

JOURNAL OF THE SENATE [October 30, 1979]

STATE OF WISCONSIN

# Senate Journal

Eighty-Fourth Regular Session

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TUESDAY, October 30, 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 Paul A. Kehle, pastor of Plymouth Congregational Church of Madison.

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

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INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 34**

To amend section 30 of article IV, sections 4, 7, 8 and 10 of article V, sections 1 to 3 of article VI, sections 4 and 6 of article XIII and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 (1), (2), (3) and (5) of article XIV of the constitution so as in effect to repeal said sections; and to amend sections 5 and 23 of article I, section 1 (intro.) and (3) of article III, sections 2 to 6, 9, 12 to 14, 19, 20 and 26 of article IV, sections 1 to 3 and 6 of article V, section 4 of article VI, section 1 of article VII, sections 1, 7 and 8 of article X, sections 1 and 12 of article XIII and section 16 (4) of article XIV of the constitution, relating to combining the legislative and executive branches of Wisconsin state government in a parliamentary form of government (first consideration).

By Senator Berger.

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

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 423**

Relating to income tax treatment of employer provided fringe benefits and granting rule-making authority.

By Senator Berger.

To committee on Education and Revenue.

**Senate Bill 424**

Relating to removing the limit on the adjustment of individual income tax brackets.

By Senators McCallum, Lasee, Johnston, Opitz and Bear; sponsored by Representatives Thompson, R. Travis, Lewison, Luckhardt, Radtke, Hopkins and Lorman.

To committee on Education and Revenue.

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COMMITTEE REPORTS

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

**Senate Bill 425**

Relating to the procedure for recall of city, village, town and school district officials.

Introduction:

Ayes, 6 -- Senators Swan, Roshell, Adelman, Van Sistine, 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 for introduction:

**Senate Resolution 9**

Relating to further consideration of matters pending in the senate.

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 committee on Governmental and Veterans' Affairs reports and recommends:

AYRES, OWEN, of Eau Claire, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1982.

Confirmation:

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

Noes, 0 -- None.

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QUINN, JEROME, of Green Bay, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to succeed James Seiller, to serve for the term ending July 1, 1980.

Confirmation:

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

Noes, 0 -- None.

SHANNON, ARTHUR W., of Brookfield, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to succeed Thomas Boykoff, to serve for the term ending July 1, 1981.

Confirmation:

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

Noes, 0 -- None.

GABRIEL, JAMES, of Sheboygan, as a member of the Board of Architects, Professional Engineers, Designers and Land Surveyors, to succeed Robert E. Rasch, to serve for the term ending July 1, 1982.

Confirmation:

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

Noes, 0 -- None.

**Senate Bill 403**

Relating to the length of employment of certain limited-term employes.

Passage:

Ayes, 5 -- Senators Swan, Adelman, Van Sistine, Lasec and Johnston;

Noes, 0 -- None.

**Assembly Bill 860**

Relating to financing sewerage costs of a metropolitan sewerage commission and a sewerage commission of a 1st class city.

Concurrence:

Ayes, 5 -- Senators Swan, Adelman, Van Sistine, Lasec and Johnston;

Noes, 0 -- None.

**Senate Bill 362**

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

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

MONROE SWAN

Chair

The committee on Agriculture, Labor and Local Affairs reports and recommends:

**Assembly Bill 737**

Relating to storing and dispensing petroleum products.

Ayes, 6 -- Senators Van Sistine, Roshell, Thompson, Swan, Kreul and Hanaway;

Noes, 0 -- None.

JEROME VAN SISTINE

Chair

The committee on Natural Resources and Tourism reports and recommends:

**BARBER, VERNON**, of Racine, as a member of the Wisconsin Waterways Commission, to succeed George Nau Burridge, to serve for the term ending March 1, 1984.

Confirmation:

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

Noes, 0 -- None.

**Senate Bill 52**

Relating to town use of department of natural resource's gravel pits.

Adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

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Passage as amended:

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

Noes, 0 -- None.

**Senate Bill 119**

Relating to providing a penalty for the illegal taking or possession of lake sturgeon.

Passage:

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

Noes, 1 -- Senator Goyke.

TOM HARNISCH

Chair

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

**Senate Bill 256**

Relating to various changes in the banking statutes.

Passage:

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

Noes, 2 -- Senators Moody and Cullen.

**Assembly Joint Resolution 53**

Relating to removing obsolete provisions of the constitution relating to removing corporations and banking (first consideration).

Concurrence:

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

Noes, 0 -- None.

TIM CULLEN

Chair

The committee on Human Services reports and recommends:

**Senate Bill 178**

Relating to regulation of occupational therapists by the medical examining board, creating an occupational therapists examining council and granting rule-making authority.

Adoption of senate amendment 4:

Ayes, 4 -- Senators Thompson, Strohl, Cullen and Opitz;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Thompson, Strohl, Cullen and Opitz;

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Noes, 0 -- None.

**Senate Bill 373**

Relating to licensure of nurse-midwives by the board of nursing and granting rule-making authority.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Thompson, Strohl, Opitz, Radosevich and Cullen;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Thompson, Strohl, Opitz, Radosevich and Cullen;

Noes, 0 -- None.

**Senate Bill 318**

Relating to increasing the appropriation for state reimbursement to counties for child caring institutions.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Thompson, Cullen, Strohl and Opitz;

Noes, 0 -- None.

Passage as amended:

Ayes, 3 -- Senators Thompson, Strohl and Cullen;

Noes, 1 -- Senator Opitz.

**Senate Bill 260**

Relating to patient access to medical records.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

Ayes, 4 -- Senators Thompson, Cullen, Strohl and Opitz;

Noes, 0 -- None.

Adoption of senate substitute amendment 1 as amended:

Ayes, 4 -- Senators Thompson, Cullen, Strohl and Opitz;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Thompson, Cullen, Strohl and Opitz;

Noes, 0 -- None.

CARL W. THOMPSON  
Chair

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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

October 25, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Dr. Virginia Bradford of Richland Center as a member of the Veterinary Examining Board, to succeed Dr. Oscar Hildebrandt of Medford pursuant to the statutes governing, to serve a five year term to expire on July 1, 1982.

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

October 25, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Robert Froehlick of Marinette as a member of the Chiropractic Examining Board as the citizen member to succeed Sister Mary Grace Micke of Manitowoc pursuant to the statutes governing, to serve a six year term to expire on July 1, 1985.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Human Services.

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State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

October 25, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Robert E. Gregory of Colfax as a member of the Nursing Home Administrator Examining Board to succeed Joan Dongarra of Janesville pursuant to the statutes governing, to serve a three year term to expire on July 1, 1982.

Sincerely,  
LEE SHERMAN DREYFUS  
Governor

Read and referred to committee on Human Services.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

October 25, 1979.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the senate do appoint Helen K. John, R.N. of Marinette as a member of the Cosmetology Examining Board as the citizen member to succeed Mary Green Loving of Milwaukee pursuant to the statutes governing, to serve a three year term to expire on July 1, 1982.

Sincerely,  
LEE SHERMAN DREYFUS  
Governor

Read and referred to committee on Human Services.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

October 25, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint David Ross Miller of Stevens Point as a member

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of the Veterans Affairs Board to succeed Val W. Ove of Milwaukee pursuant to the statutes governing, to serve a six year term ending on May 1, 1985.

Sincerely,  
LEE SHERMAN DREYFUS  
Governor

Read and referred to committee on Governmental and Veterans Affairs.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

October 25, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Thomas Pippin of Madison as a member of the Hearing Aid Dealers and Fitters Examining Board, to succeed Duane Tremmel of Marshfield pursuant to the statutes governing, to serve a six year term to expire on July 1, 1983.

Sincerely,  
LEE SHERMAN DREYFUS  
Governor

Read and referred to committee on Human Services.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

October 25, 1979.

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Esther K. Walling of Neenah as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board representing the Engineers Section as the citizen member to succeed Kahtan Al Yasiri of Platteville pursuant to the statutes governing, to serve a three year term to expire on July 1, 1982.

Sincerely,  
LEE SHERMAN DREYFUS  
Governor

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Read and referred to committee on Governmental and Veterans Affairs.

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CALENDAR OF OCTOBER 30

By request of Senator Bablitch, with unanimous consent, the appointments were considered enmasse.

**LOCKHART-MOSS, EUNICE J.**, of Milwaukee, as a member of the State Personnel Board, to succeed Doris Stacy, to serve for the term ending July 1, 1984.

Read.

**PETERSEN, LEONARD J.**, of Monona, as a member of the Bingo Board, to succeed Mary Birdner, to serve for the term ending May 1, 1983.

Read.

**TESCHNER, RICHARD R.**, of Milwaukee, as a member of the Arts Board, to succeed Joel Skornicka, to serve for the term ending May 1, 1982.

Read.

**TREGONING, JEANNE**, of Shullsburg, as a member of the Arts Board, to succeed Marion Buamann, to serve for the term ending May 1, 1982.

Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required 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 appointments were confirmed.

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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 concurred in:

**Senate Bill 221**

**Senate Bill 258**

Adopted and asks concurrence in:

**Assembly Joint Resolution 88**

Passed and asks concurrence in:

**Assembly Bill 738**

**Assembly Bill 792**

**Assembly Bill 915**

**Assembly Bill 967**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 88**

Memorializing the President of the United States to approve a proposal for construction of a crude oil pipeline to northern Wisconsin.

By Representatives Kedrowski, Shoemaker, Kincaid, Swoboda, Menos, Hasenohrl, Murray, Ward, Smith, Vanderperren, Jackamonis, Wahner, Ferrall, Wood, D. Travis, Ulichny, Wagner, Helbach and Medinger, co-sponsored by Senators Radosevich, Harnisch and Bablitch.

Read and referred to committee on Senate Organization.

**Assembly Bill 738**

Relating to revision of the definition of "owner" under the uniform one- and 2-family dwelling code.

By Representatives Ferrall, Rooney, Kincaid, Vanderperren, Otte, Thompson, Lingren, Hephner, Porter, Hasenohrl, Rogers, Ward, Kedrowski, Quackenbush, Swoboda, Conradt, Bradley, Lewison, Matty, Roberts, Murray, Andrea, Shoemaker, Wagner, Lewis, Klicka, Czerwinski, Ellis, Donoghue, Potter, Ladwig, Smith and DeLong, by request of Savings League of Wisconsin.

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

**Assembly Bill 792**

Relating to rights of witnesses and secrecy at grand juries.

By Representatives Czerwinski and Hauke.

Read first time and referred to committee on Judiciary and Consumer Affairs.

**Assembly Bill 915**

Relating to the effect of offsetting public retirement program benefits by reducing public employe earnings on state employe benefit programs.

By Representatives McClain and Wood.

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

**Assembly Bill 967**

Relating to increasing the ceiling on the public debt for veterans housing loans and making an appropriation.

By Representatives Kincaid, Shoemaker, Smith, Wagner, Behnke, Roberts, Medinger, Lingren, Hasenohrl, Schneider, Rutkowski, Fischer, Ferrall, Swoboda, Barry, Everson, Hephner, Flintrop, Potter, McClain, Wahner, Johnson, Kedrowski, Jackamonis, Rogers, Lallensack, Vanderperren, Hauke, Andrea, Pabst, Murray, Kirby, Otte, Wood, Dorff, Tuczynski, Barczak, D. Travis, Miller, Tesmer, Metz, Loftus, Menos, Gerlach, Munts, Plewa, Helbach, Byers, Thompson, Ellis, Quackenbush, McEssy, DeLong, Goodrich, Radtke and Lorman, co-sponsored by Senators Offner, Adelman, Radosevich, Van Sistine, Goyke, Thompson, Moody, Berger, Maurer, Chilsen, Swan, Frank, Cullen, Bablitch, Kleczka, Braun, Roshell, Krueger, Harnisch, Flynn, Strohl, Bear and Risser.

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

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MOTIONS

Senator Krueger moved that **Assembly Bill 757** be withdrawn from joint committee on Finance and referred to committee on Senate Organization.

By request of Senator Maurer, with unanimous consent, the Senate recessed until 11:05 A.M.

10:18 A.M.

RECESS

11:05 A.M.

The senate reconvened.

The question was: Shall **Assembly Bill 757** be withdrawn from joint committee on Finance and be referred to committee on Senate Organization?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bidwell, Chilsen, Hanaway, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz and Theno -- 13

Noes -- Senators Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 20.

Absent or not voting -- None.

So the motion did not prevail.

Senator Berger asked unanimous consent that the motion for reconsideration of the vote by which **Senate Bill 131** was refused to be ordered to a third reading be taken from the table.

The question was: Shall the motion for reconsideration of the vote by which **Senate Bill 131** was refused to be ordered to a third reading be taken from the table?

The motion prevailed.

The question was: Adoption of senate amendment 1?

By request of Senator Bablitch, with unanimous consent, **Senate Bill 131** was referred to committee on Senate Organization.

**Senate Joint Resolution 28**

To amend section 3 of article XI of the constitution, relating to Milwaukee city or county indebtedness for a sewage collection or treatment system (first consideration).

Read a second time.

Senate amendment 1 offered by Senators Swan and Berger.

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

Senate amendment 2 offered by Senator Theno.

The question was: Adoption of senate amendment 2?

Senator Swan raised the point of order that senate amendment 2 to **Senate Joint Resolution 28** was not germane.

The chair took the point of order under advisement.

### **Senate Bill 133**

Relating to reimbursing municipalities providing ambulance service on state trunk highways.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 133** was referred to joint committee on Finance.

### **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.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Van Sistine, with unanimous consent, senate amendments 1 and 2 were returned to the author.

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.

The question was: Adoption of senate amendment 6?  
Adopted.

The question was: Adoption of senate amendment 7?

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Adopted.

Ordered to a third reading.

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

**Senate Bill 222**

Read a third time.

The ayes and noes were required 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 bill passed.

By request of Senator Swan, with unanimous consent, **Assembly Bill 967** was withdrawn from committee on Governmental and Veterans' Affairs and referred to committee on Senate Organization.

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

12:12 P.M.

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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, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Lorge, McCallum, Maurer, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Theno and Van Sistine -- 26.

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Absent -- Senators Adelman, Bear, Krueger, Lasee, Moody, Swan and Thompson -- 7.

Absent with leave -- None.

**Senate Bill 226**

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

Read a second time.

The question was: Adoption of senate amendment 2?

Adopted.

The question was: Adoption of senate amendment 3?

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 226**

Read a third time.

The ayes and noes were required 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 bill passed.

**Senate Bill 238**

Relating to prohibiting 1st class cities from imposing overnight parking fees upon residents who park near their residences.

Read a second time.

Senator Kleczka moved indefinite postponement of **Senate Bill 238**.

The question was: Indefinite postponement of **Senate Bill 238**?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

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

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Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Thompson and Van Sistine -- 29.

Noes -- Senators Berger, Johnston, Swan and Theno -- 4.

Absent or not voting -- None.

So the motion prevailed.

### **Senate Bill 252**

Relating to rules regulating police and fire departments in 1st class cities.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Senator Bidwell raised the point of order that the hour of 2:00 P.M. having arrived, Special Order of Business **Assembly Bill 2** should be considered at this time.

The chair ruled the point of order well taken.

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## SPECIAL ORDERS

### **Assembly Bill 2**

Relating to creating a citizens utility board to advocate for residential consumers in public utility matters and providing a penalty.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 2** was placed at the foot of the calendar.

The question was: Shall **Senate Bill 252** be ordered to a third reading?

Senator Kleczka moved indefinite postponement of **Senate Bill 252**.

The question was: Indefinite postponement of **Senate Bill 252**?

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

Ayes -- Senators Bidwell, Chilsen, Cullen, Frank, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, McCallum, Maurer, Murphy, Opitz and Roshell -- 15.

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Noes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Flynn, Goyke, Lasee, Lorge, Moody, Offner, Radosevich, Risser, Strohl, Swan, Theno, Thompson and Van Sistine -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Shall **Senate Bill 252** be ordered to a third reading?

Ordered to a third reading.

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

Senator Kleczka objected.

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

The question was: Shall the rules be suspended and the bill be considered for final action at this time?

The ayes and noes were required and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Krueger, Lasee, Moody, Offner, Radosevich, Risser, Strohl, Swan, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Bidwell, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Lorge, McCallum, Maurer, Murphy, Opitz and Roshell -- 12.

Absent or not voting -- None.

So the motion did not prevail.

### **Senate Bill 255**

Relating to the quarterly registration of farm trailers.

Read a second time.

By request of Senator Cullen, with unanimous consent, **Senate Bill 255** was referred to committee on Aging, Business and Financial Institutions and Transportation.

**Senate Bill 277**

An act to appropriate \$48,379 plus interest from the general fund for payment of a claim made by Manufacturer's Lease Plans, Inc., against the state.

Read a second time.

The question was: Shall **Senate Bill 277** be indefinitely postponed?

The motion prevailed.

**Senate Bill 279**

Relating to false milk testing and other violations of the weights and measures law and increasing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 279** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 279** was withdrawn from the joint committee on Finance and considered for action at this 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 279**

Read a third time and passed.

**Senate Bill 301**

Relating to inspection of electrical construction by the department of industry, labor and human relations, granting rule-making authority, making an appropriation and imposing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Berger, with unanimous consent, senate amendment 1 was laid on the table.

Senate amendment 2 offered by Senator Roshell.

The question was: Adoption of senate amendment 2?

Adopted.

Senate amendment 3 offered by Senator Radosevich.

The question was: Adoption of senate amendment 3?

Senator Berger moved rejection of senate amendment 3.

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The question was: Rejection of senate amendment 3?

Senator Roshell raised the point of order that senate amendment 3 was not germane.

The chair took the point of order under advisement.

**Senate Bill 332**

Relating to eliminating the county expressway and transportation commission in counties having a population of 500,000 or more and transferring the powers and duties of the commission to the county board.

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.

**Senate Bill 332**

Read a third time and passed.

**Senate Bill 411**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1979-81 biennium, covering employees in the clerical and related collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Senate Bills 411, 412, 413, 414, 415 and 416** were laid on the table.

**Assembly Joint Resolution 36**

To reaffirm the ties of friendship between the State of Wisconsin and the Republic of China.

Read.

The question was: Concurrence?

Senate amendment 1 offered by Senator Harnisch.

The question was: Adoption of senate amendment 1?

Senator Swan moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

Senator Bear in the chair.

3:12 P.M.

The question was: Rejection of senate amendment 1?

The motion prevailed.

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The question was: Concurrence?  
Concurred in.

**Assembly Joint Resolution 68**

Relating to the International Year of the Child and the Milwaukee Links, Inc.

Read.

The question was: Concurrence?  
Concurred in.

**Assembly Bill 312**

Relating to multicounty mosquito control districts.

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.

The president of the senate in the chair.

3:20 P.M.

**Assembly Bill 312**

Read a third time and concurred in.

**Assembly Bill 2**

Relating to creating a citizens utility board to advocate for residential consumers in public utility matters and providing a penalty.

Read a second time.

Senate substitute amendment 1 offered by Senator Kleczka.

Senator Bablitch moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

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, Bear, Berger, Braun, Cullen, Flynn, Harnisch, Lorge, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Thompson and Van Sistine -- 17.

Noes -- Senators Bidwell, Chilsen, Frank, Goyke, Hanaway, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Murphy, Opitz, Roshell, Swan and Theno -- 16.

Absent or not voting -- None.

So the motion for rejection prevailed.

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Senate substitute amendment 2 offered by Senator Murphy.

Senator Swan moved non-concurrence of **Assembly Bill 2**.

The question was: Non-concurrence of **Assembly Bill 2**?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 23; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Hanaway, Kreul, Lasee, Murphy, Opitz, Swan and Theno -- 9.

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

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

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 2?

Senator Bablitch moved rejection of senate substitute amendment 2.

The question was: Rejection of senate substitute amendment 2?

By request of Senator Murphy, with unanimous consent, senate substitute amendment 2 was returned to the author.

Senate amendments 1 and 2 offered by Senator Van Sistine.

By request of Senator Van Sistine, with unanimous consent, senate amendments 1 and 2 were returned to the author.

Senate amendment 3 offered by Senators Bablitch and Krueger.

The question was: Adoption of senate amendment 3?

Adopted.

Senate amendments 4 and 5 offered by Senate Kleczka.

By request of Senator Bablitch, with unanimous consent, the Senate recessed until 4:42 P.M.

4:35 P.M.

RECESS

4:42 P.M.

The senate reconvened.

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

The question was: Adoption of senate amendment 5?

Senator Bablitch moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell,  
Braun, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Krueger,  
Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser,  
Strohl, Thompson and Van Sistine -- 23.

Noes -- Senators Chilsen, Johnston, Kleczka, Kreul, Lasee,  
Murphy, Opitz, Roshell, Swan and Theno -- 10.

Absent or not voting -- None.

So the motion for rejection prevailed.

Ordered to a third reading.

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

**Assembly 2**

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes,  
8; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun,  
Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, Kreul, Krueger,  
Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser,  
Roshell, Strohl, Theno, Thompson and Van Sistine -- 25.

Noes -- Senators Bidwell, Chilsen, Hanaway, Johnston, Lasee,  
Murphy, Opitz and Swan -- 8.

Absent or not voting -- None.

So the bill was concurred in as amended.

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

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

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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 amended and concurred in as amended:

**Senate Joint Resolution 4**, assembly amendment 1 adopted

Concurred in:

**Senate Bill 363**

**Assembly Bill 330**, assembly adheres to its position on assembly amendment 1 to senate substitute amendment 1 and agrees to a Committee on Conference and appoints Representatives Gerlach, Metz and DeLong as conferees on its part.

Adopted and asks concurrence in:

**Assembly Joint Resolution 54**

Passed and asks concurrence in:

**Assembly Bill 636**

**Assembly Bill 744**

**Assembly Bill 1011**

**Assembly Bill 1012**

**Assembly Bill 1013**

**Assembly Bill 1014**

**Assembly Bill 1015**

**Assembly Bill 1016**

**Assembly Bill 1024**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 54**

Relating to removing obsolete provisions of the state constitution regarding elections and suffrage, and creating a new article on suffrage (first consideration).

By Legislative Council.

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

**Assembly Bill 636**

Relating to revisions of the alternative energy system tax credit, making an appropriation and providing penalties.

By Representatives Gerlach, Metz, Clarenbach, Jackamonis, Andrea, Leopold, Medinger, Ferrall, Thompson, Behnke, Lingren, Potter, Munts, McClain, Flintrop, Duren, Omernick, Porter, Merkt, Fischer, Laatsch, Rutkowski, Lorman and Plewa, co-sponsored by Senators Braun, Berger, Swan and Harnisch.

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

**Assembly Bill 744**

Relating to strip searches and providing a penalty.

By Representatives Rutkowski, Ferrall, Otte, Hauke, Gerlach, Flintrop, Jackamonis, Omernick, Donoghue, Coggs, Medinger, Wahner, Leopold, Ulichny, Metz, Wagner, Miller and Young, co-sponsored by Senators Strohl, Flynn, Risser, Adelman, Moody, Radosevich and Cullen.

Read first time and referred to committee on Judiciary and Consumer Affairs.

**Assembly Bill 1011**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1979-81 biennium, covering employes in the clerical and related 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 1012**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1979-81 biennium, covering employes in the blue collar and nonbuilding trades 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 1013**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1979-81 biennium, covering employes in the security and public safety 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 1014**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1979-81 biennium, covering employes in the technical 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 1015**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1979-81 biennium, covering employes in the professional research, statistics and analysis 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 1016**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, for the 1979-81 biennium, covering employes in the professional social services collective bargaining unit, funding certain data processing costs, authorizing an expenditure of funds and making an appropriation.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Organization.

**Assembly Bill 1024**

Relating to transitional provisions concerning fiscal estimates for rule-making orders and legislative review of administrative rules.

By Representatives Jackamonis, Thompson, Shabaz, Wahner and Ferrall.

Read first time and referred to joint committee for Review of Administrative Rules.

By request of Senator Berger, with unanimous consent, **Assembly Bill 1024** was withdrawn from joint committee for Review of Administrative Rules and referred to committee on Senate Organization.

Senator Adelman asked unanimous consent that **Assembly Joint Resolution 54** be withdrawn from committee on Governmental and Veterans Affairs and referred to committee on Judiciary and Consumer Affairs.

Senator Swan objected.

By request of Senator Bablitch, with unanimous consent, **Assembly Joint Resolution 54** was withdrawn from committee on Governmental and Veterans Affairs and referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, **Assembly Bills 198, 346 and 401** were withdrawn from committee on Senate Organization and referred to committee on Aging, Business and Financial Institutions and Transportation.

By request of Senator Bablitch, with unanimous consent, **Assembly Bills 588 and 603** were withdrawn from committee on Senate Organization and referred to committee on Judiciary and Consumer Affairs.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 673** was withdrawn from committee on Senate Organization and referred to committee on Agriculture, Labor and Local Affairs.

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AMENDMENTS OFFERED

Senate amendment 16 to senate substitute amendment 1 to **Senate Bill 121** by Senator Thompson, by request of PROFS, Inc.

Senate substitute amendment 1 to **Senate Bill 220** by Senator Moody.

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Senate amendment 4 to **Senate Bill 301** By Senator Roshell.

Senate amendment 5 to **Senate Bill 301** by Senators Radosevich and Krueger.

Senate substitute amendment 1 to **Senate Bill 325** by Senator Murphy.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 333** by Senator Offner.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Wednesday, October 31.

5:11 P.M.

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CHIEF CLERK'S REPORT

The chief clerk records:

The vetoed portion of **Senate Bill 79 (Item 3-J)** deposited in the Office of the Secretary of State on Friday, October 26, 1979 after passage by both the Senate and the Assembly notwithstanding the objections of the Governor.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 146**

In enrolling, the following correction was made:

1. On page 111, line 1, substitute "20.515(1) (wm) for "20.515(2) (wm).

**Senate Bill 146**

In enrolling, the following correction was made:

1. On page 112, line 16, substitute "following" for "follwoing".

**Assembly Bill 459, Assembly Amendment 1**

In engrossing, the following corrections were made:

1. On page 1, line 2, after ""6.03(4), insert "delete the first "and"; and".

2. On page 1, line 5, delete "13.93 (1) (n),".

3. On page 2, after line 15, insert:

"13m. On page 1, line 14, after "992.08" insert"; and to create 13.93 (1) (n)".