes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan Thompson and Van Sistine -- 22.

Absent or not voting -- None.

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.

Senate Bill 169

Read a third time and passed.

Senate Bill 221

Relating to search warrants and subpoenas.

Read a second time.

The question was: Adoption of senate amendment 1?

Senate amendment 2 offered by Senator Adelman.

By request of Senator Adelman, with unanimous consent, senate amendments 1 and 2 were laid on the table.

Senate amendment 3 offered by Senator Adelman.

The question was: Adoption of senate amendment 3?

Adopted.

Senate amendment 4 offered by Senator Murphy.

Senator Murphy asked unanimous consent that **Senate Bill 221** be referred to committee on Judiciary and Consumer Affairs.

Senator Bablitch objected.

Senator Murphy moved that **Senate Bill 221** be referred to committee on Judiciary and Consumer Affairs.

The ayes and noes were demanded and the vote was: ayes, 1; noes, 31; absent or not voting, 0; as follows:

Senator Murphy -- 1.

Absent -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody,

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Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent with leave -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 4?

Senator Bear moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 2; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 29.

Noes -- Senators Bidwell and Murphy -- 2.

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

So the motion prevailed.

Ordered to a third reading.

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

Senate Bill 221

Read a third time and passed.

Senate Bill 231

Relating to reporting of certain surplus campaign materials.

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.

Senate Bill 231

Read a third time and passed.

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

Assembly Joint Resolution 63

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

Read.

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The president of the senate in the chair.

11:55 A.M.

The question was: Concurrence?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Kreul, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Noes -- Senators Bidwell, Chilsen, Johnston, Krueger, Lasee, Lorge, Murphy, Opitz and Swan -- 9.

Absent or not voting -- None.

So the joint resolution was 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 recessed until 2:30 P.M.

12:02 P.M.

RECESS

2:30 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, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Harnisch, Johnston, Kreul, Lasee, Lorge, McCallum, Murphy, Offner, Radosevich, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 24.

Absent -- Senators Adelman, Bidwell, Kleczka, Krueger, Maurer, Moody, Opitz and Swan -- 8.

Absent with leave -- None.

Assembly Bill 7

Restricting the adoption of any emergency rule relating to the commingling of bingo and raffle receipts.

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.

Assembly Bill 7

Read a third time and concurred in.

Assembly Bill 16

Relating to citation forms for municipal court.

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.

Assembly Bill 16

Read a third time and concurred in.

Assembly Bill 176

Relating to the duties of the state superintendent of public instruction in regard to setting standards of attainment for the licensing and certification of teachers and school nurses.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 176

Read a third time and concurred in.

Assembly Bill 184

Relating to the leasing of school property.

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.

Assembly Bill 184

Read a third time and concurred in as amended.

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.

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Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Flynn, with unanimous consent, senate substitute amendment 1 was returned to the author.

The question was: Adoption of senate amendment 1?

Senator Frank in the chair.

2:47 P.M.

The question was: Adoption of senate amendment 1?

The motion did not prevail.

The question was: Adoption of senate amendment 2?
Adopted.

The question was: Adoption of senate amendment 3?

By request of Senator Bear, with unanimous consent, senate amendment 3 was returned to the author.

Senator Risser moved reconsideration of the vote by which senate amendment 1 failed to be adopted.

Senator Goyke moved indefinite postponement of **Senate Bill 168**.

The question was: Indefinite postponement of **Senate Bill 168**?

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

Ayes -- Senators Adelman, Bablitch, Braun, Cullen, Frank, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lorge, McCallum, Maurer, Murphy, Offner, Radosevich, Roshell, Strohl, Theno and Van Sistine -- 20.

Noes -- Senators Bear, Berger, Bidwell, Chilsen, Flynn, Johnston, Lasee, Moody, Opitz, Risser, Swan and Thompson -- 12.

Absent or not voting -- None.

So the motion prevailed.

By request of Senator Bablitch, with unanimous consent, the appointments of E. Reid Gilbert and Richard R. Teschner were withdrawn from committee on Human Services and referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 12** was withdrawn from committee on Governmental

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and Veterans Affairs and referred to committee on Senate Organization.

By request of Senator Johnston, with unanimous consent, he was recorded as voting "aye" on senate amendments 1, 2, 3, and 4 to senate amendment 289 to senate substitute amendment 1 to **Senate Bill 79**.

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

AMENDMENTS OFFERED

Senate amendment 3 to **Senate Bill 112** by Senator Radosevich.

Senate amendment 4 to **Senate Bill 146** by Senator Frank.

Senate amendment 5 to **Senate Bill 146** by Senator Frank.

Senate amendment 1 to **Senate Bill 243** by Senator Theno.

Senate amendment 1 to **Senate Bill 244** by Senators Moody, Bear and Berger.

By request of Senator Bablitch, with unanimous consent, the Senate adjourned today in honor of Senator Braun's birthday.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Thursday, June 14.

4:23 P.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 43

Senate Bill 48

Senate Bill 51

Senate Bill 129

Senate Bill 130

Currently enrolled and presented to the Governor on June 12, 1979.