

STATE OF WISCONSIN
Senate Journal

1979 Special Session

WEDNESDAY, September 5, 1979.

10:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

United States of America
The State of Wisconsin
Executive Department

A Proclamation

I, Lee Sherman Dreyfus, Governor of the State of Wisconsin, pursuant to Section 11 of Article IV and Section 4 and Article V of the Constitution of Wisconsin, do hereby require the convening of a special session of the Legislature to take place at the Capitol in Madison on the fifth day of September, A.D., 1979 at ten o'clock a.m., solely for the purpose of considering and acting upon the following specific pieces of legislative business, to-wit:

- (1) Relating to ratification of the agreement negotiated between the State of Wisconsin and the Wisconsin State Attorneys Association for the 1979-81 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.
- (2) Relating to ratification of the agreement negotiated between the State of Wisconsin and the Wisconsin Federation of Teachers, Local 3271 for the 1979-81 biennium, covering employes in the professional education collective bargaining unit, and authorizing an expenditure of funds.
- (3) Relating to ratification of the agreement negotiated between the State of Wisconsin and the Wisconsin Association of Science Professionals for the 1979-81 biennium, covering employes in the professional science collective bargaining unit, and authorizing an expenditure of funds.

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- (4) Relating to ratification of the agreement negotiated between the State of Wisconsin and the United Professionals for Quality Health Care for the 1979-81 biennium, collective bargaining unit, and authorizing an expenditure of funds.
- (5) Relating to salary adjustments for elected state officials in the 1979-81 biennium, and authorizing an expenditure of funds.

IN TESTIMONY WHEREOF, I
have hereunto set my hand and
caused the Great Seal of the State
of Wisconsin to be affixed. Done at
the Capitol in the City of Madison,
this 24th day of August in the year
of our Lord, one thousand nine
hundred and seventy-nine.

LEE SHERMAN DREYFUS

Governor

**United States of America
The State of Wisconsin
Executive Department**

A Proclamation

I, Lee Sherman Dreyfus, Governor of the State of Wisconsin, pursuant to Section 11 of Article IV and Section 4 of Article V of the Constitution of Wisconsin, do hereby expand the purposes for which the Legislature shall convene at the Capitol in Madison on the fifth day of September, A.D., 1979, at ten o'clock a.m. to include, along with the consideration of the legislative business specified in my proclamation of the 24th day of August, A.D., 1979 the following additional subject of legislative business, to-wit:

Reaffirming the commitment of the people of Wisconsin to the open presidential primary law as an integral element of Wisconsin's proud tradition of direct and effective participatory

democracy and endorsing the actions taken by the attorney general to preserve and enforce the provisions of that law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this 4th day of September in the year of Our Lord, one thousand nine hundred and seventy-nine.

LEE SHERMAN DREYFUS
Governor

The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Marvin Proctor of the First Church of God of Madison.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 1, Special Session

Relating to the rules of the senate for the September 1979 special session.

Introduction:

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

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Noes, 0 -- None.

FRED A. RISSER

Chair

Read.

Considered as privileged and taken up.

Adopted.

The committee on Senate Organization reports and recommends for introduction:

Senate Joint Resolution 1, Special Session

Reaffirming the commitment of the people of Wisconsin to the open presidential primary law as an integral element of Wisconsin's proud tradition of direct and effective participatory democracy and endorsing the actions taken by the attorney general to preserve and enforce the provisions of that law.

By request of Governor Lee Sherman Dreyfus.

Introduction:

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

Noes, 0 -- None.

Read and referred to committee on Senate Organization.

FRED A. RISSER

Chair

The joint committee on Employment Relations reports and recommends for introduction:

Senate Bill 1, Special Session

An act to ratify the agreement negotiated between the State of Wisconsin and the Wisconsin State Attorneys Association for the 1979-81 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Krueger. Representatives Jackamonis, Johnson and Wahner;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 2, Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Federation of Teachers, Local 3271 for the 1979-81 biennium, covering employes in the professional education collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Krueger,
Representatives Jackamonis, Johnson and Wahner;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 3, Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Association of Science Professionals for the 1979-81 biennium, covering employes in the professional science collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Krueger,
Representatives Jackamonis, Johnson and Wahner;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

Senate Bill 4, Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the United Professionals for Quality Health Care for the 1979-81 biennium, covering employes in the professional patient care collective bargaining unit, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Krueger,
Representatives Jackamonis, Johnson and Wahner;

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

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Senate Bill 5, Special Session

An act relating to salary adjustments for elected state officials in the 1979-81 biennium, and authorizing an expenditure of funds.

Introduction:

Ayes, 7 -- Senators Risser, Kleczka, Bablitch and Krueger
Representatives Jackamonis, Johnson and Wahner:

Noes, 1 -- Representative Shabaz.

Read first time and referred to committee on Senate Organization.

FRED A. RISSER

Co-chair

EDWARD G. JACKAMONIS

Co-chair

By request of Senator Maurer, with unanimous consent, the senate recessed until 11:55 A.M.

10:21 A.M.

RECESS

11:55 A.M.

The senate reconvened.

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

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly is organized and ready to proceed to the business of the 1979 September session.

Passed and asks concurrence in:

Assembly Bill 1, Special Session

Assembly Bill 2, Special Session

Assembly Bill 3, Special Session

Assembly Bill 4, Special Session

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1, September 1979 Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association for the 1979-81 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Organization.

Assembly Bill 2, September 1979 Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Federation of Teachers, Local 3271 for the 1979-81 biennium, covering employes in the professional education collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Organization.

Assembly Bill 3, September 1979 Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Association of Science Professionals for the 1979-81 biennium, covering employes in the professional science collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Organization.

Assembly Bill 4, September 1979 Special Session

An Act to ratify the agreement negotiated between the state of Wisconsin and the United Professionals for Quality Health Care for the 1979-81 biennium, covering employes in the professional patient care collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:00 P.M.

RECESS

2:00 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, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasec, Lorge, McCallum, Murphy, Offner, Oplitz, Radosevich, Risser, Roshell, Theno, Thompson and Van Sistine 28

Absent -- Senators Adelman, Maurer, Moody, Strohl and Swan 5.

Absent with leave -- None.

CALENDAR OF SEPTEMBER 5

Assembly Bill 1, September 1979 Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association for the 1979-81 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds

Read a second time.

Senator Flynn in the chair.

2:14 P.M.

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 1, Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

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

Noes -- Senators Bidwell, Lasee and Lorge -- 3.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 2, September 1979 Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Federation of Teachers, Local 3271 for the 1979-81 biennium, covering employes in the professional education collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

The president of the senate in the chair.

2:55 P.M.

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 2, Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

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

Noes -- Senators Bidwell, Lasee and Lorge -- 3.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 3, September 1979 Special Session

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Association of Science Professionals for the 1979-81 biennium, covering employes in the professional science collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

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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 3, Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

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

Noes -- Senators Bidwell, Lasee and Lorge -- 3.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 4, September 1979 Special Session

An Act to ratify the agreement negotiated between the state of Wisconsin and the United Professionals for Quality Health Care for the 1979-81 biennium, covering employes in the professional patient care collective bargaining unit, and authorizing an expenditure of funds.

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 4, Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

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

Noes -- Senators Bidwell, Lasee and Lorge -- 3.

Absent or not voting -- None.

So the bill 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 3:45 P.M.

3:00 P.M.

RECESS

3:45 P.M.

The senate reconvened.

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

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 5, Special Session

Adopted and asks concurrence in:

Assembly Joint Resolution 1, Special Session

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 5, September 1979 Special Session

An act relating to salary adjustments for elected state officials in the 1979-81 biennium, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Organization.

Assembly Joint Resolution 1, September 1979 Special Session

Reaffirming the commitment of the people of Wisconsin to the open presidential primary law as an integral element of Wisconsin's proud tradition of direct and effective participatory democracy and endorsing the actions taken by the attorney general to preserve and enforce the provisions of that law.

By Committee on Rules.

Read and referred to committee on Senate Organization.

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By request of Senator Bablitch, with unanimous consent, the senate stood informal.

3:56 P M.

4:01 P M

The senate reconvened.

Assembly Joint Resolution 1, September 1979 Special Session

Reaffirming the commitment of the people of Wisconsin to the open presidential primary law as an integral element of Wisconsin's proud tradition of direct and effective participatory democracy and endorsing the actions taken by the attorney general to preserve and enforce the provisions of that law.

Read.

Senate substitute amendment 1 offered by Senators Bablitch, Berger, Cullen, Radosevich, Braun, Van Sistine, Moody, Strohl, Roshell, Adelman, Bear, Goyke, Offner, Frank, Swan, Harnisch, Kleczka, Risser, Maurer and Flynn.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Krueger, with unanimous consent, he and Senators Murphy, Bidwell, Kreul, Johnston, Lorge, Chilsen, Lasee, McCallum, Theno, Opitz and Hanaway were made co-authors of senate substitute amendment 1 to **Assembly Joint Resolution 1**.

By request of Senator Thompson, with unanimous consent, he was made a co-author of senate substitute amendment 1.

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

The question was: Concurrence?

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the resolution was concurred in as amended.

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

Assembly Bill 5, September 1979 Special Session

An act relating to salary adjustments for elected state officials in the 1979-81 biennium, and authorizing an expenditure of funds.

Read a second time.

Senate amendments 1 and 2 offered by Senator Berger.

The question was: Adoption of senate amendment 1?

Senator Murphy moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

Senator Bablitch raised the point of order that **Assembly Bill 5, Special Session** is not amendable as stated in the statutes.

RULING OF THE CHAIR

The statutes are clear and unambiguous in setting forth the manner in which salaries for constitutional officers and other elected state officials are to be set.

S. 20.923, Wisconsin statutes, has been reproduced below. Sub. (2) is the section which sets forth the salaries of constitutional officers and other elected state officials.

“The dollar value of the salary range minimum and maximum for each executive salary group shall be reviewed and established in the same manner as that provided for positions in the classified service under s.230.12(3), except that adjustments of salaries under sub.(2) shall in addition be prepared in bill form by the joint committee on employment relations and submitted to a vote of the full legislature and shall not take effect until the bill is enacted without change.”

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 5, Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Frank, Hanaway, Harnisch, Kleczka,

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Krueger, McCallum, Maurer, Moody, Offner, Radosevich, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 24.

Noes -- Senators Bidwell, Goyke, Johnston, Kreul, Lasee, Lorge, Murphy, Opitz and Risser -- 9.

Absent or not voting -- None.

So the bill 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 5:30 P.M.

4:35 P.M.

RECESS

5:30 P.M.

The senate reconvened.

By request of the president, with unanimous consent, the Senate returned to the seventh order of business.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

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

Assembly Joint Resolution 1, Special Session, assembly amendment 1 to senate substitute amendment 1 adopted

Adopted and asks concurrence in:

Assembly Joint Resolution 2, Special Session

By request of Senator Bablitch, with unanimous consent, **Assembly Joint Resolution 1** was taken up at this time.

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Assembly Joint Resolution 1, September 1979 Special Session

Reaffirming the commitment of the people of Wisconsin to the open presidential primary law as an integral element of Wisconsin's proud tradition of direct and effective participatory democracy and endorsing the actions taken by the attorney general to preserve and enforce the provisions of that law.

Read.

The question was: Concurrence in assembly amendment 1?

Concurred in.

By request of Senator Bablitch, with unanimous consent, **Assembly Joint Resolution 2** was taken up at this time.

Assembly Joint Resolution 2, September 1979 Special Session

Relating to the adjournment *sine die* of the September 1979 special session.

By Representatives Jackamonis and Wahner.

Read.

The question was: Concurrence?

Concurred in.

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

Upon motion of Senator Bablitch, with unanimous consent, the senate adjourned pursuant to **Assembly Joint Resolution 2**.

5:35 P.M.

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THURSDAY, September 6, 1979.

The chief clerk makes the following entries under the above date.

CHIEF CLERK'S REPORT

The chief clerk records:

The following Senate Joint Resolution failed adoption pursuant to September 1979 Special Session Assembly Joint Resolution 2.

Senate Joint Resolution 1, Special Session

The following Senate Bills failed to pass pursuant to September 1979 Special Session Assembly Joint Resolution 2.

Senate Bill 1, Special Session

Senate Bill 2, Special Session

Senate Bill 3, Special Session

Senate Bill 4, Special Session

Senate Bill 5, Special Session