

JOURNAL OF THE SENATE [April 1, 1980]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

TUESDAY, April 1, 1980.

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

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Larry Moody of Trinity United Methodist Church, Madison.

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

PETITIONS AND COMMUNICATIONS

Senate Petition 25

A petition by 23 residents of the State of Wisconsin urging the Wisconsin Legislature to enact legislation reestablishing prayer in public schools, along with the pledge of allegiance to the flag.

By Senator McCallum.

Read and referred to committee on Education and Revenue.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

Assembly Bill 603, senate amendments 2, 4, 5, 7 and 12

Nonconcurring in:

Assembly Bill 603, senate amendments 6, 9, 14 and 26

Amended and concurred in as amended:

Assembly Bill 603, assembly amendment 1 to senate amendment 3, assembly amendment 1 to senate amendment 17, assembly amendment 1 to senate amendment 24

Asks for Committee of Conference on **Assembly Bill 603** and appoints Representatives Potter, Broydrick and D. Travis as conferees on its part.

Amended and concurred in as amended:

Senate Joint Resolution 5, assembly amendment 3

Agrees to a Committee of Conference on **Assembly Bill 913** and appoints Representatives Czerwinski, Kirby and Stitt as conferees on its part.

SPECIAL ORDERS

Senate Bill 535

Relating to eliminating the departments of business development and local affairs and development, creating the department of development, making various changes in the statutes relating to the functions of those departments, including the elimination of community training services, the small business investment fund and council and the councils on emergency government and local affairs transferring the division of emergency government and the weatherization program and management services program to the department of administration, the housing relocation function to the department of industry, labor and human relations, and certain community and economic planning assistance programs of the

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department of administration to the department of development, granting rule-making authority and making appropriations.

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?

Senator Lorge asked unanimous consent that senate amendment 2 to senate substitute amendment 1 be placed after senate amendment 3 to senate substitute amendment 1.

Senator Chilsen objected.

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

By request of Senator McCallum, with unanimous consent, senate amendment 2 to senate substitute amendment 1 was placed after senate amendment 3 to senate substitute amendment 1.

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

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

By request of Senator Cullen, with unanimous consent, **Senate Bill 535** was placed after **Assembly Bill 500**.

Senate Bill 515

Relating to eliminating the boards of natural resources, agriculture, trade and consumer protection and veterans affairs and changing the departments of natural resources, agriculture, trade and consumer protection and veterans affairs to a cabinet form of government headed by a secretary, changing the method of appointment of the secretary of regulation and licensing, changing the method of removal of state officers, and creating councils.

Read a second time.

The question was: Indefinite postponement?

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

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Ayes -- Senators Adelman, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Frank, Goyke, Lasee, Opitz, Roshell, Swan, Theno and Van Sistine -- 15.

Noes -- Senators Bablitch, Flynn, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl and Thompson -- 17.

Absent or not voting -- None.

So the bill was not indefinitely postponed.

Senate amendment 1 offered by Senators Kreul and Swan.

The question was: Adoption of senate amendment 1?

Senator McCallum moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Flynn, Hanaway, Harnisch, Johnston, Kleczka, Lorge, McCallum, Maurer, Moody, Risser, Strohl and Thompson -- 17.

Noes -- Senators Bidwell, Chilsen, Cullen, Frank, Goyke, Kreul, Krueger, Lasee, Opitz, Radosevich, Roshell, Swan, Theno and Van Sistine -- 14.

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

So the motion prevailed.

Senate amendment 2 offered by Senator Harnisch.

The question was: Adoption of senate amendment 2?

Senator Swan 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, 9; noes, 22; absent or not voting, 1; as follows:

Ayes -- Senators Bear, Berger, Braun, Chilsen, Frank, Goyke, Kreul, Roshell and Swan -- 9.

Noes -- Senators Adelman, Bablitch, Bidwell, Cullen, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Lasee, Lorge, McCallum, Maurer, Moody, Offner, Opitz, Radosevich, Risser, Strohl, Theno, Thompson and Van Sistine -- 22.

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

So the motion did not prevail.

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The question was: Adoption of senate amendment 2?

Senator Chilsen moved that **Senate Bill 515** be referred to joint committee on Finance.

The question was: Shall **Senate Bill 515** be referred to joint committee on Finance?

By request of Senator Offner, with unanimous consent, the journal showed he would have voted "aye" for rejection of senate amendment 1 to **Senate Bill 515**.

The question was: Shall **Senate Bill 515** be referred to joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 20; absent or not voting, 0; as follows:

Ayes -- Senators Bear, Berger, Bidwell, Braun, Chilsen, Frank, Goyke, Kreul, Lasec, Opitz, Roshell and Van Sistine -- 12.

Noes -- Senators Adelman, Bablitch, Cullen, Flynn, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Strohl, Swan, Theno and Thompson -- 20.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 2?

Adopted.

Ordered to a third reading.

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

Senator Berger 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 **Senate Bill 515** be read a third time?

The ayes and noes were required and the vote was: ayes, 26; noes, 5; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Cullen, Flynn, Frank, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Lasec, Lorge, McCallum, Maurer, Moody, Offner, Opitz, Radosevich,

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Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators Bear, Berger, Braun, Goyke and Kreul -- 5.

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

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

Senate Bill 515

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Cullen, Flynn, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser and Strohl -- 17.

Noes -- Senators Bear, Berger, Bidwell, Braun, Chilsen, Frank, Goyke, Kreul, Lasec, Opitz, Roshell, Swan, Theno, Thompson and Van Sistine -- 15.

Absent or not voting -- None.

So the bill passed.

By request of Senator Chilsen, with unanimous consent, the journal showed he would have voted "no" to suspend the rules and read **Senate Bill 515** a third time.

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

11:45 A.M.

RECESS

8:00 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 8:25 P.M.

8:07 P.M.

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RECESS

8:25 P.M.

The senate reconvened.

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

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Bill 603** was taken up at this time.

Assembly Bill 603

Relating to campaign financing, granting rule-making authority and providing penalties.

The question was: Shall the senate adhere to its position on senate amendment 6?

The senate adheres to its position.

The question was: Shall the senate adhere to its position on senate amendment 9?

The senate adheres to its position.

The question was: Shall the senate adhere to its position on senate amendment 14?

The senate adheres to its position.

The question was: Shall the senate adhere to its position on senate amendment 26?

The senate adheres to its position.

Senator Adelman moved non-concurrence of assembly amendment 1 to senate amendment 3.

The question was: Non-concurrence of assembly amendment 1 to senate amendment 3?

Non-concurred in.

Senator Adelman moved non-concurrence of assembly amendment 1 to senate amendment 17.

The question was: Non-concurrence of assembly amendment 1 to senate amendment 17?

Non-concurred in.

Senator Adelman moved non-concurrence of assembly amendment 1 to senate amendment 24.

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The question was: Non-concurrence of assembly amendment 1 to senate amendment 24?

Non-concurred in.

The senate agrees to a Committee of Conference on **Assembly Bill 603** and appoints Senators Adelman, Flynn and Theno as conferees on its part.

The question is: Confirmation of the conferees to the Committee of Conference?

The conferees were confirmed.

MOTIONS

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Bill 301**, **Assembly Bill 1047**, **Senate Joint Resolution 5** and **Assembly Bill 913** and the appointments of **Phillip Cohrs**, **Tim Heffernan**, **Jan Hoskins**, **Joyce Laabs**, **Ralph Sitzberger** and **Ben Turzinski** were placed on the calendar of April 2.

By request of Senator Bablitch, with unanimous consent, the record on **Senate Bill 362** was expunged.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Bill 362** was taken up at this time.

Senate Bill 362

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

Read.

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

Adopted.

The question was: Concurrence of assembly substitute amendment 1?

Concurred in as amended.

STATEMENT OF POSITION

Pursuant to Senate Rule 74, the journal showed that had Senator Risser been present he would have voted as follows on the measures considered Saturday morning, March 29, 1980.

Assembly Bill 1180

Rejection of senate amendment 63 - no.

Rejection of senate amendment 64 - aye.

Rejection of senate amendment 65 - no.

Rejection of senate amendment 66 - no.

Rejection of senate amendment 67 - aye.

Rejection of senate amendment 96 - no.

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

AMENDMENTS OFFERED

Senate amendment 6 to **Assembly Bill 500** by Senator Opitz.

Senate amendment 7 to **Assembly Bill 500** by Senators Harnisch and Frank.

Senate amendment 8 to **Assembly Bill 500** by Senators Opitz, Strohl, Braun and Bear.

Senate amendments 9, 10 and 11 to **Assembly Bill 500** by Senator Flynn.

Senate amendment 4 to **Assembly Bill 437** by Senators Radosevich, Moody and McCallum.

Senate amendment 1 to **Assembly Bill 920** by Senators Strohl, Moody, Bear, Chilsen and Goyke.

Senate amendment 1 to **Assembly Bill 1168** by Senator Adelman.

Senate amendment 2 to **Assembly Bill 1168** by Senator McCallum.

Senate amendment 3 to **Assembly Bill 1168** by Senators Flynn and Braun.

Senate amendment 12 by **Assembly Bill 500** by Senator Opitz.

Senate amendments 4, 5 and 6 to **Assembly Bill 1168** by Senator Berger.

CITATIONS

MOTIONS UNDER SENATE RULE 97

A Certificate of Congratulations by Senator Moody cosponsored by Representative Ulichny for RILA GOVIER on the occasion of her 75th birthday.

A Certificate of Congratulations by Senator Risser for JAMES E. PERTZBORN on the occasion of being chosen Wisconsin Plumbing Contractor of the Year.

A Certificate of Commendation by Senators Murphy and Bidwell for LINDA HILTON on the occasion of her service to the Senate.

A Certificate of Commendation by Senators Murphy and Theno for PERRY BAIRD on the occasion of his service to the Senate.

A Certificate of Commendation by Senator Krueger cosponsored by Representative Shabaz for SENATOR ROGER P. MURPHY on the occasion of his retirement from the Senate.

A Certificate of Congratulations by Senator Bidwell cosponsored by Representative Thompson for MRS. ARLENE STAHLER on the occasion of being nominated "Outstanding Volunteer."

A Certificate of Congratulations by Senator Bear for the LA FOLLETTE HIGH SCHOOL DECA CHAPTER on the occasion of being named the outstanding DECA chapter in Wisconsin.

A Certificate of Commendation by Senator Harnisch for SHARON MARIE HARDER on the occasion of her leaving the Senate.

A Certificate of Commendation by Senator Bablitch for the WAUTOMA HORNETS on the occasion of winning the 1980 Class B WIAA Boys Basketball Championship.

A Certificate of Commendation by Senator Radosevich for the WARREN MUTUAL FIRE INSURANCE COMPANY on the occasion of its 100 anniversary.

A Certificate of Congratulations by Senator Adelman for MARK SHEPHERD on the occasion of winning the regional American Legion Oratorical Contest.

MOTIONS UNDER JOINT RULE 7

A Certificate of Congratulation by Senators Cullen and Thompson cosponsored by Representatives Wood and De Long for the JANESVILLE CRAIG HIGH SCHOOL BASKETBALL TEAM, COACH STAN DU FRANE AND ASSISTANT COACH BOB SUTER on the occasion of winning second place in the 1980 state WIAA High School Class "A" Basketball Tournament.

A Certificate of Congratulation by Senator Cullen cosponsored by Representative De Long for the ELKHORN HIGH SCHOOL BASKETBALL TEAM, COACH FRED SUCHY AND ASSISTANT COACH GERRY NETTESHEIM on the occasion of winning second place in the 1980 state WIAA High School Class "B" Basketball Tournament.

A Certificate of Congratulation by Senator Lasee cosponsored by Representative Fischer for ELROY BORGWARDT on the occasion of recognition by the University of Wisconsin College of Agriculture and Life Science.

A Certificate of CONGRATULATIONS BY Senator Bablitch cosponsored by Representative Helbach for the STEVENS POINT PANTHERS on the occasion of winning the State Girl's Basketball Championship.

A Certificate of Condolence by Senator Bablitch cosponsored by Representative Helbach for the family of NICKOLAS J. JELICH on the occasion of his death.

A Certificate of Congratulation by Senators Braun and Flynn cosponsored by Representative Pabst for the PIUS XI HIGH SCHOOL GIRL'S BASKETBALL TEAM on the occasion of their winning the WISAA State Championship.

A Certificate of Commendation by Senator Maurer cosponsored by Representative Dorff for the STUDENTS OF TREMPER HIGH SCHOOL on the occasion of a successful high school blood drive.

A Certificate of Congratulation and Commendation by Senator Thompson cosponsored by Representative Roberts for FLOYD E. WHEELER on the occasion of his 75th birthday.

CONCURRED IN:

A Certificate of Commendation by Representative Shoemaker for the HIGH SCHOOL ATHLETES AND CITIZENS OF THE CITY OF ALTOONA on the occasion of their fine performance in the Athletic Competition.

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A Certificate of Congratulations by Representatives Coggs, Ward, Becker, Leopold and Broydrick cosponsored by Senators Swan, Braun, Moody and Berger for NORTH DIVISION HIGH SCHOOL "BLUE DEVILS" on the occasion of winning the 1980 Class "A" Basketball Championship.

A Certificate of Congratulations by Representative Shoemaker for COACH JAMES MARTELL AND THE ALTOONA HIGH SCHOOL BASKETBALL TEAM on the occasion of their fine performance in the WIAA Boy's Basketball Tournament in Madison.

A Certificate of Congratulations by Representative Potter cosponsored by Senator Opitz for the KOHLER HIGH SCHOOL BOY'S BASKETBALL TEAM on the occasion of winning the 1980 WIAA Class "C" Championship.

A Certificate of Congratulations by Representative Radtke cosponsored by Senator Bidwell for LAKE MILLS HIGH SCHOOL GYMNASTICS TEAM on the occasion of winning the 1980 Class "B" Championship.

A Certificate of CONGRATULATIONS BY Representative Tregoning cosponsored by Senator Kreul for CUBA CITY GIRL'S BASKETBALL TEAM on the occasion of winning the state championship.

A Certificate of Congratulations by Representative Tregoning cosponsored by Senator Kreul for DWIGHT NEWCOMER on the occasion of service of 50 years as a funeral director.

A Certificate of Congratulations by Representative Roberts cosponsored by Senator Offner for JOHN DOBBS on the occasion of winning the 1980 Class "C" State Wrestling Championship.

A Certificate of Congratulations by Representative Matty cosponsored by Senator Van Sistine for the LENA WILDCATS GIRLS BASKETBALL TEAM on the occasion of winning the 1980 WIAA Class "C" Championship.

A Certificate of Commendation by Representative Tregoning cosponsored by Senator Kreul for RAY GRADY on the occasion of his retirement from the Green County Board.

A Certificate of Congratulation by Representative Tregoning cosponsored by Senator Kreul for KATHRYN L. RUFENER on the occasion of her retirement from the Green County Board.

A Certificate of Congratulations by Representative Byers cosponsored by Senator Lorge for HERMAN MUCH on the occasion of his 100th birthday.

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**Upon motion of Senator Bablitch the senate adjourned until 9:00
A.M. Wednesday, April 2.**

8:30 P.M.