

STATE OF WISCONSIN
Senate Journal
Eighty-Fourth Regular Session

TUESDAY, June 19, 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, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosевич, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- Senator Flynn -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Richard E. Pritchard, pastor of Heritage Congregational Church of Madison.

The senate remained standing and Senator Van Sistine 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 259

Relating to review and automatic termination of state regulatory agencies and administrative rules and making an appropriation.

By Senators Cullen, Radosевич, Braun, Berger, Adelman, Offner and Strohl; cosponsored by Representatives Helbach, Leopold, Fischer, Hopkins, Shoemaker, Ladwig and Omernick.

To joint committee for Review of Administrative Rules.

Senate Bill 260

Relating to patient access to medical records.

By Senators Berger, Flynn, Braun, Van Sistine, Cullen and Moody; cosponsored by Representative Wagner.

To committee on Human Services.

Senate Bill 261

Relating to prohibiting utility charges for construction work in progress.

By Senators Berger and Strohl; cosponsored by Representative Kirby.

To committee on Insurance and Utilities.

Senate Bill 262

Relating to auditing public utilities by the legislature and public service commission.

By Senators Berger, Strohl and Moody; cosponsored by Representative Kirby.

To committee on Audit.

Senate Bill 263

Relating to prohibiting utility rate increases to recover tax increases.

By Senators Berger, Strohl and Moody; cosponsored by Representative Kirby.

To committee on Insurance and Utilities.

Senate Bill 264

Relating to notice to customers of proposed public utility rate increases.

By Senators Berger, Moody and Strohl; cosponsored by Representative Kirby.

To committee on Insurance and Utilities.

Senate Bill 265

Relating to prohibiting automatic fuel adjustment rate increases by public utilities.

By Senators Berger, Strohl and Moody; cosponsored by Representative Kirby.

To committee on Insurance and Utilities.

Senate Bill 266

Relating to limiting the rate of profits on public utility stock.

By Senators Berger and Strohl; cosponsored by Representative Kirby.

To committee on Insurance and Utilities.

JOURNAL OF THE SENATE [June 19, 1979]

Senate Bill 267

Relating to direct appeal to the supreme court of public service commission rate decisions.

By Senators Berger and Strohl; cosponsored by Representative Kirby.

To committee on Judiciary and Consumer Affairs.

Senate Bill 268

Relating to judicial review of public service commission decisions.

By Senators Berger, Strohl and Moody; cosponsored by Representative Kirby.

To committee on Judiciary and Consumer Affairs.

Senate Bill 269

Relating to creating a division of the consumer advocate in the department of justice and making an appropriation.

By Senator Berger; cosponsored by Representative Kirby.

To committee on Judiciary and Consumer Affairs.

Senate Bill 270

Relating to prohibiting any utility rate increase except by administrative rule and granting rule-making power.

By Senators Berger and Strohl; cosponsored by Representative Kirby.

To joint committee for Review of Administrative Rules.

Senate Bill 271

Relating to popular election of the members of the public service commission.

By Senators Berger, Moody and Cullen; cosponsored by Representatives Behnke, Kincaid, Goodrich and Omernick.

To committee on Governmental and Veterans Affairs.

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Flynn was granted a leave of absence until 11:30 A.M.

COMMITTEE REPORTS

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

NOLL, JOSEPH N., of Kenosha, as Secretary of the Department of Industry, Labor and Human Relations, to succeed Zel S. Rice, to serve for the term ending at the pleasure of the Governor.

Confirmation:

Ayes, 3 -- Senators Roshell, Bidwell and Cullen;

Noes, 2 -- Senators Thompson and Moody.

Senate Bill 19

Relating to raising the drinking age to 19 and providing a penalty.

Adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Thompson, Roshell, Bidwell and Cullen;

Noes, 1 -- Senator Moody.

Passage as amended:

Ayes, 4 -- Senators Thompson, Roshell, Bidwell and Cullen;

Noes, 1 -- Senator Moody.

TIM CULLEN

Chair

The committee on Natural Resources and Tourism reports and recommends:

Senate Bill 18

Relating to privileges conferred by a sportman's license.

Passage:

Ayes, 5 -- Senators Harnisch, Van Sistine, Goyke, Strohl and Theno;

Noes, 1 -- Senator Opitz.

Senate Bill 217

Relating to wild rice conservation, increasing a license fee and changing a penalty.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Harnisch, Van Sistine, Goyke, Strohl, Theno and Opitz;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Harnisch, Van Sistine, Goyke, Strohl, Theno and Opitz;

JOURNAL OF THE SENATE [June 19, 1979]

Noes, 0 -- None.

Senate Bill 225

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

Passage:

Ayes, 6 -- Senators Harnisch, Van Sistine, Goyke, Strohl, Theno and Opitz;

Noes, 0 -- None.

Senate Bill 226

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

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Harnisch, Van Sistine, Goyke, Strohl, Theno and Opitz;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Harnisch, Van Sistine, Goyke, Strohl, Theno and Opitz;

Noes, 0 -- None.

Assembly Bill 31

Relating to designating the 3rd week in September as "Wonderful Wisconsin Week" and directing the governor to issue a suitable proclamation.

Concurrence:

Ayes, 6 -- Senators Harnisch, Van Sistine, Goyke, Strohl, Theno and Opitz;

Noes, 0 -- None.

Assembly Bill 194

Relating to requiring hunters to wear "hunter orange" material and providing a penalty.

Concurrence:

Ayes, 5 -- Senators Harnisch, Van Sistine, Goyke, Strohl and Theno;

Noes, 1 -- Senator Opitz.

TOM HARNISCH

Chair

JOURNAL OF THE SENATE [June 19, 1979]

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 165

Relating to immediate condemnation of blighted residential property.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 280

Relating to the amount of a decedent's assets which can be transferred by affidavit.

Concurrence:

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

Noes, 0 -- None.

Senate Bill 235

Relating to adoption of codes of ethics for county and municipal officers, employees and candidates and providing a penalty.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

June 14, 1979.

To the Honorable, the Senate: ;

I am pleased to nominate and with the advice and consent of the Senate, do appoint Owen Ayres, of Eau Claire, to the Architects, Professional Engineers, Designers and Land Surveyors Examining

JOURNAL OF THE SENATE [June 19, 1979]

Board, as a member representing Professional Engineers, pursuant to the statutes governing, to serve a 3 year term ending July 1, 1982.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Governmental and Veterans Affairs.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

June 14, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint John O. Chamberlain, M.D., of Milwaukee, to the Medical College of Wisconsin, to succeed Allen Williams, pursuant to the statutes governing, to serve for a 6 year term ending May 1, 1985.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Human Services.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

June 14, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Leonard J. Petersen, of Monona, to the Bingo Board, to succeed Mary Birdner, of Oconomowoc, pursuant to the statutes governing, to serve for a 4 year term ending May 1, 1983.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Governmental and Veterans Affairs.

JOURNAL OF THE SENATE [June 19, 1979]

CALENDAR OF JUNE 19

Senate Bill 72

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

The question was: Concurrence in assembly amendment 1?

Senator Goyke in the chair.

10:12 A.M.

The question was: Concurrence in assembly amendment 1?
Concurred in.

The president of the senate in the chair.

10:15 A.M.

MOTIONS

Senator Berger moved reconsideration of the vote by which **Senate Bill 131** failed to be ordered to a third reading.

By request of Senator Berger, with unanimous consent, the motion to reconsider the vote by which **Senate Bill 131** failed to be ordered to a third reading was laid on the table.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 259** was withdrawn from joint committee for Review of Administrative Rules and referred to committee on Senate Organization.

CALENDAR OF JUNE 19

Senate Bill 24

Relating to increasing the state life insurance fund policy limit.

Read a second time.

The question was: Indefinite postponement of **Senate Bill 24**?

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

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Chilsen, Cullen, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger,

JOURNAL OF THE SENATE [June 19, 1979]

Lasee, Lorge, McCallum, Maurer, Murphy, Offner, Opitz, Roshell, Strohl, Theno and Van Sistine -- 24.

Noes -- Senators Berger, Braun, Moody, Radosevich, Risser, Swan and Thompson -- 7.

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

So the motion prevailed.

Senate Bill 146

Relating to miscellaneous corrections and revisions in the insurance code and related statutes.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

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

Ayes -- Senators Adelman, Bear, Berger, Bidwell, Braun, Cullen, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan and Thompson -- 16.

Noes -- Senators Bablitch, Chilsen, Frank, Goyke, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Murphy, Opitz, Roshell, Theno and Van Sistine -- 15.

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

So the amendment was adopted.

The question was: Adoption of senate amendment 3?

Adopted.

The question was: Adoption of senate amendment 4?

Adopted.

The question was: Adoption of senate amendment 5?

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 146

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 6; absent or not voting, 0; as follows:

JOURNAL OF THE SENATE [June 19, 1979]

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators Chilsen, Johnston, Kreul, Krueger, Lasee and Opitz -- 6.

Absent or not voting -- None.

So the bill passed.

Assembly Bill 40

Relating to restricting the pay of a public employe receiving a retirement benefit from a public employe retirement system, granting rule-making authority, providing a penalty and making an appropriation.

Read a second time.

Senate amendment 1 offered by Senator Kleczka.

The question was: Adoption of senate amendment 1?

Senator Berger moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

Senator Frank asked unanimous consent that **Assembly Bill 40** be placed on the calendar of October 2.

Senator Berger objected.

Senator Frank moved that **Assembly Bill 40** be referred to committee on Senate Organization.

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, he was granted a leave of absence at 11:30 A.M..

The question was: Shall **Assembly Bill 40** be referred to committee on Senate Organization?

The ayes and noes were demanded and the vote was: ayes, 8; noes, 23; absent or not voting, 1; as follows:

Ayes -- Senators Flynn, Frank, Goyke, Harnisch, Krueger, Moody, Radosevich and Strohl -- 8.

Noes -- Senators Adelman, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum,

JOURNAL OF THE SENATE [June 19, 1979]

Maurer, Murphy, Offner, Opitz, Risser, Roshell, Swan, Theno, Thompson and Van Sistine -- 23.

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

So the motion did not prevail.

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, Bear, Berger, Braun, Cullen, Johnston, Maurer, Moody, Offner, Opitz, Radosevich, Risser, Strohl, Theno, Thompson and Van Sistine -- 16.

Noes -- Senators Bidwell, Chilsen, Flynn, Frank, Goyke, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Roshell and Swan -- 15.

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

So the amendment was rejected.

Ordered to a third reading.

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

Assembly Bill 40

Read a third time.

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

Ayes -- Senators Adelman, 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 -- 31.

Noes -- None.

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

So the bill was concurred in.

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

By request of Senator Goyke, with unanimous consent, the senate adjourned in honor of the retirement of Dr. Darold Treffert after 17 years of working with the mentally ill in Wisconsin and the nation.

JOURNAL OF THE SENATE [June 19, 1979]

**Upon motion of Senator Flynn the senate adjourned until 10:00
A.M. Thursday, June 21.**

12:01 P.M.