

JOURNAL OF THE SENATE [February 5, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

THURSDAY, February 5, 1981.

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, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorman, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Absent -- Senator Maurer -- 1.

Absent with leave -- Senator Lorge -- 1.

The senate stood for the prayer which was offered by Father Douglas L. Dushack, Associate Pastor of St. Raphael's Cathedral, Madison.

The senate remained standing and Senator Chilsen 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 59

Relating to requiring retailers to post the sales price of motor fuel.

By Senators Kleczka, Berger, Braun, Van Sistine, Maurer, Roshell, Strohl, George and Flynn; cosponsored by Representatives Czarnecki, Ulichny, Norquist, Neubauer, Kunicki and Andrea.

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

Senate Bill 60

Relating to arrests by peace officers of suspected violators in cases of fresh pursuit.

By Senator Cullen.

To committee on Judiciary and Consumer Affairs.

Senate Bill 61

Relating to exemptions from nonresident tuition at the university of Wisconsin system.

By Senators Cullen and Maurer.

To committee on Education and State Institutions.

Senate Bill 62

Relating to income tax deductions for capital gains and for state taxes, a minimum tax and a surtax on corporations, the real estate transfer fee and a minimum tax on tax preferences.

By Senators Kleczka, Maurer, Risser, Moody, Van Sistine, Berger, Strohl, Goyke, Lorge and George; cosponsored by Representatives Ulichny, Wagner, Metz, Barry, Behnke, Schneider, Neubauer, Menos, Gerlach and Matty.

To Joint Survey committee on Tax Exemptions.

COMMITTEE REPORTS

The joint committee for Review of Administrative Rules reports and recommends for introduction:

Senate Bill 63

Relating to review of certain executive orders of the governor by appropriate standing committees of the legislature, adoption of certain executive orders as rules and granting rule-making authority.

Introduction:

Ayes, 9 -- Senators Berger, Goyke, Harnisch; George and Kreul, Representatives Rogers, Helbach, Crawford and Thompson;

Noes, 0 -- None.

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

Senate Bill 64

Relating to creation of a legislative administrative rules bureau and making an appropriation.

Introduction:

JOURNAL OF THE SENATE [February 5, 1981]

Ayes, 9 -- Senators Berger, Goyke, Harnisch; George and Kreul, Representatives Rogers, Helbach, Crawford and Thompson;

Noes, 0 -- None.

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

Senate Bill 65

Relating to state agency jurisdiction in the regulation of building construction, insulation and occupancy.

Introduction:

Ayes, 9 -- Senators Berger, Goyke, Harnisch; George and Kreul, Representatives Rogers, Helbach, Crawford and Thompson;

Noes, 0 -- None.

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

Senate Bill 66

Relating to awarding attorneys fees in employment discrimination hearings before the personnel commission.

Introduction:

Ayes, 9 -- Senators Berger, Goyke, Harnisch; George and Kreul, Representatives Rogers, Helbach, Crawford and Thompson;

Noes, 0 -- None.

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

Senate Bill 67

Relating to prohibiting employment discrimination against state employes because of political affiliation, except where political affiliation is an appropriate requirement.

Introduction:

Ayes, 9 -- Senators Berger, Goyke, Harnisch; George and Kreul, Representatives Rogers, Helbach, Crawford and Thompson;

Noes, 0 -- None.

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

Senate Bill 68

Relating to notification of the loss of hospital staff privileges and license suspension by the medical examining board.

Introduction:

JOURNAL OF THE SENATE [February 5, 1981]

Ayes, 9 -- Senators Berger, Goyke, Harnisch; George and Kreul, Representatives Rogers, Helbach, Crawford and Thompson;

Noes, 0 -- None.

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

Senate Bill 69

Relating to registration requirements for professional engineers.

Introduction:

Ayes, 9 -- Senators Berger, Goyke, Harnisch; George and Kreul, Representatives Rogers, Helbach, Crawford and Thompson;

Noes, 0 -- None.

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

DAVID B. BERGER

Co-chair

WILLIAM J. ROGERS

Co-chair

The committee on Aging, Business and Financial Institutions and Transportation reports and recommends:

Senate Bill 70

Relating to payment of contractors under public works contracts.

Introduction:

Ayes, 6 -- Senators Roshell, Maurer, Goyke, Bidwell, Cullen and Engeleiter;

Noes, 1 -- Senator Moody.

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

TIM CULLEN

Chair

The committee on Labor, Government and Veterans Affairs and Tourism reports and recommends:

Senate Bill 71

Relating to fair-share and maintenance of membership agreements under the state employment labor relations act.

Introduction:

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;

Noes, 0 -- None.

JOURNAL OF THE SENATE [February 5, 1981]

Read first time and referred to Labor, Government and Veterans Affairs and Tourism.

and further recommends:

LA FLEUR, JOSEPH, of Madison, as Administrator of Emergency Government, to succeed Michael Early, to serve at the Pleasure of the Governor.

Confirmation:

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;

Noes, 0 -- None.

Senate Bill 5

Relating to offset of retirement system benefits for unemployment compensation purposes.

Passage:

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;

Noes, 0 -- None.

Senate Joint Resolution 4

To amend section 10 of article V of the constitution, relating to the governor's authority to veto appropriation bills in part (2nd consideration).

Adoption:

Ayes, 3 -- Senators Van Sistine, Cullen and Frank;

Noes, 1 -- Senator Kreul.

JEROME VAN SISTINE

Chair

CALENDAR OF FEBRUARY 5

LA FLEUR, JOSEPH, of Madison, as Administrator of Emergency Government, to succeed Michael Early, to serve at the Pleasure of the Governor.

Read.

The question was: Confirmation of the appointment?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorman, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

JOURNAL OF THE SENATE [February 5, 1981]

Absent -- Senators Lorge and Maurer-- 2.

So the appointment was confirmed.

By request of Senator Lasee, with unanimous consent, the senate recessed until 10:28 A.M.

10:11 A.M.

RECESS

10:28 A.M.

The senate reconvened.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-100

A RULE to create Ch. NR 299, relating to water quality certification.

Submitted by Department of Natural Resources.

Report received from Agency, February 3, 1981.

Referred to committee on Agriculture and Natural Resources, February 5, 1981.

The committee on Aging, Business and Financial Institutions and Transportati reports and recommends:

Clearinghouse Rule 80-199

A RULE to create Ch. Trans 303, relating to establishing equipment standards for special vehicles.

Review period waived.

TIM CULLEN

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Clearinghouse Rule 80-215

A RULE to create SPD 1.04, relating to trial certification standards.

Request public hearing.

Clearinghouse Rule 80-238

A RULE to renumber SPD 2.03 (2) to (4); to amend SPD 2.02 (1), 2.03 (1), 3.03 (2) and 3.05; and to create SPD 1.06, 2.01 (5) and 2.03 (2) to (4), relating to certification lists and determination of indigency.

Request public hearing.

LYNN S. ADELMAN
Chair

CALENDAR OF FEBRUARY 5

Senate Joint Resolution 4

To amend section 10 of article V of the constitution, relating to the governor's authority to veto appropriation bills in part (2nd consideration).

Read a second time.

Ordered to a third reading.

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

Senate Joint Resolution 4

Read a third time.

By request of Senator Flynn, with unanimous consent, **Senate Joint Resolution 4** was referred to committee on Judiciary and Consumer Affairs.

Senate Bill 5

Relating to offset of retirement system benefits for unemployment compensation purposes.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 5** was referred to joint committee on Finance.

Senate Bill 9

Relating to restricting the method of adoption of certain rules by the examining board of architects, professional engineers, designers and land surveyors.

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 9

Read a third time and passed.

JOURNAL OF THE SENATE [February 5, 1981]

By request of the chair, with unanimous consent, the senate returned to the second and third orders of business.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 7

To amend section 4 of article VI of the constitution, relating to 4-year terms of office for sheriffs (first consideration).

By Senators Bablitch, Risser, Bidwell, Krueger, Harnisch, Chilsen, Offner, Engeleiter, Van Sistine, Theno, Frank, Lasee, Roshell, Johnston and Cullen.

Read first time and referred to committee on Labor, Government, Veterans Affairs and Tourism.

Senate Joint Resolution 8

Relating to the centennial of the American labor movement.

By Senators Thompson, Krueger and Van Sistine.

Read and referred to committee on Labor, Government, Veterans Affairs and Tourism.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 72

Relating to abolishing the board of soil and water conservation districts and transferring its functions to the department of agriculture, trade and consumer protection, abolishing the agricultural lands preservation board and transferring its functions to the land conservation board, creating a land conservation board, abolishing soil and water conservation districts, creating county land conservation committees and programs, granting rule-making authority and making appropriations.

By Senators Harnisch, Krueger, Strohl, Moody, Chilsen and Flynn; cosponsored by Representatives Everson and Roberts.

To committee on Agriculture and Natural Resources.

Senate Bill 73

Relating to collective bargaining between producers and handlers of agricultural commodities, creating an agricultural bargaining board and increasing an appropriation.

By Senators Harnisch and Van Sistine; cosponsored by Representatives Everson, Rogers and Wagner.

To committee on Agriculture and Natural Resources.

JOURNAL OF THE SENATE [February 5, 1981]

Senate Bill 74

Relating to establishing a beginning farmer loan program.

By Senators Harnisch, Roshell, Thompson, Bidwell and Kreul; cosponsored by Representatives Everson, Shoemaker, Wagner, Duren and Roberts.

To Joint Survey committee on Debt Management.

Senate Bill 75

Relating to declaring agricultural uses not to be nuisances and granting rule-making authority.

By Senators Harnisch and Chilsen; cosponsored by Representatives Everson, Hephner, Roberts and Shoemaker.

To committee on Agriculture and Natural Resources.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Joint Resolution 3** by Senator George.

By request of Senator Frank, with unanimous consent, the senate adjourned in honor of Dan Field's ten years with the Senate.

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

10:57 A.M.