

JOURNAL OF THE SENATE [January 22, 1980]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

TUESDAY, January 22, 1980.

11:18 A.M.

The senate met.

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

MOTION CALLING EXTRAORDINARY SESSION

In accordance with Joint Rule 81(2) it was moved that the Legislature meet in Extraordinary Session commencing at 10:00 A.M., January 22, 1980, and ending on January 26, 1980, for the purpose of taking action on the following bills:

Assembly Bill 8	Assembly Bill 77	Assembly Bill 169
Assembly Bill 413	Assembly Bill 596	Assembly Bill 636
Assembly Bill 732	Assembly Bill 749	Assembly Bill 777
Assembly Bill 840	Assembly Bill 883	Assembly Bill 966
Assembly Bill 1043	Assembly Bill 1065	Assembly Bill 1116
Senate Bill 87	Senate Bill 339	Senate Bill 344
Senate Bill 345	Senate Bill 509	Senate Bill 508
Senate Bill 500		

Adopted 3-0 by committee on Senate Organization.

Adopted 5-0 by committee on Assembly Organization.

LEAVE OF ABSENCE

By request of Senator Krueger, with unanimous consent, Senator Johnston was granted a leave of absence for today's session.

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, 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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Absent -- None.

Absent with leave -- Senator Johnston -- 1.

The senate stood for a moment of silent prayer.

The senate remained standing and Senator Bablitch 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 525

Relating to increasing the maximum length of vehicles and providing a penalty.

By Senators Van Sistine and McCallum; cosponsored by Representatives Vanderperren, Omernick, Kincaid and Hopkins.

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

Senate Bill 526

Relating to exemption from jury duty.

By Senator Frank; cosponsored by Representatives Tesmer and Plewa, by request of Common Councils of cities of St. Francis and Cudahy.

To committee on Judiciary and Consumer Affairs.

Senate Bill 527

Relating to establishing an emergency police services mutual aid program and making an appropriation.

By Senators Risser, Goyke, Krueger, Berger, Theno and Bidwell; cosponsored by Representatives Smith, Shoemaker, Byers, Donoghue, Gagin, Everson, Klicka, Lallensack, Murray, Conradt, Lewison, Barry, Swoboda, Thompson, Helbach, Kincaid, Plewa, Hasenohrl and Schmidt.

To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Senate Resolution 10

Relating to the rules of the senate for the January 1980 extraordinary floorperiod.

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Introduction:

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

Noes, 0 -- None.

FRED A. RISSER

Chair

Read.

Considered as privileged and taken up at this time.

Adopted.

The joint committee on Audit reports and recommends for
introduction:

Senate Bill 528

Relating to increasing the number of demerit points for speeding
violations, monitoring of compliance with the 55 miles per hour speed
limit, prohibiting the sale and use of radar detection devices and
providing a penalty.

Introduction:

Ayes, 5 -- Senators Harnisch, Berger, Representatives Gerlach,
Lee and Quackenbush;

Noes, 1 -- Representative Porter.

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

THOMAS W. HARNISCH

Chair

CHESTER GERLACH

Chair

The committee on Natural Resources and Tourism reports and
recommends for introduction:

Senate Bill 529

Relating to eligibility under the woodland tax program.

Introduction:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;

Noes, 0 -- None.

Read first time and referred to committee on Natural Resources
and Tourism.

THOMAS W. HARNISCH

Chair

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The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 508

Relating to restricting dangerous drugs and liquor in prisons and jails and providing penalties.

Passage:

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

Noes, 0 -- None.

Senate Joint Resolution 2

To amend section 15 of article IV of the constitution so as in effect to repeal said section, relating to legislative immunity from arrest and civil process (1st consideration).

Adoption:

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

Noes, 0 -- None.

Assembly Bill 672

Relating to recording in municipal court.

Introduction and adoption of senate amendment 2:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 509

Relating to taking hostages and providing a penalty.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Assembly Bill 413

Relating to committing a crime with a dangerous weapon and providing a penalty.

Introduction and adoption of senate substitute amendment 1:

Ayes, 3 -- Senators Adelman, Bear and Murphy;

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Noes, 1 -- Senator Braun.

Concurrence as amended:

Ayes, 3 -- Senators Adelman, Bear and Murphy;

Noes, 1 -- Senator Braun.

Assembly Bill 749

Relating to revising conditions of bail.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

The committee on Natural Resources and Tourism reports and recommends:

Senate Bill 352

Relating to requiring completion of a hunter safety education course before issuance of a hunting license.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;

Noes, 0 -- None.

Senate Bill 376

Relating to the registration of antique snowmobiles.

Adoption of senate amendment 2:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;

Noes, 0 -- None.

TRAINER, DR. DANIEL, of Stevens Point, as a member of the Natural Resources Board, to succeed Catherine Conroy, to serve for the term ending May 1, 1985.

Confirmation:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;

Noes, 0 -- None.

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Senate Bill 115

Relating to revision of boating laws to conform to applicable federal regulations affecting boat numbering, equipment and accident reporting and granting rule-making authority.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Senate Bill 306

Relating to school and community forests.

Passage:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Senate Bill 360

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

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Senate Bill 484

Relating to procedures used in natural resource and snowmobile violation cases.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Senate Bill 485

Relating to arrest powers for conservation wardens.

Passage:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

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Assembly Bill 108

Relating to regulating the harvest of wild ginseng, granting rule-making authority and providing a penalty.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Concurrence as amended:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Assembly Bill 209

Relating to membership and responsibilities of the radiation protection council.

Concurrence:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

Assembly Bill 561

Relating to remedial legislation for the department of natural resources (suggested as remedial legislation by the department of natural resources).

Concurrence:

Ayes, 4 -- Senators Harnisch, Strohl, Van Sistine and Theno;
Noes, 0 -- None.

THOMAS W. HARNISCH
Chair

The committee on Natural Resources and Tourism reports and recommends:

Assembly Bill 777

Relating to creating various alternative energy incentives, making appropriations and granting rule-making authority.

Adoption of senate amendment 1:

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

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

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

Noes, 0 -- None.

Introduction and adoption of senate amendment 3:

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

Noes, 0 -- None.

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Introduction and adoption of senate amendment 4:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

THOMAS W. HARNISCH

Chair

The Senate Select committee on Energy reports and recommends:

Senate Bill 500

Relating to energy resources, granting rule-making authority,
making appropriations and providing penalties.

Introduction and adoption of senate substitute amendment 1:

Ayes, 8 -- Senators Harnisch, Thompson, Flynn, Kleczka,
Berger, Braun, Moody and Strohl;

Noes, 0 -- None.

Passage as amended:

Ayes, 8 -- Senators Harnisch, Thompson, Flynn, Kleczka,
Berger, Braun, Moody and Strohl;

Noes, 0 -- None.

THOMAS W. HARNISCH

Chair

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

Senate Joint Resolution 6

To create section 7(2)(a) 3 of article VIII of the constitution,
relating to loans to farmers for the acquisition of farmland and farm
buildings (second consideration).

Adoption:

Ayes, 3 -- Senators Van Sistine, Thompson and Kreul;

Noes, 2 -- Senators Roshell and Hanaway.

Senate Bill 418

Relating to regulation of packaging and sale of milk and milk
products.

Passage:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and
Hanaway;

Noes, 0 -- None.

Assembly Bill 337

Relating to remedial legislation for the department of agriculture, trade and consumer protection, including abolishing the council on food standards (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

Concurrence:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Senate Bill 359

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

Passage:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Senate Bill 391

Relating to prohibiting work on public construction contracts at less than full rate and providing a penalty.

Passage:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Senate Bill 472

Relating to revising the worker's compensation laws.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Assembly Bill 597

Relating to authorization of minors 12 and 13 years of age to work in the business, trade or profession of the minor's parent or guardian.

Concurrence:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Senate Bill 351

Relating to mortgage certificates to finance municipal improvements in public utilities.

Passage:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Assembly Bill 174

Relating to compensation of town officers.

Concurrence:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Assembly Bill 499

Relating to licensure of mobile home parks by local government.

Concurrence:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Assembly Bill 502

Relating to town authority to combine or designate as part-time certain town offices.

Concurrence:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Assembly Bill 717

Relating to citizen initiative on changing town meeting location and calling a special town meeting.

Concurrence:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

Noes, 0 -- None.

Assembly Bill 738

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

Concurrence:

Ayes, 5 -- Senators Van Sistine, Roshell, Thompson, Kreul and Hanaway;

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Noes, 0 -- None.

JEROME VAN SISTINE

Chair

The committee on Education and Revenue reports and recommends:

Assembly Bill 636

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

Adoption of senate amendment 1:

Ayes, 3 -- Senators Goyke, Moody and Offner;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 3 -- Senators Goyke, Moody and Offner;

Noes, 0 -- None.

GARY R. GOYKE

Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

January 15, 1980.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on December 19, 1979, and ending on January 15, 1980.

Yours very truly,

VEL PHILLIPS

Secretary of State

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Lobbyist's name, address, telephone number; principal's name, address, telephone number; the code numbers indicating areas of Legislative action; the code numbers indicating areas of administrative action.

Ripple, Mary Anne, c/o Cook & Franke S.C., 660 E. Mason St., Milwaukee, WI 53202 (608) 238-8989; Wisconsin Optometric Association, 5721 Odana Rd., Madison, WI 53719 (608) 274-4322; 7, 10, 11, 14, 18, 19, 20, 21, 22; 101, 129, 132, 138, 140, 163, 165, 170, 174, 180.

Parys, Ronald G., 206 E. Olin Ave., Madison, WI 53713 (608) 251-0368 and/or 251-2320; Tavern Hosts of Wisconsin, Route 5, P.O. Box 264, Hayward, WI 54843 (715) 634-4277; 5, 6, 13, 18, 20, 22; 101, 170.

Klauser, James R., 120 Wisconsin Ave., Madison, WI 53703 (608) 255-2312; Wisconsin Association of Manufacturers & Commerce, 120 Wisconsin Ave., Madison, WI 53703 (608) 255-2312; 1-26; 101-186.

Bevan, Murray E., 330 E. Lakeside St., Madison, WI 53715 (608) 257-6781; State Medical Society of Wisconsin, 330 E. Lakeside St., Madison, WI 53715 (608) 257-6781; 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 22; 101, 129, 138, 143, 150, 155, 161, 163, 164, 166, 174, 180. This registration filed March 1, 1979.

Conlon, Kevin W., Room 701-F, City Hall, 200 E. Wells St., Milwaukee, WI 53202 (414) 278-3747; City of Milwaukee, Attn: City Clerk, Room 205, City Hall, 200 E. Wells St., Milwaukee, WI 53202 (414) 278-2221; 4, 17, 26; 144, 186.

Franke, Harry F., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Formaldehyde Institute, 1875 "I" St., NW, Washington, D.C. 20006 (202) 659-3600; 3, 11, 13, 18, 21; 116, 129, 136, 140. Hamilton Test Systems, Inc., Windsor Locks, Connecticut 06096 (203) 623-1621, Ext. 2175; 3, 11, 13, 18, 23; 129, 136, 144, 176, 184.

Driessen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Formaldehyde Institute, 1875 "I" St., NW, Washington, D.C. 20006 (no phone given); 3, 11, 13, 18, 21; 116, 129, 136, 140. Hamilton Test Systems, Inc., Windsor Locks, Connecticut 06096 (203) 623-1621, Ext. 2175; 3, 11, 13, 18, 23; 129, 136, 144, 176, 184.

Ripple, Mary Anne, c/o Cook and Franke S.C., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Hamilton Test Systems, Inc., Windsor Locks, Connecticut 06096 (203) 623-1621, Ext. 2175; 3, 11, 13, 18, 23; 129, 136, 144, 176, 184.

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NOTE: REGISTRATION CHANGE

Gaines, Lois M., lobbyist for the Wisconsin Restaurant Association, has changed her name to Lois M. Kostroski.

NOTE: TERMINATIONS

Wimmer, James W., Jr., lobbyist for Wisconsin Association of Personnel Consultants, effective December 21, 1979.

Williams, Jerry, lobbyist for the American Legion, Department of Wisconsin, effective December 27, 1979.

Van Dyke, Ervin F., lobbyist for the American Legion, Department of Wisconsin, effective December 27, 1979.

Frautschy, Robert, lobbyist for the American Legion, Department of Wisconsin, effective December 27, 1979.

Messina, Gene, lobbyist for the Wisconsin Association on Alcoholism and Other Drug Abuse, Inc., effective January 11, 1980.

Bevan, Murray E., lobbyist for the State Medical Society of Wisconsin, effective November 30, 1979.

Gannon, Chauncy, lobbyist for the Wisconsin Recreation Industries, Inc., effective January 15, 1980.

The chart of code numbers can be found on pages 99 and 100 of the Senate Journal of February 6, 1979.

SPECIAL ORDERS

Senate Bill 500

Relating to energy resources, granting rule-making authority, making appropriations and providing penalties.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 500** was referred to joint committee on Finance.

SPECIAL ORDERS

Assembly Bill 749

Relating to revising conditions of bail.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senator Braun.

By request of Senator Lasee, with unanimous consent, the senate recessed until 11:58 A.M.

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11:35 A.M.

RECESS

11:58 A.M.

The senate reconvened.

Senator Flynn in the chair.

11:58 A.M.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 1:30 P.M.

12:05 P.M.

RECESS

1:30 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 Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- Senator Johnston -- 1.

The president of the senate in the chair.

1:31 P.M.

Assembly Bill 749

Relating to revising conditions of bail.

Read.

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

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Senator Murphy moved rejection of senate amendment 1 to senate substitute amendment 1?

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

Senator Flynn in the chair.

1:50 P.M.

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

The motion prevailed.

Senate amendment 2 to senate substitute amendment 1 offered by Senator Braun.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Senator Murphy moved rejection of senate amendment 2 to senate substitute amendment 1.

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Chilsen, Flynn, Frank, Hanaway, Harnisch, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Murphy, Offner, Opitz, Radosevich, Roshell, Strohl and Theno -- 24.

Noes -- Senators Braun, Cullen, Goyke, Moody, Risser, Swan, Thompson and Van Sistine -- 8.

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

So the motion prevailed.

Senate amendment 3 to senate substitute amendment 1 offered by Senator Braun.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator Murphy moved rejection of senate amendment 3 to senate substitute amendment 1.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

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By unanimous consent Senator Braun offered senate amendment 1 to senate amendment 3 to senate substitute amendment 1.

The question was: Adoption of senate amendment 1 to senate amendment 3 to senate substitute amendment 1?

Adopted.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

The motion did not prevail.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Adopted.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Bablitch.

By request of Senator Bablitch, with unanimous consent, senate amendment 4 to senate substitute amendment 1 was placed after senate amendment 6 to senate substitute amendment 1 to **Assembly Bill 749**.

Senate amendment 5 to senate substitute amendment 1 offered by Senator Murphy.

The question was: Adoption of senate amendment 5 to senate substitute amendment 1?

Senator Adelman moved rejection of senate amendment 5 to senate substitute amendment 1.

The question was: Rejection of senate amendment 5 to senate substitute amendment 1?

The president of the senate in the chair.

2:41 P.M.

The question was: Rejection of senate amendment 5 to senate substitute amendment 1?

The motion prevailed.

Senate amendment 6 to senate substitute amendment 1 offered by Senator Moody.

By request of Senator Moody, with unanimous consent, senate amendment 6 to senate substitute amendment 1 was returned to the author.

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By unanimous consent, Senator Bablitch offered senate amendment 1 to senate amendment 4 to senate substitute amendment 1.

The question was: Adoption of senate amendment 1 to senate amendment 4 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 4 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.

Assembly Bill 749

Read a third time.

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

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

Noes -- Senators Braun, Risser and Swan -- 3.

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

So the bill was concurred in as amended.

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

SPECIAL ORDERS

Assembly Bill 8

Relating to battery to persons 62 years of age or older and providing a penalty.

Read a second time.

Senate amendment 1 offered by Senators Hanaway, Lasee, Murphy, Johnston, Chilsen, Lorge, Opitz and Roshell.

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Senate substitute amendment 2 offered by Senator Cullen.

Senate substitute amendment 3 offered by Senators Murphy and Krueger.

The question was: Adoption of senate substitute amendment 1?

Senator Murphy asked unanimous consent that senate substitute amendments 1 and 2 be placed on the table and senate substitute amendment 3 considered at this time.

Senator Adelman objected.

Senator Murphy moved that senate substitute amendments 1 and 2 be placed on the table and senate substitute amendment 3 considered at this time.

The question was: Shall senate substitute amendments 1 and 2 be placed on the table and senate substitute amendment 3 considered at this time?

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

Ayes -- Senators Bidwell, Chilsen, Hanaway, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz and Theno -- 11.

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

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

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 1?

Senate amendment 1 to senate substitute amendment 1 offered by Senator Kleczka.

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

Adopted.

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

The question was: Adoption of senate substitute amendment 2?

Senator Kleczka moved rejection of senate substitute amendment 2.

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The question was: Rejection of senate substitute amendment 2?

Senate amendment 2 to senate substitute amendment 1 offered by Senator Berger.

By request of Senator Berger, with unanimous consent, senate amendment 2 to senate substitute amendment 1 was considered at this time.

Senator Cullen moved rejection of senate amendment 2 to senate substitute amendment 1.

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

Senator Kleczka raised the point of order that senate amendment 2 to senate substitute amendment 1 was not germane.

The chair ruled the point of order not well taken.

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

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

Ayes -- Senators Adelman, Bablitch, Bear, Braun, Flynn, Frank, Goyke, Hanaway, Harnisch, Kleczka, Moody, Murphy, Radosevich, Roshell, Strohl, Thompson and Van Sistine -- 17.

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Offner, Opitz, Risser, Swan and Theno -- 15.

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

So the motion prevailed.

The question was: Rejection of senate substitute amendment 2?

The motion prevailed.

The question was: Adoption of senate substitute amendment 3?

Senator Bablitch moved rejection of senate substitute amendment 3.

The question was: Rejection of senate substitute amendment 3?

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

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Ayes -- Senators Adelman, Bablitch, Bear, Braun, Cullen, Flynn, Goyke, Kleczka, Maurer, Moody, Offner, Radosevich, Roshell, Strohl, Swan, Thompson and Van Sistine -- 17.

Noes -- Senators Berger, Bidwell, Chilsen, Frank, Hanaway, Harnisch, Kreul, Krueger, Lasee, Lorge, McCallum, Murphy, Opitz, Risser and Theno -- 15.

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

So the motion prevailed.

Ordered to a third reading.

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

Assembly Bill 8

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

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

Noes -- Senators Risser and Swan -- 2.

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

So the bill was concurred in as amended.

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

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 413** was placed after **Senate Bill 509**.

SPECIAL ORDERS

Senate Bill 508

Relating to restricting dangerous drugs and liquor in prisons and jails and providing penalties.

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 508

Read a third time and passed.

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

SPECIAL ORDERS

Senate Bill 509

Relating to taking hostages and providing a penalty.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Hanaway moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

The motion did not prevail.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 509** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 509** 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 509

Read a third time.

The ayes and noes were demanded 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, 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 Johnston -- 1.

So the bill passed.

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

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 413** was laid on the table.

SENATE CLEARINGHOUSE RULES

Clearinghouse Rule 80-8

A rule to amend NR 112.15(8)(b), relating to the injection of pesticides into the well discharge pipe of an irrigation system.

Submitted by Department of Natural Resources.

Report received from Agency, January 17, 1980.

Referred to committee on Natural Resources and Tourism, January 22, 1980.

Clearinghouse Rule 80-9

A rule to amend NR 110.05(3)(b) and (4)(b)(intro.), relating to extending the deadline for compliance with effluent limitations to 1983.

Submitted by Department of Natural Resources.

Report received from Agency, January 17, 1980.

Referred to committee on Natural Resources and Tourism, January 22, 1980.

The committee on Human Services reports and recommends:

Clearinghouse Rule 79-5

A rule creating s. H 62.15 of the Wisconsin Administrative Code, relating to water conserving plumbing fixtures.

Submitted by Department of Health and Social Services.

No action taken, January 17, 1980

Clearinghouse Rule 79-62

A rule to create Ch. HSS 306, relating to security for correctional institutions.

Submitted by Department of Health and Social Services.

No action taken, January 17, 1980

CARL W. THOMPSON

Chair

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The committee on Human Services reports and recommends:

Clearinghouse Rule 79-63

A rule to create Chs. HSS 303, 304 and 305, relating to discipline in state correctional institutions.

Submitted by Department of Health and Social Services.

Objects in part, January 17, 1980

The committee recommends the following changes:

(1) On page 19, first paragraph, Amend HSS 303.04 as follows:

The following, if proven beyond a reasonable doubt, to the satisfaction of the committee by a preponderance of the evidence by the inmate, are complete defenses to alleged violations of the sections under Chapter HSS 303.

(2) On page 53 and 54, last paragraph, Amend the Note to HSS 304.06 as follows:

This section should be used for the person who willingly joins a fight when someone attacks him or her, or more commonly, against both parties when the aggressor cannot be determined, and both parties used force.

Objection in part:

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

Noes, 0 -- None.

CARL W. THOMPSON

Chair

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

AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 339** by Senator Braun.

Senate amendment 2 to senate substitute amendment 3 to **Senate Bill 345** by Senator Flynn.

Senate amendment 1 to **Senate Bill 446** by Senator Thompson, by request of the Wisconsin National Guard.

Senate amendments 3 and 4 to **Senate Bill 500** by Senator Kreul.

Senate substitute amendment 1 to **Assembly Bill 346** by Senator Van Sistine.

Senate amendment 1 to senate substitute amendment 1 to **Assembly Bill 413** by Senator Braun.

Senate substitute amendment 2 to **Assembly Bill 413** by Senators Murphy, Opitz, Lasec, Krueger and Chilsen.

By request of Senator Chilsen, with unanimous consent, the senate adjourned in honor of Joe Hasler who is leaving after many years of dedicated state service.

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By request of Senator Lorge, with unanimous consent, the senate adjourned in honor of Harry Ripson, the sole surviving Spanish American War Veteran at the Wisconsin Veterans Home in King, Wisconsin, who will be celebrating his 100th birthday February 9.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Wednesday, January 23.

4:04 P M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 490

1. On page 301, line 27, substitute "(2)" for "(a)".

Senate Bill 383

1. On page 8, line 7, delete "and is included in Title XX".

NOTE: Chapter 89, laws of 1979, repealed all references to "Title" within the statutes, making the above deleted text unnecessary.

Senate Bill 500

1. On page 1, line 11, delete "121.54 (10)" and substitute "120.13 (26)".
2. On page 38, line 22, substitute "OR" for the 2nd "OF".
3. On page 39, line 20, delete "121.54 (10)" and substitute "120.13 (26)".
4. On page 45, lines 3 and 6, delete "121.54 (10)" and substitute "120.13 (26)".