

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

TUESDAY, October 2, 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, 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 Reverend William Rohlwing, pastor of Mt. Olive Lutheran Church of Madison.

The senate remained standing and Senator Bear 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 356

Relating to liability for unemployment compensation payments upon transfer of business ownership.

By Senator Lorge, by request of Wesley McCauley, P.O. Box 20, Bear Creek, Wisconsin.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 357

Relating to public inspection and copying of drawings, calculations, specifications and plans for public buildings, structures and places of employment.

By Senator Lorge.

To committee on Agriculture, Labor and Local Affairs.

Senate Bill 358

Relating to changing the requirement for notice of budget hearings by common school districts.

By Senators Harnisch, Goyke, Lasee, Kreul, Chilsen, Roshell, Bidwell, Bear, Hanaway and Radosevich.

To committee on Education and Revenue.

Senate Bill 359

Relating to review of decisions on hearings under the state fair employment act.

By Senator Thompson; cosponsored by Representative Leopold, by request of David Feingold, Attorney, 1 E. Milwaukee, Janesville.

To committee on Agriculture, Labor and Local Affairs.

Senate Bill 360

Relating to shining animals, granting rule-making authority and creating a penalty.

By Senators Harnisch and Chilsen; cosponsored by Representatives Schneider, Quackenbush, Hasenohrl, Thompson, McClain and Bradley.

To committee on Natural Resources and Tourism.

Senate Bill 361

Relating to property tax exemptions for vehicles.

By Senators Opitz and Murphy; cosponsored by Representatives Lewis, Klicka, Omernick, Lingren, Goodrich, Merkt, Donoghue, Stitt and Kincaid.

To Joint Survey Committee on Tax Exemptions.

COMMITTEE REPORTS

The committee on Governmental and Veterans Affairs reports and recommends for introduction:

Senate Bill 362

Relating to authorization for the use of electronic voting systems, granting rule-making authority and providing penalties.

Introduction:

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Ayes, 4 -- Senators Swan, Adelman, Lasee and Johnston;
Noes, 0 -- None.

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

MONROE SWAN
Chair

The committee on Senate Organization reports and recommends:

Senate Resolution 6

Relating to the number of members on senate standing committees.

Adoption:

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

Noes, 0 -- None.

FRED A. RISSER
Chair

Read.

Considered as privileged and taken up.

Adopted.

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

To the Senate Committee on Agriculture, Labor and Local Affairs, Senator Hanaway.

To the Wildlife Damage Study Committee, pursuant to section 2039(1), Chapter 34, Laws of 1979, Senator Roshell.

FRED A. RISSER
Chair

Read.

Considered as privileged and taken up.

Adopted.

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

Senate Bill 27

Relating to a property tax exemption for senior citizen centers.

Passage:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and
Cullen;

Noes, 0 -- None.

Senate Bill 93

Relating to exempting private motor carriers and persons engaged in leasing trailers to private motor carriers from the requirement of obtaining a permit for certain trailers.

Passage:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Senate Bill 222

Relating to photographs on drivers' licenses, elimination of "race" from drivers' licenses, alternation of the license renewal period and license fees, granting rule-making authority and making an appropriation.

Adoption of senate amendment 1:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Adoption of senate amendment 2:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Assembly Bill 69

Relating to permitting a savings and loan association to produce its books as evidence of transactions.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

TIM CULLEN

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 128

Relating to a law enforcement officers' bill of rights and providing a penalty.

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Introduction and adoption of senate substitute amendment 2:
Ayes, 5 -- Senators Adelman, Bear, Braun, Harnisch and
Murphy;
Noes, 0 -- None.

Passage as amended:
Ayes, 4 -- Senators Adelman, Bear, Harnisch and Braun;
Noes, 1 -- Senator Murphy.

LYNN S. ADELMAN
Chair

By request of Senator Krueger, with unanimous consent, the
Senate recessed until 10:45 A.M.

10:10 A.M.

RECESS

10:45 A.M.

The senate reconvened.

CALENDAR OF OCTOBER 2

Senate Joint Resolution 20

Directing the legislative council to study the total status of Black,
Hispanic and Native American male and female individuals in
vocational, technical and adult education district schools.

Read.

Adopted.

Senate Bill 30

Relating to the insured's right to choose physicians' or
chiropractors' services for covered sickness or injury.

Read a second time.

The question was: Indefinite postponement?

The ayes and noes were demanded and the vote was: ayes, 17;
noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Chilsen, Goyke, Harnisch,
Johnston, Krueger, Lorge, Maurer, Moody, Murphy, Offner, Opitz,
Risser, Strohl, Theno and Van Sistine -- 17.

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Noes -- Senators Bear, Berger, Bidwell, Braun, Cullen, Flynn, Frank, Hanaway, Kleczka, Kreul, Lasee, McCallum, Radosevich, Roshell, Swan and Thompson -- 16.

Absent or not voting -- None.

So the bill was indefinitely postponed.

Senate Bill 150

Relating to limiting terms of police and fire chiefs in cities with a board of police and fire commissioners.

Read a second time.

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

Adopted.

The question was: Adoption of senate substitute 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 150

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Flynn, Harnisch, Johnston, Kleczka, Kreul, Krueger, Maurer, Moody, Murphy, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 22.

Noes -- Senators Bidwell, Chilsen, Cullen, Frank, Goyke, Hanaway, Lasee, Lorge, McCallum, Opitz and Theno -- 11.

Absent or not voting -- None.

So the bill passed.

Senator Offner moved reconsideration of the vote by which **Senate Bill 30** was indefinitely postponed.

Senator Berger asked unanimous consent that the motion for reconsideration be laid on the table.

Senator Offner objected.

Senator Berger moved that the motion for reconsideration be laid on the table.

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The question was: Shall the motion for reconsideration be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 23; absent or not voting, 0; as follows:

Ayes -- Senators Bear, Berger, Bidwell, Cullen, Flynn, Frank, Kleczka, Kreul, Roshell and Swan -- 10.

Noes -- Senators Adelman, Bablitch, Braun, Chilsen, Goyke, Hanaway, Harnisch, Johnston, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Strohl, Theno, Thompson and Van Sistine -- 23.

Absent or not voting -- None.

So the motion to table did not prevail.

The question was: Shall the senate reconsider the vote by which Senate Bill 30 was indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 22; absent or not voting, 0; as follows:

Ayes -- Senators Bear, Berger, Bidwell, Cullen, Flynn, Frank, Kleczka, Kreul, Radosevich, Swan and Thompson -- 11.

Noes -- Senators Adelman, Bablitch, Braun, Chilsen, Goyke, Hanaway, Harnisch, Johnston, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Risser, Roshell, Strohl, Theno and Van Sistine -- 22.

Absent or not voting -- None.

So the motion for reconsideration did not prevail.

Senate Bill 167

Relating to authorization for electors to vote in the primary of more than one political party.

Read a second time.

Senate substitute amendment 1 offered by Senator Berger.

The question was: Adoption of senate substitute amendment 1?

Senator Kleczka raised the point of order that pursuant to Senate Rule 50, senate substitute amendment 1 to **Senate Bill 167** was not germane.

The chair ruled the point of order well taken.

The question was: Adoption of senate amendment 1?

Senator Kleczka raised the point of order that pursuant to Senate Rule 50, senate amendment 1 was not germane.

The chair ruled the point of order well taken.

Senator Berger appealed the ruling of the chair.

The question was: Shall the ruling of the chair stand as the decision of the Senate?

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

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

Noes -- Senators Berger, Braun and Strohl -- 3.

Absent or not voting -- None.

The ruling of the chair shall stand as the decision of the Senate.

By request of Senator Bablitch, with unanimous consent, the Senate recessed until 3:00 P.M.

12:17 P.M.

RECESS

3:00 P.M.

The senate reconvened.

Senator Adelman moved indefinite postponement of **Senate Bill 167**.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Flynn, Frank, Hanaway, Johnston, Krueger, McCallum, Maurer, Murphy, Offner, Opitz, Radosevich, Thompson and Van Sistine -- 18.

Noes -- Senators Bear, Chilsen, Cullen, Goyke, Harnisch, Kleczka, Kreul, Lasec, Lorge, Moody, Risser, Roshell, Strohl, Swan and Theno -- 15.

Absent or not voting -- None.

So the motion prevailed.

Senate Bill 171

Relating to establishment of branch banks on sites previously occupied by branch banks.

Read a second time.

The question was: Adoption of senate amendment 1?

Senate amendment 2 offered by Senator Moody.

Senator Goyke moved indefinite postponement.

The question was: Shall the bill be indefinitely postponed?

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Flynn was granted a leave of absence for the balance of the day.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

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Ayes -- Senators Bidwell, Chilsen, Frank, Goyke, Hanaway, Kreul, Krueger, McCallum, Maurer, Murphy, Offner, Opitz, Roshell, Theno and Van Sistine -- 15.

Noes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Harnisch, Johnston, Kleczka, Lasee, Lorge, Moody, Radosevich, Risser, Strohl, Swan and Thompson -- 17.

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

So the motion did not prevail.

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

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

Ordered to a third reading.

Senator Bablitch asked unanimous consent that the rules be suspended and the bill be considered for action at this time.

Senator Moody objected.

Senator Bablitch moved that the rules be suspended and the bill be considered for action at this time.

The question was: Shall the rules be suspended and **Senate Bill 171** be considered for action?

The ayes and noes were demanded and the vote was: ayes, 8; noes, 24; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Goyke, Kreul, McCallum, Murphy, Opitz, Roshell and Van Sistine -- 8.

Noes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Frank, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Lasee, Lorge, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Theno and Thompson -- 24.

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

So the motion did not prevail.

Assembly Bill 36

Relating to liability insurance for motor-driven cycles.

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 36

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Read a third time and concurred in.

Assembly Bill 64

Relating to limitation of the defense of noncooperation of the insured under a motor vehicle insurance policy.

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 64

Read a third time and concurred in.

Assembly Bill 68

Relating to exceptions to parking time limits for residents.

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 68

Read a third time and concurred in.

Assembly Bill 84

Relating to tuition payments by the state for children in certain group homes.

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 84

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risher, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 85

Relating to measurement of loss for property insurance.

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 85

Read a third time.

By request of Senator Bablitch, with unanimous consent, the bill was placed at the foot of the calendar.

Assembly Bill 239

Relating to the term of appointment for the adjutant general.

Read a second time.

Senate substitute amendment 1 offered by Senators Van Sistine, Thompson and Bear.

Senate amendment 1 offered by Senators Van Sistine and Thompson.

Senator Van Sistine asked unanimous consent that the bill be referred to committee on Agriculture, Labor and Local Affairs.

Objection was noted.

Senator Van Sistine moved that the bill be referred to committee on Agriculture, Labor and Local Affairs.

The question was: Shall **Senate Bill 239** be referred to committee on Agriculture, Labor and Local Affairs?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bear, Berger, Braun, Cullen, Frank, Goyke, Harnisch, Krueger, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Thompson and Van Sistine -- 18.

Noes -- Senators Adelman, Bidwell, Chilsen, Hanaway, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum, Maurer, Strohl, Swan and Theno -- 14.

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

So the motion prevailed.

Assembly Bill 243

Relating to a prohibition against imposing a fee for completing a health or disability insurance claim form on behalf of an insured, and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1?

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Adopted.

The question was: Adoption of senate amendment 2?

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 243

Read a third time and concurred in as amended.

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.

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 258

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Frank, Harnisch, Johnston, Kleczka, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Bidwell, Goyke, Hanaway, Kreul, Krueger, Lasec, Lorge, McCallum, Murphy, Opitz and Roshell -- 11.

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

So the bill was concurred in as amended.

Assembly Bill 361

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

Read a second time.

Ordered to a third reading.

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

Assembly Bill 361

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, 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 -- 32.

Noes -- None.

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

So the bill was concurred in.

Assembly Bill 85

Relating to measurement of loss for property insurance.

The question was: Shall the bill be concurred in?

Concurred in.

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

AMENDMENTS OFFERED

Senate amendment 3 to **Senate Bill 245** offered by Senator Radosevich.

Senate amendment 1 to **Assembly Bill 182** offered by Senator Braun.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Thursday, October 4.

5:00 P.M.