

STATE OF WISCONSIN  
**Senate Journal**  
**Eighty-Fourth Regular Session**

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WEDNESDAY, October 31, 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 Pastor Richard Mc Dowell of the First Assembly of God Church, Madison.

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

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 426**

Relating to increasing the ceiling on the public debt for veterans housing loans, eliminating the authority for revenue obligation bonds for veterans housing loans and making an appropriation.

By Senators Thompson, Swan and Cullen; cosponsored by Representative Lallensack.

To Joint Survey committee on Debt Management.

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COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

**Senate Resolution 9**

Relating to further consideration of matters pending in the senate.

Adoption:

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

Noes, 0 -- None.

**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.

Concurrence:

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

Noes, 0 -- None.

FRED A. RISSER

Chair

The committee on Natural Resources and Tourism reports and recommends:

**Assembly Bill 554**

Relating to boathouses and houseboats on navigable waterways, granting rule-making authority and providing a penalty.

Concurrence:

Ayes, 5 -- Senators Harnsich, Van Sistine, Goyke, Theno and Opitz;

Noes, 1 -- Senator Strohl.

TOM HARNISCH

Chair

The committee on Education and Revenue reports and recommends:

**Assembly Bill 890**

Relating to sales tax exemption certificates for sellers of fuels for residential use.

Concurrence:

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Ayes, 5 -- Senators Goyke, Moody, Offner, Bear and  
McCallum;  
Noes, 0 -- None.

GARY R. GOYKE  
Chair

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CALENDAR OF OCTOBER 31

By request of Senator Bablitch, with unanimous consent, the appointments were considered enmasse with the exception of Arthur W. Shannon.

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.

Read.

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

Read.

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

Read.

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.

Read.

The question was: Confirmation of the appointments?

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, 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 -- 32.

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Noes -- None.

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

So the appointments were confirmed.

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.

Read.

The question was: Confirmation of the appointment?

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, 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 -- 32.

Noes -- None.

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

So the appointment was 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 passed and asks concurrence in:

**Assembly Bill 742**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 742**

Relating to establishing a citation procedure for certain forfeiture actions in circuit court, including juvenile court, revising laws related to the possession and sale by or to minors of beer or liquor, including disposition in juvenile court, prohibiting students from possessing beer or liquor on school grounds, prohibiting persons from remaining in a motor vehicle containing a minor and an open container of beer or liquor and providing a penalty.

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By Representatives Barry, Jackamonis, Plewa, Shoemaker, Porter, Wahner, Fischer, Thompson, DeLong, Johnson, Smith, Becker, McClain, Kedrowski, Leopold, Ellis, Ulichny, Pabst, Kincaid, Wagner, Schneider, Radtke, Metz and Lingren, co-sponsored by Senators Goyke, Moody, Bear, Theno, Thompson, Harnisch and Krueger.

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

Senator Adelman asked unanimous consent that **Assembly Bill 742** be withdrawn from the committee on Aging, Business and Financial Institutions and Transportation and referred to the committee on Judiciary and Consumer Affairs.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 742** was withdrawn from the committee on Aging, Business and Financial Institutions and Transportation and referred to the committee on Senate Organization.

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### MOTIONS

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

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

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

Ayes -- Senators Adelman, Bidwell, Chilsen, Hanaway, Johnston, Kreul, Krueger, Lasee, Lorge, Murphy, Opitz and Theno -- 12.

Noes -- Senators Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Harnisch, Kleczka, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Thompson and Van Sistine -- 21.

Absent or not voting -- None.

Less than two thirds having voted in the affirmative the motion did not prevail.

By request of Senator Van Sistine, with unanimous consent, **Assembly Bill 915** was withdrawn from committee on Agriculture,

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Labor and Local Affairs and referred to committee on Senate Organization.

Senator Braun moved that the motion for reconsideration of the vote by which adoption of **Senate Joint Resolution 17** was refused be taken from the table.

The question was: Shall the motion for reconsideration of the vote by which adoption of **Senate Joint Resolution 17** was refused be taken from the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Goyke, Harnisch, Kleczka, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan and Thompson -- 19.

Noes -- Senators Adelman, Bidwell, Frank, Hanaway, Johnston, Kreul, Krueger, Lasee, Lorge, Murphy, Opitz, Roshell, Theno and Van Sistine -- 14.

Absent or not voting -- None.

So the motion prevailed.

By request of Senator Bablitch, with unanimous consent, **Senate Joint Resolution 17** was placed at the foot of the calendar.

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**Senate Bill 403**

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

Read a second time.

Ordered to a third reading.

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

**Senate Bill 403**

Read a third time and passed.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 403** was ordered immediately messaged.

**Senate Bill 26**

Relating to the costs of property revaluations performed by the department of revenue.

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 26**

Read a third time.

Senator McCallum moved indefinite postponement of the bill.

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 Bear, Berger, Bidwell, Braun, Chilsen, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum, Murphy, Offner, Opitz, Risser, Swan, Theno and Thompson -- 18.

Noes -- Senators Adelman, Bablitch, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Krueger, Maurer, Moody, Radosevich, Roshell, Strohl and Van Sistine -- 15.

Absent or not voting -- None.

So the motion prevailed.

**Senate Bill 52**

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

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 52** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 52** was withdrawn from the joint committee on Finance and considered for action at this time.

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 52**

Read a third time.

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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.

Senator Berger moved reconsideration of the vote by which **Senate Bill 26** was indefinitely postponed.

The motion prevailed.

By request of Senator Berger, with unanimous consent, the motion for reconsideration by which **Senate Bill 26** was indefinitely postponed was laid on the table.

### **Senate Bill 119**

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

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 119** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 119** was withdrawn from the joint committee on Finance and considered for action at this time.

Ordered to a third reading.

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

### **Senate Bill 119**

Read a third time and passed.

### **Senate Bill 149**

Relating to contracts for student spaces in colleges of optometry and optometric medicine, tuition remissions, granting rule-making authority, and making an appropriation.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 149** was referred to joint committee on Finance.



**Senate Bill 171**

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

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 171**

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Hanaway, Harnisch, Johnston, Kleczka, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Theno and Thompson -- 23.

Noes -- Senators Bidwell, Chilsen, Frank, Goyke, Kreul, Krueger, Murphy, Opitz, Roshell and Van Sistine -- 10.

Absent or not voting -- None.

More than two-thirds having voted in the affirmative the bill passed.

**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.

Read a second time.

Senate substitute amendment 1 offered by Senator Berger.

The question was: Adoption of senate substitute amendment 1?

Senator Thompson 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, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Bidwell, Braun, Chilsen, Cullen, Frank, Goyke, Hanaway, Harnisch, Johnston, Kreul, Lasee, Lorge, Maurer, Murphy, Opitz, Risser, Roshell, Strohl, Swan, Theno and Thompson -- 21.

Noes -- Senators Adelman, Bablitch, Bear, Berger, Flynn, Kleczka, Krueger, McCallum, Moody, Offner, Radosevich and Van Sistine -- 12.

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Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 2?

Senator Offner moved that **Senate Bill 178** be referred to the joint committee on Finance.

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LEAVE OF ABSENCE

By request of Senator Maurer, with unanimous consent, he was granted a leave of absence until 2:00 P.M.

The question was: Shall **Senate Bill 178** be referred to joint committee on Finance?

The motion prevailed.

Senator Bidwell moved reconsideration of the vote by which **Senate Bill 178** was referred to joint committee on Finance.

The question was: Reconsideration of the vote by which **Senate Bill 178** was referred to joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Bear, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Lorge, Moody, Murphy, Opitz, Rissler, Roshell, Swan, Theno and Thompson -- 22.

Noes -- Senators Adelman, Ablitch, Berger, Krueger, Lasee, McCallum, Offner, Radosevich, Strohl and Van Sistine -- 10.

Absent or not voting -- None.

So the motion prevailed.

The question was: Shall **Senate Bill 178** be referred to joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 7; noes, 25; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Berger, Krueger, McCallum, Offner, Radosevich and Van Sistine -- 7.

Noes -- Senators Ablitch, Bear, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Lasee, Lorge, Moody, Murphy, Opitz, Rissler, Roshell, Strohl, Swan, Theno and Thompson -- 25.

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

So the motion did not prevail.

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

12:32 P.M.

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RECESS

2:00 P.M.

The senate reconvened.

The question was: Adoption of senate amendment 2?

By request of Senator Bablitch, with unanimous consent, **Senate Bill 178** was placed after **Senate Bill 362**.

**Senate Bill 191**

Relating to fiscal estimates for bills causing fiscal impact on the private sector or an inflationary or deflationary impact on the state economy.

Read a second time.

Ordered to a third reading.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 191** was referred to joint committee on Finance.

**Senate Bill 195**

Relating to increasing the income tax exemption for federal civil service retirement annuities.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Bablitch, with unanimous consent, **Senate Bill 195** was placed after **Senate Bill 178**.

**Senate Bill 260**

Relating to patient access to medical records.

Read a second time.

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

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Adopted.

Senate amendment 2 to senate substitute amendment 1 offered by Senators Offner, Berger and Thompson.

The question was: Adoption of senate amendment 2 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 260**

Read a third time and passed.

**Senate Bill 318**

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

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 318** was referred to joint committee on Finance.

**Senate Bill 333**

Relating to the availability of real estate information used to determine property valuations.

Read a second time.

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

By request of Senator Kleczka, with unanimous consent, **Senate Bill 333** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 333** was withdrawn from the joint committee on Finance and considered for action at this 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 333**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; 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, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- Senator Maurer -- 1.

Absent or not voting -- None.

So the bill passed.

**Senate Bill 362**

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

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 362** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 362** was withdrawn from the joint committee on Finance and considered for action at this 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.

**Senate Bill 362**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; 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, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- Senator Lorge -- 1.

Absent or not voting -- None.

So the bill passed.

**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.

Read.

The question was: Adoption of senate amendment 2?

By request of Senator Opitz, with unanimous consent, senate amendment 2 was laid on the table.

The question was: Adoption of senate amendment 3?

Senator Opitz moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

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

Ayes -- Senators Bidwell, Chilsen, Frank, Goyke, Hanaway, Harnisch, Kreul, Krueger, Lasee, Murphy, Opitz, Risser and Thompson -- 13.

Noes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Johnston, Kleczka, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Roshell, Strohl, Swan, Theno and Van Sistine -- 20.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 3?  
Adopted.

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

Ordered to a third reading.

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

Senator Berger objected.

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

The question was: Shall the rules be suspended and **Senate Bill 178** be considered at this time?

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasec, Lorge, Maurer, Moody, Murphy, Opitz, Risser, Roshell, Strohl, Swan, Theno and Thompson -- 28.

Noes -- Senators Berger, McCallum, Offner, Radosevich and Van Sistine -- 5.

Absent or not voting -- None.

More than two-thirds having voted in the affirmative the rules were suspended.

### **Senate Bill 178**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Moody, Murphy, Opitz, Risser, Roshell, Strohl, Swan, Theno and Thompson -- 27.

Noes -- Senators Berger, McCallum, Maurer, Offner, Radosevich and Van Sistine -- 6.

Absent or not voting -- None.

So the bill passed.

### **Senate Bill 195**

Relating to increasing the income tax exemption for federal civil service retirement annuities.

Read.

The question was: Adoption of senate amendment 1?

Senator Kleczka moved that **Senate Bill 195** be referred to the committee on Senate Organization.

The question was: Shall **Senate Bill 195** be referred to committee on Senate Organization?

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

Ayes -- Senators Bear, Chilsen, Cullen, Frank, Goyke, Harnisch, Kleczka, Krueger, Lorge, McCallum, Opitz, Risser, Strohl, Swan and Thompson -- 15.

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Noes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Flynn, Hanaway, Johnston, Kreul, Lasee, Maurer, Moody, Murphy, Offner, Radosevich, Roshell, Theno and Van Sistine -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Senator Kleczka moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bear, Bidwell, Chilsen, Cullen, Frank, Goyke, Hanaway, Kleczka, Murphy, Opitz, Roshell, Swan and Van Sistine -- 14.

Noes -- Senators Adelman, Berger, Braun, Flynn, Harnisch, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Theno and Thompson -- 19.

Absent or not voting -- None.

So the motion did not prevail.

Senator Krueger moved that **Senate Bill 195** be laid on the table.

The question was: Shall **Senate Bill 195** be laid on the table?

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

Ayes -- Senators Bablitch, Bear, Braun, Chilsen, Cullen, Frank, Goyke, Hanaway, Harnisch, Kleczka, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz, Risser, Roshell, Swan, Theno, Thompson and Van Sistine -- 22.

Noes -- Senators Adelman, Berger, Bidwell, Flynn, Johnston, Kreul, Maurer, Moody, Offner, Radosevich and Strohl -- 11.

Absent or not voting -- None.

So the motion prevailed.



LEAVE OF ABSENCE

By request of Senator McCallum, with unanimous consent, he was granted a leave of absence for the balance of today's session.

By request of Senator McCallum, with unanimous consent, the journal showed that the reason for his absence was a meeting with the Governor regarding prison siting.

**Assembly Joint Resolution 86**

Granting the use of the legislative chambers on November 3 and 4, 1979, to the 1979 Model Legislature of the Young Republicans and Young Democrats.

Read.

Concurred in.

**Assembly Bill 737**

Relating to storing and dispensing petroleum products.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 737**

Read a third time and concurred in.

**Assembly Bill 860**

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

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 860**

Read a third time and concurred in.

**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.

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 1011**

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, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasec, Lorge, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the bill was concurred in.

**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.

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 1012**

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, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasec, Lorge, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the bill was concurred in.

**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.

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 1013**

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, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Maurer, Moody, Murphy, Offner, Opitz, Radosovich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the bill was concurred in.

**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.

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 1014**

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, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Maurer, Moody,

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Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the bill was concurred in.

**Assembly Bill 1015**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employes 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.

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 1015**

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, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the bill was concurred in.

**Assembly Bill 1016**

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employes 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.

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 1016**

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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, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the bill was concurred in.

### **Senate Bill 252**

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

Read a third time.

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

The question was: Shall **Senate Bill 252** be indefinitely postponed?

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

Ayes -- Senators Bablitch, Chilsen, Cullen, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Lorge, Maurer, Murphy, Opitz, Roshell, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Bear, Berger, Bidwell, Braun, Flynn, Krueger, Lasee, Moody, Offner, Radosevich, Risser, Strohl, Swan and Thompson -- 15.

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

So the motion prevailed.

### **Senate Joint Resolution 17**

Directing the legislative council to study the feasibility of public acquisition and operation of public utilities.

Read.

The question was: Shall the vote by which **Senate Joint Resolution 17** failed to be adopted be reconsidered?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

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Ayes -- Senators Bablitch, Bear, Berger, Braun, Cullen, Flynn, Goyke, Harnisch, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 17.

Noes -- Senators Bidwell, Chilsen, Frank, Hanaway, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Murphy, Opitz, Roshell and Theno -- 14.

Absent or not voting -- Senators Adelman and McCallum -- 2.

So the motion prevailed.

The question was: Adoption of **Senate Joint Resolution 17**?

Senator Opitz moved that **Senate Joint Resolution 17** be referred to committee on Insurance and Utilities.

The question was: Shall **Senate Joint Resolution 17** be referred to committee on Insurance and Utilities?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 20; absent or not voting, 2; as follows:

Ayes -- Senators Bidwell, Chilsen, Frank, Hanaway, Johnston, Kreul, Lasee, Murphy, Opitz, Roshell and Theno -- 11.

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

Absent or not voting -- Senators Adelman and McCallum -- 2.

So the motion did not prevail.

The question was: Adoption of **Senate Joint Resolution 17**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

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

Noes -- Senators Bidwell, Chilsen, Frank, Johnston, Kreul, Lasee, Lorge, Murphy, Opitz, Roshell and Theno -- 11.

Absent or not voting -- Senators Adelman and McCallum -- 2.

So the joint resolution was adopted.

RULING OF THE CHAIR

**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).

Yesterday, Senator Swan raised the point of order that senate amendment 2 to **Senate Joint Resolution 28** was not germane. The question of germaneness is sometimes a close one and any judgment by the Chair could be validly questioned.

Senate Rule 50(1) reads in part: "nor should the Senate consider any substitute or amendment which relates to a different subject, is intended to accomplish a different purpose, would require a title essentially different or would totally alter the nature of the original proposal".

In this case it is the Chair's opinion that the purpose of **Senate Joint Resolution 28** is to expand the repayment period for indebtedness specifically for cities of the first class and Milwaukee County for the purpose of purchasing, constructing or improving a sewerage collection for treatment system. It is the opinion of the Chair that senate amendment 2 is intended to accomplish a different purpose and therefore the point of order is well taken.

Ordered to a third reading.

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

**Senate Joint Resolution 28**

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

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

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

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

So the joint resolution was adopted.

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**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.

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

The point of order of yesterday was on senate amendment 3; since the amendment has been returned to the author, the point of order is moot.

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

The question was: Adoption of senate amendment 5?

Senator Roshell moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?

By request of Senator Flynn, with unanimous consent, **Senate Bill 301** was temporarily laid aside.

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

By request of Senator Flynn, with unanimous consent, **Assembly Bill 742** was withdrawn from committee on Senate Organization and referred to committee on Aging, Business and Financial Institutions and Transportation.

By request of Senator Flynn, with unanimous consent, the Senate considered **Senate Bill 301**.

**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.

The question was: Rejection of senate amendment 5?

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LEAVE OF ABSENCE

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



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The question was: Rejection of senate amendment 5?  
Rejected.

Ordered to a third reading.

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

**Senate Bill 301**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 1; absent or not voting, 4; as follows:

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

Noes -- Senator Bidwell -- 1.

Absent or not voting -- Senators Bablitch, Cullen, McCallum and Swan -- 4.

So the bill passed.

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

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AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 607** by Senator Lasee.

Upon motion of Senator Flynn the senate adjourned until 10:00 A.M. Thursday, November 1.

4:28 P.M.