

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

THURSDAY, March 6, 1980.

9:00 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, Goyke, Hanaway, Harmsch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 30.

Absent -- Senators Frank and Opitz -- 2.

Absent with leave -- None.

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

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 44

Directing the legislative council to study the effectiveness of the children's code and to recommend further revisions.

By Senators Chilsen and Lasee, by request of Roger P. Murphy.

Read and referred to committee on Judiciary and Consumer Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 590

Relating to parole eligibility.

By Senator Chilsen, by request of Roger P. Murphy.

To committee on Human Services.

Senate Bill 591

Relating to creating spurious liens and providing a penalty.

By Senators Harnisch, Bablitch and Chilsen; cosponsored by Representatives McClain, Helbach, Robertson and Quackenbush.

To committee on Judiciary and Consumer Affairs.

Senate Bill 592

Relating to transferring a foreign juvenile delinquent or criminal to the foreign country upon request.

By Senators McCallum, Radosevich, Lorge, Braun, Chilsen, Swan and Risser; cosponsored by Representatives D. Travis, Luckhardt, Ladwig, Lingren, Goodrich, Donoghue, Harsdorf, Paulson, Prosser, Jackamonis, Matty, Robertson, Nelson and Stitt.

To committee on Human Services.

COMMITTEE REPORTS

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to **Senate Bill 317**

Public Policy Involved

This bill is good public policy.

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

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Appendix to Senate Bill 397

Public Policy Involved

This bill is good public policy. However, the Committee recommends that the bill be amended to take effect on the first day of the 1981-83 biennium.

Read and referred to committee on Education and Revenue.

Appendix to Senate Bill 486

Public Policy Involved

Although the Joint Survey Committee on Tax Exemptions finds this income tax exemption preferable to many existing exemptions, we recommend this as good public policy only if the revenue loss is replaced from other sources, given the current state fiscal situation.

We also recommend that the bill be amended to make the exemption available to each individual taxpayer rather than each household.

Read and referred to committee on Education and Revenue.

Appendix to Senate Bill 555

Public Policy Involved

This bill is good public policy if it is amended to remove the constitutional and technical problems outlined in the "Legality Involved" section of this Report.

Read and referred to committee on Natural Resources and Tourism.

MICHELE G. RADOSEVICH
Co-chair

DAVID E. CLARENBACH
Co-chair

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

BLESER, CLARENCE, of Shawano, as a member of the Housing Finance Authority, to succeed Jean C. Broeren, to serve for the term ending January 1, 1984.

Confirmation:

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

Noes, 0 -- None.

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HOLLANDER, WALTER, of Rosendale, as a member of the Housing Finance Authority, to succeed Paul H. Akers, to serve for the term ending January 1, 1983.

Confirmation:

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

Noes, 0 -- None.

ULLRICH, JOHN W., of Wausau, as a member of the Housing Finance Authority, to succeed James A. Graaskamp, to serve for the term ending January 1, 1983.

Confirmation:

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

Noes, 0 -- None.

Senate Bill 542

Relating to curb ramping on streets.

Passage:

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

Noes, 0 -- None.

Assembly Joint Resolution 75

Directing the legislative council to study the interrelationship of urban programs and agricultural land use.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

Assembly Bill 179

Relating to disposal of abandoned property by cities, villages and counties.

Concurrence:

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

Noes, 1 -- Senator Swan.

Assembly Bill 249

Relating to the recruitment of strike breakers for employment and providing a penalty.

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Concurrence:

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

Noes, 0 -- None.

Assembly Bill 282

Relating to dog licenses, collection procedures, listing of owners,
late fees and compensation to local officials.

Concurrence:

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

Noes, 1 -- Senator Swan.

Assembly Bill 908

Relating to allowing the city council to set the salary of the city
treasurer.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 941

Relating to the priority of mechanic's liens.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 1025

Relating to permitting local authorities to reduce speed limits.

Concurrence:

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

Noes, 1 -- Senator Swan.

Assembly Bill 1040

Relating to permitting employes to inspect their personnel
records.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 1059

Relating to prohibiting state purchase of the products of frequent
labor law violators.

Concurrence:

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**Ayes, 4 -- Senators Van Sistine, Roshell, Thompson and Swan;
Noes, 2 -- Senators Kreul and Hanaway.**

Assembly Bill 1092

Relating to village police departments.

Concurrence:

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

Noes, 0 -- None.

JEROME VAN SISTINE

Chair

The joint committee on Finance reports and recommends:

Senate Bill 107

**Relating to governmental practices regarding personal
information, granting rule-making authority and providing penalties.**

Indefinite postponement:

**Ayes, 11 -- Senators Kleczka, Maurer, Flynn, Offner, Braun
and Chilsen, Representatives Norquist, Otte, Roberts,
Kirby and Barry;**

Noes, 2 -- Senator Radosevich, Representative Lingren.

GERALD D. KLECZKA

Chair

**The committee on Education and Revenue reports and
recommends:**

Assembly Bill 482

Relating to the expulsion of pupils from school.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

GARY R. GOYKE

Chair

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

Senate Bill 566

Relating to providing authorization for the assumption of certain mortgages in the veterans housing loan program, the purchase of assumed mortgages and the increase of interest rates on the loans, providing restrictions on obtaining additional housing loans and making an appropriation.

Passage:

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

Noes, 0 -- None.

MONROE SWAN

Chair

The joint committee on Revisions, Repeals and Uniform Laws reports and recommends:

Senate Bill 383

An act to repeal, renumber, renumber and amend, amend, reenact and reenact and amend various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of officers, correcting and clarifying references, renumbering for better location and arrangement, eliminating duplications and unnecessary provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Passage:

Ayes, 5 -- Senators Strohl and Lorge, Representatives Andrea, Harer and Shoemaker;

Noes, 0 -- None.

Senate Bill 557

An act to amend various provisions of the statutes for the purpose of correcting errors, clarifying language and eliminating distinctions based upon sex as directed by section 13.93(1)(m) of the statutes (Revisor's Correction Bill).

Passage:

Ayes, 5 -- Senators Strohl and Lorge, Representatives Andrea, Harer and Shoemaker;

Noes, 0 -- None.

Senate Bill 558

An act to repeal, renumber, renumber and amend, amend, reenact, create and revise various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying references, renumbering for better location, eliminating duplications and unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Passage:

Ayes, 5 -- Senators Strohl and Lorge, Representatives Andrea, Harer and Shoemaker;

Noes, 0 -- None.

JOE STROHL

Chair

JOSEPH ANDREA

Chair

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

To the Joint Committee for Review of Administrative Rules, Senator Kreul, to replace Senator Murphy, resigned effective March 1, 1980.

To the Judiciary and Consumer Affairs Committee, Senator Hanaway, to replace Senator Murphy, resigned effective March 1, 1980.

To the Committee on Senate Organization, Senator Chilsen, to replace Senator Murphy, resigned effective March 1, 1980.

Read.

Considered as privileged and taken up.

The question was: Adoption?

Adopted.

FRED A. RISSER

Chair

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Assembly Bill 732

Relating to requiring payment of restitution as a requirement of probation.

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Read.

The question was: Adoption of the Committee of Conference report?

The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 2; as follows:

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

Noes -- Senator Swan -- 1.

Absent or not voting -- Senators Frank and Opitz -- 2.

So the Committee of Conference report was adopted.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Claims Board**

March 4, 1980.

Don Schneider

Senate Chief Clerk

State Capitol

Madison, Wisconsin 53702

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on February 25.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

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This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,

EDWARD D. MAIN

Secretary

BEFORE THE CLAIMS BOARD OF WISCONSIN

The Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on February 25, 1980, upon the following claims:

| <i>Claimant</i> | <i>Amount</i> |
|--------------------|---------------|
| 1. Eleanor Gile | \$8,317.64 |
| 2. Cecilia Gilbert | 1,791.20 |
| 3. Ronald Person | 1,500.00 |
| 4. Harry Jacobson | 10,000.00 |
| 5. Brown County | 5,000.00 |
| 6. Mary Holt | 12,100.00 |

In addition, the following claims were considered and decided without hearings:

| | |
|---------------------|----------|
| 7. Fred Hagstrom | \$19.30 |
| 8. Patrick Lyons | 4,106.21 |
| 9. Stevan Feltes | 85.83 |
| 10. Leona Weiland | 59.25 |
| 11. Jack Teason | 152.50 |
| 12. William Boyd | 223.60 |
| 13. Jack Palmer | 74.00 |
| 14. Deylane Ebeling | 1,200.00 |

THE BOARD FINDS:

1. Eleanor Gile, of Merrilan, claims \$8,317.64 for refund of inheritance taxes erroneously paid by claimant after her husband died on September 24, 1972. Total inheritance tax paid by claimant to the Department of Revenue was \$19,236.74, which included the entire value of jointly-owned property of Gibson Gile and claimant. The Wisconsin Supreme Court, in 1976, rules in the matter of Kersten v. Wisconsin Department of Revenue that contribution toward the acquisition of joint tenancy property may consist of services performed as well as monetary means, and claimant alleges inheritance taxes should have been paid on only one-half of the total joint tenancy property. The department's policy prior to the Wisconsin Supreme Court decision was to tax joint tenancy property on the basis of monetary contribution. There was no appeal of this decision filed with the department within the statutory time period. The Board concludes the claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

2. Cecilia Gilbert, of Milwaukee, claims \$1,791.20 for medical expenses, \$100 vehicle damage and \$6,500.00 pain and suffering for injuries she sustained on September 19, 1978 when her vehicle collided with a state-owned automobile being driven by an employe of the Department of Health and Social Services. Claimant has medical payments coverage through her automobile insurer, but has not submitted bills for payment to that insurer. The Board concludes the claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

3. Ronald Person, of Elkhorn claims \$1,500.00 for a foal aborted by his mare sometime in September, 1978, allegedly caused by leptospirosis which is transmitted by wild animals urinating in streams which animals also drink from. The Board, on its own motion, determined that a decision should be rendered in this matter even though there was a second postponement request, and further delay was inappropriate because the facts were clear. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

4. Harry Jacobson, of Sister Bay claims \$10,000.00 for damage to his property during 1975-77 by beavers. The beavers migrated to his property and blocked a creek running across his property, causing flooding of 6-10 acres of trees. It is clear that even though legal title to all wild animals in Wisconsin is vested in the state pursuant to section 29.02(1), Wis. Stats., mere ownership does not create legal liability for damages done by wild animals. The

Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

5. Brown County claims \$5,000.00 for cost-sharing reimbursement for construction of a manure storage pond in July, 1979, on the Gerald Schmidt property near Plum Creek. The project was consistent with the purposes of the nonpoint source water pollution abatement program in s.144.25, Wis. Stats., and the work done would have been eligible for cost-sharing except for the fact the work was performed prior to entering into the grant agreement. The Board concludes this claim should be paid based on equitable principles.

6. Mary L. Holt, of Racine claims \$12,100.00 as income continuation insurance. Claimant, a former state employe, became disabled on September 5, 1972 and received disability payments pursuant to s.40.146, Wis. Stats., until April 30, 1975, at which time it was determined continual qualifying disability no longer existed. Medical information from her attending physician does not establish that claimant was totally disabled at the time the benefits were discontinued in 1975, to the present. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

7. Fred Hagstrom, of Monona claims \$19.30 when both of his eyeglass lenses were burnt or scarred by flying sparks while he was assisting with a welding project at the Department of Natural Resources field operations shop. The Board concludes the claim should be paid on equitable principles.

8. Patrick Lyons, of Waunakee claims \$4,106.21 as reimbursement for attorney fees and costs for processing his appeals to the State Personnel Board, the Dane County Circuit Court, and the Wisconsin Court of Appeals. Claimant alleged an illegal reallocation of his civil service position by the Director of the Bureau of Personnel, and an illegal demotion in lieu of layoff by the Department of Revenue, in 1973. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

9. Stevan Feltes, of West Allis claims \$85.83 for damage to a month-old tire on his car, on June 10, 1979. As claimant entered a University of Wisconsin-Milwaukee parking facility and proceeded to drive over the raised spike assembly, a bent spike caused damage to the tire. The Board concludes this claim should be paid on equitable principles.

10. Leona Weiland, of Coloma claims \$59.25 as the uninsured amount of medical expenses incurred on May 3, 1979 when she fell in

the parking lot at the University Hospital. The Board concludes this claim should be paid based on equitable principles.

11. Jack Teason, of Orland Park, Illinois claims \$152.50 for the loss of personal items he left in a classroom while attending a seminar at the University of Wisconsin on October 5, 1979. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

12. William R. Boyd, of Madison claims \$223.60 for the loss of personal items as the result of a theft at the Governor's Employment and Training Office on October 10, 1979. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

13. Jack Palmer, of Valencia, California claims \$74.00 for medical expenses when he was hit in the forehead by a person opening a door at the General Executive Facility #1 building in Madison, Wisconsin on February 24, 1978. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employees and the claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

14. Deylane Ebeling, of Madison claims \$1,200.00 for lost vacation and sick leave due to an accident she sustained on August 14, 1979 at the Department of Administration. Claimant as received worker's compensation benefits, and medical bills totaling \$528.96 have been paid by the state. The Board concludes the claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles.

In addition, the Claims Board decided the following claims, for which hearing was held on August 31, 1979:

Gregory LaFond, of Madison claims \$2,698.39 plus \$196.76 interest for payment of compensatory time between August 17 and November 1, 1977, when he worked extensive additional hours for the Department of Veterans Affairs at the request of Secretary Early, who signed claimant's time slips. Although a voucher was never processed for payment of this compensatory time, it appears claimant is entitled to payment. The Board concludes the claim for compensatory time in the amount of \$2,698.39 should be paid, based on equitable principles. The Board concludes the claim for interest should be denied. (Members Main and Johnson not participating)

Gregory LaFond, of Madison claims \$10,433.81 for back pay, attorneys fees and interest for his alleged wrongful termination of employment by Clifford Wills, Acting Secretary of the Department of Veterans Affairs, on May 26, 1977. Claimant did not work for the

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department between May 26 and August 17, 1977, when he was rehired. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay on equitable principles. (Members Main and Johnson not participating)

THE BOARD CONCLUDES:

1. The claims of the following claimant should be denied:

Eleanor Gile
Cecilia Gilbert
Ronald Person
Harry Jacobson
Mary Holt
Patrick Lyons
Jack Teason
William Boyd
Jack Palmer
Deylane Ebeling

2. Payment of the following amounts to the following claimants is justified under sec. 16.007, Stats.:

| | |
|---------------|---------|
| Fred Hagstrom | \$19.30 |
| Stevan Feltes | 85.83 |
| Leona Weiland | 59.25 |

THE BOARD RECOMMENDS:

1. Payment of \$5,000 be made to Brown County, as the cost-sharing reimbursement for construction of a storage pond consistent with the purpose of the nonpoint source water pollution abatement program in s.144.25, Wis. Stats.

2. Payment of \$2,698.39 be made to Gregory LaFond to compensate him for extensive additional hours worked for the Department of Veterans Affairs between August 17 and November 1, 1977.

Dated at Madison, Wisconsin, this 4th day of March, 1980.

GERALD D. KLECZKA
Senate Finance Committee

VIRGIL D. ROBERTS
Assembly Finance Committee

LAURIE ANN McCALLUM
Representative of Governor

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EDWARD D. MAIN
Representative of Secretary of
Administration

WARD L. JOHNSON
Representative of Attorney
General

February 29, 1980

Senator Fred A. Risser
President of the Senate
State Capitol
Madison, Wisconsin

To the Honorable, the Senate:

I hereby tender my resignation as State Senator of the 33rd Senate District of Wisconsin, effective March 1, 1980, with the express understanding I will commence my duties as Judge of Circuit Court Branch #3, by taking the oath for said position on April 1 or April 2, 1980.

I know I will miss the challenges of State Senator, a position I have greatly enjoyed these past nine years, but I'm prepared to face the new challenges of being Judge. I will, of course, be unable to participate further in the partisan political arena of Wisconsin, in which I have participated for nearly 28 years, and will miss the multitude of great people, along with my legislative colleagues, with whom I have developed a never-to-be forgotten friendship. I will continue to be interested and will closely observe the political developments of this great State of Wisconsin.

Very truly yours,
ROGER P. MURPHY
State Senator

Senate Petition 21

A petition by 886 residents of the state of Wisconsin urging the joint committee on Finance to report Senate Bill 341 out of committee so that it may be considered by the legislature.

By Senator Kleczka.

Read and referred to joint committee on Finance.

The Chair appointed Senators Cullen, Goyke, Roshell, Chilsen and Bidwell to the Committee of Conference pursuant to **Senate Joint Resolution 43**.

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The question was: Confirmation of the appointees to the Committee of Conference?

Confirmed.

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 565

Assembly Bill 170, senate amendment 1

Assembly Bill 149, senate substitute amendment 1

Assembly Bill 182, senate amendment 1

Assembly Bill 631, senate amendment 1

Assembly Bill 831, senate amendment 1

Amended and concurred in as amended:

Senate Bill 62, assembly amendment 1 adopted

Assembly Bill 1043, senate amendments 10 and 12 concurred in, senate amendment 9 concurred in as amended by assembly amendment 1, senate amendment 6 nonconcurred in

Senate Bill 513, assembly amendment 1

Assembly Bill 787, assembly amendment 1 to senate substitute amendment 1

Senate Bill 195, assembly amendments 1 and 2

Adopted and asks concurrence in:

Assembly Joint Resolution 99

Assembly Joint Resolution 112

Passed and asks concurrence in:

Assembly Bill 885

Assembly Bill 891

Assembly Bill 1082

Assembly Bill 1098

Assembly Bill 1110

Assembly Bill 1125

Assembly Bill 1138

Assembly Bill 938

Assembly Bill 1054

Assembly Bill 1075

Assembly Bill 1169

Concurred in:

Senate Bill 332

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 99

Relating to county responsibility for the acts of the sheriff (first consideration).

By Representatives Dorff, McClain, Becker, Gagin, Wagner and Ward, co-sponsored by Senators Hanaway and Bablitch.

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

Assembly Joint Resolution 112

Relating to use of university of Wisconsin system sports facilities to conduct a sports festival as an alternative to the 1980 Summer Olympic Games.

By Representatives Ferrall, Soucie, Kedrowski, D. Travis, Tuczynski and Ulichny.

Read and referred to committee on Education and Revenue.

Assembly Bill 885

Relating to the subdivision of land and the preparation and recording of plats and certified survey maps.

By Representative Barry, co-sponsored by Senator Thompson.

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

Assembly Bill 891

Relating to disposal of dangerous property.

By Representatives Broydrick and Pabst.

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

Assembly Bill 1082

Relating to length limitations for a combination of a truck tractor, semitrailer and load and providing a penalty.

By Representatives Quackenbush, Vanderperren, Ellis, Andrea, Paulson, Nelsen, Pabst, Larson and McEssy, co-sponsored by Senators Harnisch, McCallum, Krueger, Opitz, Lasee and Chilsen, by request of Governor Lee Sherman Dreyfus.

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

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Assembly Bill 1098

Relating to the regulation of occupations and professions by the department of regulation and licensing.

By Representatives Norquist, Jackamonis and Loftus, co-sponsored by Senator Braun.

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

Assembly Bill 1110

Relating to staggering the terms of town supervisors.

By Representative Ellis.

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

Assembly Bill 1125

Relating to amending the project plan of a city tax incremental district.

By Representative Wood.

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

Assembly Bill 1138

Relating to the appointment of school crossing guards, the requirement to stop a vehicle when directed by a school crossing guard and providing a penalty.

By Representatives Andrea, Medinger, Dorff, Potter, Barry, Swoboda, Wood and Wagner.

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

Assembly Bill 938

Relating to the issuance of bonds by school districts.

By Representatives Flintrop and Vanderperren.

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

Assembly Bill 1054

Relating to permitting both parents of a minor to serve as custodians of an account established under the Wisconsin uniform gift to minors act.

By Representative Pabst.

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

Assembly Bill 1075

Relating to compulsory school attendance and truancy.

By Representative Flintrop.

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

Assembly Bill 1169

Relating to the duration of suspension period for failure to report an accident or failure to deposit security.

By Representative Kirby, co-sponsored by Senator Berger.

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

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Senate Bill 22

Relating to authorization of cooperative insurers and granting rule-making authority.

Read a second 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 final action at this time.

Senate Bill 22

Read a third time and passed.

Senate Bill 71

Relating to fermented malt beverage and intoxicating liquor licenses for rod and gun clubs.

Read a second time.

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

Adopted.

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

Adopted.

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

Senator Goyke asked unanimous consent that **Senate Bill 71** be referred to committee on Governmental and Veterans' Affairs.

Senator Swan objected.

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Senator Goyke moved that **Senate Bill 71** be referred to committee on Governmental and Veterans' Affairs.

By request of Senator Goyke, with unanimous consent, he withdrew his motion to refer **Senate Bill 71** to committee on Governmental and Veterans' Affairs.

Senator Goyke moved that **Senate Bill 71** be referred to committee on Aging, Business and Financial Institutions and Transportation.

The motion prevailed.

Senate Bill 80

Relating to regulating smoking in public conveyances and places covered and providing a penalty.

Read a second time.

Senator Flynn in the chair.

9:50 A.M.

The question was: Adoption of senate substitute amendment 1?

Senator Krueger moved indefinite postponement of **Senate Bill 80**.

The question was: Indefinite postponement?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Frank, Goyke, Hanaway, Harnisch, Kreul, Krueger, Lasee, Lorge, Opitz, Roshell, Swan, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Bear, Braun, Cullen, Flynn, Johnston, Kleczka, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl and Thompson -- 15.

Absent or not voting -- None.

So the bill was indefinitely postponed.

Senator Bablitch moved reconsideration of the vote by which **Senate Bill 80** was indefinitely postponed.

Senator Risser moved that the motion for reconsideration of the vote by which **Senate Bill 80** was indefinitely postponed be laid on the table.

The question was: Shall the motion for reconsideration of the vote by which **Senate Bill 80** was indefinitely postponed be laid on the table?

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The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bear, Braun, Flynn, Johnston, Kreul, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl and Thompson -- 14.

Noes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Frank, Goyke, Hanaway, Harnisch, Kleczka, Krueger, Lasee, Lorge, Opitz, Roshell, Swan, Theno and Van Sistine -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Reconsideration of the vote by which **Senate Bill 80** was indefinitely postponed?

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

Ayes -- Senators Adelman, Bear, Braun, Flynn, Hanaway, Harnisch, Johnston, Kreul, Lorge, McCallum, Moody, Offner, Radosevich, Risser, Strohl and Thompson -- 16.

Noes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Frank, Goyke, Kleczka, Krueger, Lasee, Maurer, Opitz, Roshell, Swan, Theno and Van Sistine -- 16.

Absent or not voting -- None.

So the motion did not prevail.

Senate Bill 151

Relating to the limitation of premium and coverage discrimination by insurers issuing motor vehicles liability policies.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Braun asked unanimous consent that senate substitute amendment 1 be placed after senate substitute amendment 2.

Senator Goyke objected.

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

The question was: Adoption of senate substitute amendment 2?

Senator Goyke moved rejection of senate substitute amendment 2.

The question was: Rejection of senate substitute amendment 2?

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The president of the Senate in the chair.

11:17 A.M.

The question was: Rejection of senate substitute amendment 2?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 0: as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Bidwell, Chilsen, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Opitz, Radosevich, Roshell, Strohl, Theno and Van Sistine -- 22.

Noes -- Senators Berger, Braun, Cullen, Flynn, Frank, Moody, Offner, Risser, Swan and Thompson -- 10.

Absent or not voting -- None.

So the motion prevailed.

Senator Chilsen moved indefinite postponement of Senate Bill 151.

The question was: Shall Senate Bill 151 be indefinitely postponed?

The motion prevailed.

By request of Senator Cullen, with unanimous consent, the senate recessed in honor of the 19 points scored by Senator McCallum to win the American League Basketball Championship of Fond du Lac.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 4:00 P.M.

12:04 P.M.

RECESS

4:00 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:

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Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- Senator Maurer -- 1.

Absent with leave -- None.

CALENDAR OF MARCH 6

Senate Bill 257

Relating to the unfair sales act, providing a penalty and making an appropriation.

Read.

The question was: Indefinite postponement of **Senate Bill 257**?

Senator Bablitch moved a

CALL OF THE SENATE on Senate Bill 257

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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, Moody, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- Senator Maurer -- 1.

Absent with leave -- None.

Senate Bill 391

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

Read a second 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 final action at this time.

Senate Bill 391

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 31; 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, McCallum, Moody, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

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

So the bill passed.

By request of Senator Bablitch, with unanimous consent, the call of the senate on **Senate Bill 257** was raised.

Senate Bill 257

Relating to the unfair sales act, providing a penalty and making an appropriation.

Read.

The question was: Indefinite postponement?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Braun, Frank, Hanaway, Harnisch, Kleczka, Krueger, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Risser, Strohl and Van Sistine -- 18.

Noes -- Senators Berger, Bidwell, Chilsen, Cullen, Flynn, Goyke, Johnston, Kreul, Maurer, Radosevich, Roshell, Swan, Theno and Thompson -- 14.

Absent or not voting -- None.

So the bill was indefinitely postponed.

Senator Bablitch moved reconsideration of the vote by which **Senate Bill 257** was indefinitely postponed.

The question was: Reconsideration of the vote by which **Senate Bill 257** was indefinitely postponed?

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

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

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The motion did not prevail.

The question was: Reconsideration of the vote by which Senate Bill 257 was indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bear, Berger, Bidwell, Chilsen, Cullen, Flynn, Goyke, Hanaway, Johnston, Kreul, Krueger, Maurer, Radosevich, Roshell, Swan, Theno and Thompson -- 18.

Noes -- Senators Adelman, Braun, Frank, Harnisch, Kleczka, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Risser, Strohl and Van Sistine -- 14.

Absent or not voting -- None.

So the motion prevailed.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Braun, Frank, Harnisch, Kleczka, Lorge, McCallum, Moody, Offner, Opitz, Risser, Strohl and Van Sistine -- 13.

Noes -- Senators Bablitch, Bear, Berger, Bidwell, Chilsen, Cullen, Flynn, Goyke, Hanaway, Johnston, Kreul, Krueger, Lasee, Maurer, Radosevich, Roshell, Swan, Theno and Thompson -- 19.

Absent or not voting -- None.

So the bill was not indefinitely postponed.

Senate substitute amendment 1 offered by Senators Harnisch and Moody.

The question was: Adoption of senate substitute amendment 1?

Senator Bidwell moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

The motion prevailed.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Senator Bablitch moved rejection of senate amendment 2.

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The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bear, Berger, Bidwell, Chilsen, Cullen, Flynn, Goyke, Hanaway, Johnston, Kreul, Krueger, Maurer, Radosevich, Roshell, Swan, Theno and Thompson -- 18.

Noes -- Senators Adelman, Braun, Frank, Harnisch, Kleczka, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Risser, Strohl and Van Sistine -- 14.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 3 offered by Senators Moody, Offner and Harnisch.

The question was: Adoption of senate amendment 3?

Senator Bablitch moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

The motion prevailed.

Senate amendment 4 offered by Senator Opitz.

The question was: Adoption of senate amendment 4?

Senator Bablitch moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The motion prevailed.

Ordered to a third reading.

Senator Bablitch asked unanimous consent that the rules be suspended and the bill be read a third time.

Senator Moody objected.

Senator Bablitch moved that the rules be suspended and the bill be read a third time.

The question was: Shall the rules be suspended and the bill be read a third time?

The ayes and noes were required and the vote was: ayes, 25; noes, 7; absent or not voting, 0; as follows:

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

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Johnston, Kleczka, Kreul, Krueger, Lorge, Maurer, Radosevich, Risser, Roshell, Strohl, Swan, Theno and Thompson -- 25.

Noes -- Senators Braun, Lasee, McCallum, Moody, Offner, Opitz and Van Sistine -- 7.

Absent or not voting -- None.

More than two-thirds having voted in the affirmative the rules were suspended and the bill read a third time.

Senate Bill 257

Read a third time.

Senator Hanaway moved that **Senate Bill 257** be referred to committee on Aging, Business and Financial Institutions and Transportation.

The question was: Shall **Senate Bill 257** be referred to committee on Aging, Business and Financial Institutions and Transportation?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Braun, Frank, Hanaway, Harnisch, Kleczka, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Risser, Strohl and Van Sistine -- 15.

Noes -- Senators Bablitch, Bear, Berger, Bidwell, Chilsen, Cullen, Flynn, Goyke, Johnston, Kreul, Krueger, Maurer, Radosevich, Roshell, Swan, Theno and Thompson -- 17.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bear, Berger, Bidwell, Chilsen, Cullen, Flynn, Goyke, Hanaway, Johnston, Kreul, Krueger, Maurer, Radosevich, Roshell, Swan, Theno and Thompson -- 18.

Noes -- Senators Adelman, Braun, Frank, Harnisch, Kleczka, Lasee, Lorge, McCallum, Moody, Offner, Opitz, Risser, Strohl and Van Sistine -- 14.

Absent or not voting -- None.

So the bill passed.

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

Senate Bill 484

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

Read a second time.

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

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

Adopted.

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 final action at this time.

Senate Bill 484

Read a third time and passed.

Senate Bill 533

Relating to computation of interest on money judgments.

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 533

Read a third time and passed.

Senate Bill 551

Relating to insurance investments.

Read a second time.

Senate amendment 1 offered by Senators Frank and Harnisch.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 551

Read a third time and passed.

Senate Bill 560

Relating to conversion or continuation options for group health insurance policies and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendments 2 and 3 offered by Senators Moody and Radosevich.

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

Senate Bill 560

Read a third time and passed.

Assembly Bill 285

Relating to requiring agencies to prepare fiscal estimates for bills affecting tax exemption, debt management and public retirement systems.

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 285

Read a third time.

By request of Senator Offner, with unanimous consent, **Assembly Bill 285** was laid on the table.

Assembly Bill 883

Relating to duration of dispositional orders for children adjudged delinquent whose legal custody has been transferred to the department of health and social services.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

Adopted.

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The question was: Adoption of senate amendment 3?

Adopted.

Senator Braun moved reconsideration of the vote by which senate amendment 1 was adopted.

The question was: Reconsideration of the vote by which senate amendment 1 was adopted?

The motion prevailed.

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

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 883

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 1; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Cullen, Flynn, Goyke, Hanaway, Harnisch, Kleczka, Kreul, Krueger, Lasee, Maurer, Moody, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 27.

Noes -- Senator McCallum -- 1.

Absent or not voting -- Senators Chilsen, Frank, Johnston and Lorge -- 4.

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, the senate returned to the seventh order of business.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has Recedes from its position on:

Senate Bill 244, assembly amendment 8

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Requests a Committee of Conference on:

Senate Bill 260, and appoints Representatives Czerwinski, Loftus and Thompson as conferees on its part

Concurred in:

Senate Joint Resolution 43, and appoints Representatives Plewa, Johnson, Barry, Byers and Conradt as conferees on its part

Passed and asks concurrence in:

Assembly Bill 814

Assembly Bill 824

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 814

Relating to the license fee for outdoor advertising.

By Representative Duren, co-sponsored by Senator Kreul.

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

Assembly Bill 824

Relating to certifying operators of X-ray machines, granting rule-making authority and making an appropriation.

By Representatives D. Travis, Vanderperren, Loftus, Everson, Smith, Lorman, Ferrall, Helbach, McClain, Schmidt and Wahner, co-sponsored by Senators Strohl, Thompson, Flynn, Cullen and Bear.

Read first time and referred to committee on Human Services.

SENATE CLEARINGHOUSE RULES

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Clearinghouse Rule 79-22

A rule to renumber Med 8.07, 8.08, 8.09, 8.10 and 8.11; to renumber and amend Med 8.06; to amend Med 8.02(6), 8.02(7)(b)(c) (d) and (e) and 8.04; and to create Med 8.08(7), relating to revising and updating rules on physician's assistants.

Submitted by Medical Examining Board.

Report received from Agency, March 3, 1980.

Referred to committee on Human Services, March 6, 1980.

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

Clearinghouse Rule 79-15

A rule to make various changes in Chs. Ind. 50-64 and Ind 69, relating to building and heating, ventilating and air conditioning code.

Submitted by Department of Industry, Labor and Human Relations.

No action taken.

JEROME VAN SISTINE

Chair

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 468** by Senator Goyke.

Senate amendment 1 to **Senate Bill 524** by Senator Swan, by request of Milwaukee County.

Senate amendment 1 to **Assembly Bill 66** by Senator Offner.

Senate amendment 1 to **Assembly Bill 471** by Senator Strohl.

Senate substitute amendment 1 to **Assembly Bill 913** by Senator Thompson.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Tuesday, March 11.

7:10 P.M.