

JOURNAL OF THE SENATE [June 4]

STATE OF WISCONSIN

# Senate Journal

1980 Special Session

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WEDNESDAY, June 4, 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, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Krueger, Lorge, McCallum, Maurer, Moody, Offner, Opitz, Radosevich, Risser, Roshell, Swan, Theno, Thompson and Van Sistine -- 30.

Absent -- Senators Kreul and Strohl -- 2.

Absent with leave -- Senator Lasee -- 1.

The senate stood for the prayer which was offered by Pastor Gary Brandenburg of Hilldale Assembly of God Church, Madison.

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

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## LEAVE OF ABSENCE

By request of Senator Bidwell, with unanimous consent, he was granted a leave of absence beginning at 11:30 A.M.

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

Senator Opitz asked unanimous consent that the rules be suspended and a senate resolution introduced.

Senator Bablitch objected.

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Senator Opitz moved that the rules be suspended and a senate resolution introduced.

The question was: Shall the rules be suspended for introduction of a senate resolution?

The ayes and noes were required and the vote was: ayes, 10; noes, 20; absent or not voting, 3; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Johnston, Krueger, Lorge, McCallum, Opitz and Theno -- 10.

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

Absent or not voting -- Senators Kreul, Lasee and Strohl -- 3.

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

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### COMMITTEE REPORTS

The committee on Human Services reports and recommends:

**Assembly Bill 11**, June 1980 Special Session

Relating to resolving conflicts between 1979 AB-742 and AB-1168 and making those bills consistent.

Concurrence:

Ayes, 4 -- Senators Thompson, Opitz, Strohl, Radosevich;

Noes, 0 -- None.

CARL W. THOMPSON

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

**Senate Bill 6**, Special Session

Relating to legal representation of indigents and making appropriations.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and Hanaway;

Noes, 0 -- None.

Passage as amended:

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Ayes, 5 -- Senators Adelman, Bear, Harnisch, Braun and Hanaway;

Noes, 0 -- None.

LYNN S. ADELMAN  
Chair

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MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asked concurrence in:

**Assembly Joint Resolution 2, Special Session**

Passed and asks concurrence in:

**Assembly Bill 9, Special Session**

Nonconcurrent in:

**Senate Bill 2, Special Session**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 2, June 1980 Special Session**

Relating to revising the right to bail and authorizing the legislature to permit circuit courts to deny release on bail for a limited period to certain accused persons (first consideration).

By Committee on Assembly Organization, by request of Governor Lee Sherman Dreyfus.

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

**Assembly Bill 9, June 1980 Special Session**

Relating to payments for a comparable replacement business or farm upon condemnation.

By Committee on Assembly Organization, by request of Representative Metz.

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

Senator Van Sistine objected.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 9, Special Session** was withdrawn from committee on

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

By request of Senator Maurer, with unanimous consent, the senate recessed until 11:18 A.M.

10:30 A.M.

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RECESS

11:18 A.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Assembly Bill 11, Special Session** was taken up at this time.

**Assembly Bill 11, June 1980 Special Session**

Relating to resolving conflicts between 1979 AB-742 and AB-1168 and making those bills consistent.

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 11, Special Session**

Read a third time.

Senator Berger asked unanimous consent that **Assembly Bill 11, Special Session** be laid on the table.

Senator Goyke objected.

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

11:22 A.M.

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RECESS

2:00 P.M.

The senate reconvened.

The question was: Concurrence in **Assembly Bill 11, Special Session**?

Concurred in.

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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, the Senate returned to the seventh order of business.

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**MESSAGE FROM THE ASSEMBLY**

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

**Assembly Bill 4, Special Session**

Adopted and asks concurrence in:

**Assembly Joint Resolution 7, Special Session**

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**MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Assembly Bill 4, June 1980 Special Session**

Relating to legal representation of indigents and making appropriations.

By Committee on Assembly Organization, by request of Governor Lee Sherman Dreyfus.

Read first time and referred to committee on Senate Organization.

**Assembly Joint Resolution 7**

Relating to life and public service of Joseph E. Jones.

By Entire Membership of the Assembly.

Read.

Considered as privileged and taken up.

Concurred in.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:22 P.M.

2:05 P.M.

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RECESS

2:22 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Assembly Bill 4, Special Session** was taken up at this time.

By request of Senator Maurer, with unanimous consent, the senate recessed until 2:43 P.M.

2:23 P.M.

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RECESS

2:43 P.M.

The senate reconvened.

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LEAVE OF ABSENCE

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

**Assembly Bill 4, June 1980 Special Session**

Relating to legal representation of indigents and making appropriations.

Read a second time.

Senator Bablitch moved non-concurrence.

The question was: Non-concurrence?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 8; absent or not voting, 5; as follows:

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

Noes -- Senators Engeleiter, Hanaway, Krueger, Lorge, McCallum, Opitz, Roshell and Theno -- 8.

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Absent or not voting -- Senators Bidwell, Chilsen, Kreul, Lasee and Strohl -- 5.

So the bill was non-concurred in.

Senator Bablitch moved reconsideration of the vote by which **Assembly Bill 4, Special Session** was non-concurred in.

Senator Bablitch moved the motion for reconsideration be laid on the table.

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

The motion prevailed.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Joint Rule 2, Special Session** was taken up at this time.

### **Senate Joint Resolution 2, Special Session**

Relating to a committee of conference on June 1980 Special Session **Assembly Bill 4**, "relating to legal representation of indigents and making appropriations."

By Senators Risser, Flynn and Bablitch.

Read.

Adopted.

The chair appointed Senators Flynn, Kleczka and Johnston as conferees on its part to the Committee of Conference on **Assembly Bill 4, Special Session**.

The question was: Confirmation of the conferees?

Confirmed.

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

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### LEAVE OF ABSENCE

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

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

2:55 P.M.

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RECESS

4:00 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 6:05 P.M.

4:09 P.M.

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RECESS

6:05 P.M.

The senate reconvened.

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LEAVE OF ABSENCE

By request of Senator McCallum, with unanimous consent, Senators Chilsen and Hanaway were granted a leave of absence for the balance of today's session.

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

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COMMITTEE REPORTS

COMMITTEE OF CONFERENCE

on

**Assembly Bill 4, Special Session**

The members of the Committee of Conference on **Assembly Bill 4, Special Session** report and recommend:

1. The Senate concurs in assembly amendments 3, 5 and 14 to assembly substitute amendment 1.

2. The Assembly recedes from its position on assembly amendments 2, 4, 6, 7, 13, 20, 21 and 22 to assembly substitute amendment 1.

3. The Senate and the Assembly, respectively, adopt and concur in conference amendment 1 and conference amendment 2 to



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assembly substitute amendment 1 which is attached to and made part of this report.

4. Both houses concur in assembly substitute amendment 1 as affected by Items 1, 2 and 3 of this report.

Senator Flynn                      Representative Norquist

Senator Kleczka                  Representative Barry

Senator Johnston

Representative Thompson voted no for adoption of this report.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and the Committee of Conference report on **Assembly Bill 4, Special Session** was taken up at this time.

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

The ayes and noes were required and the vote was: ayes, 23; noes, 2; absent or not voting, 8; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Engleiter, Flynn, Frank, Goyke, Harnisch, Johnston, Kleczka, Lorge, McCallum, Maurer, Moody, Offner, Radosevich, Risser, Swan, Theno, Thompson and Van Sistine -- 23.

Noes -- Senators Opitz and Roshell -- 2.

Absent or not voting -- Senators Bear, Bidwell, Chilsen, Hanaway, Kreul, Krueger, Lasee and Strohl -- 8.

So the Committee of Conference report was adopted.

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

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### MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

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

**Senate Joint Resolution 2, Special Session**, and appoints Representatives Norquist, Barry and Thompson as conferees on its part.

Adopted and asks concurrence in:

**Assembly Joint Resolution 8, Special Session**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 8, June 1980 Special Session**

Relating to commending Representative R. Michael Ferrall for his service to the Wisconsin state assembly and to the people of Wisconsin.

By Entire Membership of the Assembly.

Read.

Considered as privileged and taken up.

Concurred in.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 9, Special Session** was withdrawn from committee on Senate Organization and referred to committee on Aging, Business and Financial Institutions and Transportation.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 6, Special Session** was laid on the table.

By request of Senator Bablitch, with unanimous consent, the senate adjourned in honor of the birthday of Senator Swan.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Friday, June 6.

6:28 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 4, Special Session**

1. On page 5, line 6, substitute "tenant-occupant" for "tenant-occupied".