

JOURNAL OF THE SENATE [April 9, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

Thursday, April 9, 1981.

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, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Larry Thies, of Mount Olive Lutheran Church, Madison.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 17

To amend section 6 of article IV of the constitution, relating to abolishing the requirement that legislators must reside in the district which they seek to represent (first consideration).

By Senator Johnston.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 267

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

By Senators Van Sistine, Risser, Krueger, Bidwell, Theno, Goyke, Frank, Chilsen, Berger and Harsdorf; cosponsored by Representatives Smith, Vanderperren, Shoemaker, Thompson, Kincaid, Helbach, Donoghue, Lewison, Plewa, Prosser and Conradt.

To committee on Labor, Government and Veterans Affairs and Tourism.

Senate Bill 268

Relating to the term of appointment of the adjutant general, the titles and tenure of the deputy and assistant adjutants general and creation of the positions of chief surgeon for army and chief surgeon for air.

By Senators Van Sistine, Goyke, Cullen, Chilsen, Kreul, Theno, McCallum, Krueger and Roshell; cosponsored by Representatives Miller, Thompson, McEwen, R. Travis, Johnson, Kincaid and Vanderperren.

To committee on Labor, Government and Veterans Affairs and Tourism.

Senate Bill 269

Relating to increasing general obligation, reducing revenue obligation and eliminating convertible obligation bonding authorization for veterans' housing loans.

By Senators Van Sistine, Thompson, Krueger, Frank, Goyke and Roshell; cosponsored by Representatives Menos, Hephner, Kincaid, Vanderperren, Andrea, Harer and Paulson.

To Joint Survey Committee on Debt Management.

Senate Bill 270

Relating to prohibiting discrimination in business and providing a forfeiture.

By Senators Johnston, Cullen, Berger, Braun, George and Moody; cosponsored by Representatives Coggs and Becker.

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

JOURNAL OF THE SENATE [April 9, 1981]

Senate Bill 271

Relating to election and recall of elected town sanitary district commissioners.

By Senator Cullen.

To committee on Labor, Government and Veterans Affairs and Tourism.

Senate Bill 272

Relating to establishing a system of marital property shared by husband and wife and providing penalties.

by Senators Flynn, Bablitch, Roshell, Harsdorf, Moody, Cullen, Goyke, Risser, Adelman, Lorge, Thompson and Harnisch; cosponsored by Representatives Munts, Rutkowski, Ulichny, Hauke, Ellis, Jaronitzky, Clarenbach, Lee, Crawford, Plous, Czarnezki, Kunicki, Dorff, Miller, Tuczynski, Andrea, D. Travis, Flintrop, Loftus, Smith, Gerlach, Broydrick, Metz, Coggs, Looby, Kirby, Vanderperren, Holschbach, Williams, McEssy, Wood, Becker, Helbach, Everson, Shoemaker, Paulson and Hasenohrl.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 273

Relating to requiring rear mudguards or fenders on dump trucks and providing a penalty.

By Senator Adelman.

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

Senate Bill 274

Relating to a personal property tax exemption for commercial fishing boats and equipment.

By Senators Van Sistine and Theno.

To Joint Survey Committee on Tax Exemptions.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 7

Relating to the creation of a senate special committee on reapportionment.

Introduction:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Chilsen and Hanaway;

JOURNAL OF THE SENATE [April 9, 1981]

Noes, 0 --

Read.

Considered as privileged and taken up.

Adopted.

FRED A. RISSER

Chair

The committee on Human Services reports and recommends for introduction:

Senate Bill 275

Relating to the regulation and licensing of professional counselors, creating a professional counselors examining board, granting rule-making authority and providing penalties.

Introduction:

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

Noes, 1 -- Offner.

Read first time and referred to committee on Human Services.

CARL W. THOMPSON

Chair

The committee on Energy reports and recommends for introduction:

Senate Bill 276

Relating to the motor vehicle emission inspection and maintenance program, registration of certain vehicles, providing for inspection fees, creating a sales tax exemption, granting rule-making authority and making appropriations.

Introduction:

Ayes, 4 -- Senators Strohl, Berger, Harnisch and Lorman;

Noes, 0 -- .

Read first time and referred to Joint Survey Committee on Tax Exemptions.

JOESPH STROHL

Chair

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

MURPHY, DONALD, of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 1986.

Confirmation:

JOURNAL OF THE SENATE [April 9, 1981]

Ayes, 4 -- Senators Van Sistine, Cullen, Frank and Kreul;
Noes, 0 -- None.

BODWAY, GERALD, of Madison, as a member of the Board of Veterans Affairs, to succeed Charles D. Boranson, to serve for the term ending May 1, 1987.

Confirmation:

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

Noes, 0 -- None;

Absention, 1 --Senator Cullen.

STURM, JOHN, of Manawa, as a member of the Board of Veterans Affairs, to succeed Italo Bensoni, to serve for the term ending May 1, 1987.

Confirmation:

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

Noes, 0 -- None.

JEROME VAN SISTINE

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 44

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

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Senate Bill 98

Relating to chemical derivatives of methylphenidate, nalorphine and pentazocine in the controlled substances schedules.

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Assembly Bill 2

Relating to the termination of parental rights of certain parents.

Concurrence:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

Assembly Bill 41

Relating to membership on the law enforcement standards board.

Concurrence:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

JOURNAL OF THE SENATE [April 9, 1981]

Noes, 0 -- None.

LYNN S. ADELMAN
Chair

The joint committee on Finance reports and recommends:

Senate Bill 167

An act to authorize release of \$12,427.20 from the general fund for payment of a claim made by the city of Madison against the state.

Passage with emergency statement:

Ayes, 14 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Barry, Metz and Ellis;

Noes, 0 -- None.

Senate Bill 168

An act to authorize release of \$40,252.40 from the general fund for payment of a claim made by the city of Oshkosh against the state.

Passage with emergency statement:

Ayes, 14 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Barry, Metz and Ellis;

Noes, 0 -- None.

Senate Bill 239

Relating to computation of depreciation for purposes of the income tax.

Passage:

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Offner, Braun and Roshell, Representatives Norquist, Otte, Roberts, Kirby, Barry and Metz;

Noes, 2 -- Senator McCallum, Representative Ellis.

Senate Bill 243

Relating to limitation of state expenditure reductions, expenditure estimate procedure and state revenue shortfall procedure.

Passage:

Ayes, 14 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Barry, Metz and Ellis;

Noes, 0 -- None.

GERALD D. KLECZKA
Chair

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-31

AN ORDER to repeal Tax 1.11 (9); and to amend Tax 1.11 (1) (intro.) and (b) and (4) (a), relating to the confidentiality of inheritance and estate tax returns filed with the Department of Revenue.

Submitted by Department of Revenue.

Report received from agency, April 8, 1981.

Referred to committee on State and Local Affairs and Taxation, April 9, 1981.

Clearinghouse Rule 81-34

AN ORDER to create HSS 1.03 (13) (b), relating to permitting modification for experimental purposes of the ability to pay schedule under the department's uniform fee system.

Submitted by Department of Health and Social Services.

Report received from agency, April 8, 1981.

Referred to committee on Human Services, April 9, 1981.

Clearinghouse Rule 81-52

AN ORDER to repeal Trans 78.02 (4) and 78.06 (3); to renumber Trans 78.06 (4); to amend Trans 78.06 (2) (a) and 78.08, relating to the transportation system management program.

Submitted by Department of Transportation.

Report received from agency, April 7, 1981.

Referred to committee on Aging, Business and Financial Institutions and Transportation, April 9, 1981.

Clearinghouse Rule 81-77

AN ORDER to create Tax 9.08, relating to the application of the cigarette occupational tax to cigarette sales to and by Indians.

Submitted by Department of Revenue.

Report received by agency, April 7, 1981.

Referred to committee on State and Local Affairs and Taxation, April 9, 1981.

The committee on Human Services reports and recommends:

Clearinghouse Rule 79-53

A RULE to create Ch. HSS 63, relating to outpatient treatment facility standards.

JOURNAL OF THE SENATE [April 9, 1981]

No action taken.

CARL. W. THOMPSON
Chair

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

Clearinghouse Rule 81-29

AN ORDER to amend Ind 201.07 (9); and to create Ind 201.07 (11) (cm) and (cn), relating to migrant labor.

No action taken.

JEROME VAN SISTINE
Chair

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Assembly Bill 17
Assembly Bill 19
Assembly Bill 27
Assembly Bill 86
Assembly Bill 104

Adopted and asks concurrence in:

Assembly Joint Resolution 31
Assembly Joint Resolution 41

Concurred in:

Senate Joint Resolution 11
Senate Joint Resolution 15

MESSAGE FROM THE ASSEMBLY CONSIDERED

By request of Senator Bablitch, with unanimous consent **Assembly Joint Resolution 31** was taken up at this time.

Assembly Joint Resolution 31

Relating to granting the use of the legislative chambers on April 10 and 11, 1981, to the YMCA for its Youth in Government program.

JOURNAL OF THE SENATE [April 9, 1981]

By Representative Schneider, co-sponsored by Senator Goyke.

Read.

Considered as privileged and taken up.

Concurred in.

Assembly Bill 17

Relating to the sale of fermented malt beverages and intoxicating liquor on interstate vessels carrying passengers.

By Representatives Roberts, Medinger, Vanderperren, Rooney, Potter, Andrea and Holschbach, co-sponsored by Senator Offner.

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

Assembly Bill 19

Relating to permitting minors to enter premises licensed to sell beer and liquor to attend dances or to engage in marching or drilling.

By Representatives Potter, Otte, Vanderperren, Hasenohrl and Johnson.

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

Assembly Bill 27

Relating to cooperative educational service agency annual meetings and termination of membership on a CESA board of control.

By Representatives Flintrop, DeLong, Smith, Byers and R. Travis, co-sponsored by Senators Goyke, Thompson and Kreul, by request of Wisconsin Association of School Boards.

Read first time and referred to committee on Education and State Institutions.

Assembly Bill 86

Relating to allowing municipalities to issue either annual or biennial bartenders' licenses.

By Representative Behnke, by request of city of Milwaukee.

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

Assembly Bill 104

Relating to absconding without paying for motor fuel and providing a penalty.

By Representatives Andrea, Dorff, Hauke, Behnke, Johnson, Potter, Flintrop, Wagner, Swoboda, Gerlach, Broydrick, Wood, Medinger, Schneider, Crawford, Barczak, Plewa and Fischer, co-sponsored by Senator Maurer.

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

JOURNAL OF THE SENATE [April 9, 1981]

Assembly Joint Resolution 41

Relating to the accomplishments of the Amery High School band.

By Representative Paulson, co-sponsored by Senator Harsdorf.
Read and referred to committee on Senate Organization.

CALENDAR OF APRIL 9

Senate Joint Resolution 7

Relating to 4-year terms of office for sheriffs (first consideration).

Read a second time.

Ordered to a third reading.

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

Senate Joint Resolution 7

Read a third time.

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

Ayes -- Senators Bablitch, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Offner, Risser, Roshell, Theno and Van Sistine -- 21.

Noes -- Senators Adelman, Berger, Braun, George, Goyke, Kleczka, Maurer, Moody, Opitz, Strohl and Thompson -- 11.

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

So the joint resolution was adopted.

Senate Bill 16

Relating to staggering the terms of town supervisors.

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 16

Read a third time and passed.

Senate Bill 44

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

Read a second time.

Ordered to a third reading.

JOURNAL OF THE SENATE [April 9, 1981]

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

Senate Bill 44

Read a third time and passed.

Senate Bill 67

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

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 67

Read a third time and passed.

Senate Bill 98

Relating to chemical derivatives of methylphenidate, nalorphine and pentazocine in the controlled substances schedules.

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 98

Read a third time and passed.

Senate Bill 167

An act to authorize release of \$12,427.20 from the general fund for payment of a claim made by the city of Madison against the state.

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 167

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 6; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harsdorf, Kleczka, Krueger, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators Bidwell, Johnston, Kreul, Lasee, Lorge and Opitz -- 6.

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

JOURNAL OF THE SENATE [April 9, 1981]

So the bill passed.

Senate Bill 168

An act to authorize release of \$40,252.40 from the general fund for payment of a claim made by the city of Oshkosh against the state.

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 168

Read a third time.

The ayes and noes were required and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Cullen, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Kleczka, Lasee, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Noes -- Senators Bidwell, Braun, Chilsen, Engeleiter, Harsdorf, Johnston, Kreul, Krueger, Lorge and Opitz -- 10.

Absent or not voting -- None.

So the bill passed.

By request Senator Lasee, with unanimous consent, the senate recessed until 10:25 A.M.

10:00 A.M.

RECESS

10:25 A.M.

The senate reconvened.

Senate Bill 239

Relating to computation of depreciation for purposes of the income tax.

Read a second time.

Senator Chilsen moved that **Senate Bill 239** be referred to Joint Survey committee on Tax Exemptions.

The question was: Shall **Senate Bill 239** be referred to Joint Survey committee on Tax Exemptions?

JOURNAL OF THE SENATE [April 9, 1981]

By request of Senator Harsdorf, with unanimous consent, he introduced the American Honey Queen, Kimberly Ganey of Jacksonville, Florida and Wisconsin's Honey Queen, Laurie Sjostrom of Maiden Rock.

The question was: Shall **Senate Bill 239** be referred to Joint Survey committee on Tax Exemptions?

LEAVE OF ABSENCE

By request of Senator Flynn, with unanimous consent, Senator Bablitch was granted a leave of absence for 30 minutes.

By request of Senator Flynn, with unanimous consent, Senator Van Sistine was granted a leave of absence for fifteen minutes.

QUORUM CALL

Senator Chilsen called the attention of the chair to the possible lack of a quorum.

The roll was called and the following senators answered to their names:

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

Absent -- None.

Absent with leave -- Senators Bablitch and Van Sistine -- 2.

The question was: Shall **Senate Bill 239** be referred to Joint Survey Committee on Tax Exemption?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 14.

Noes -- Senators Adelman, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 18.

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

So the motion did not prevail.

JOURNAL OF THE SENATE [April 9, 1981]

The question was: Shall **Senate Bill 239** be ordered to a third reading?

The motion prevailed.

Ordered to a third reading.

Senate Bill 243

Relating to limitation of state expenditure reductions, expenditure estimate procedure and state revenue shortfall procedure.

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 243

Read a third time and passed.

Assembly Bill 2

Relating to the termination of parental rights of certain parents.

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.

Assembly Bill 2

Read a third time and concurred in.

Assembly Bill 41

Relating to membership on the law enforcement standards board.

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.

Assembly Bill 41

Read a third time and concurred in.

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

By request of Senator Flynn, with unanimous consent, the Senate returned to the second and third orders of business.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 18

Relating to allowing the legislature to provide property or other tax benefits for home improvements (first consideration).

JOURNAL OF THE SENATE [April 9, 1981]

By Senators Berger, Braun, Moody, Theno, Strohl, Thompson, Goyke, Van Sistine, Flynn, George, Frank and Risser; cosponsored by Representatives Crawford, Kirby, Becker and Lee.

Read first time and referred to committee on State and Local Affairs and Taxation.

Senate Joint Resolution 19

Relating to limiting the total biennial appropriation which the legislature may enact to the growth rate of adjusted gross income (first consideration).

By Senators Theno, Johnston, Lorge, Kreul, Hanaway, Opitz, Chilsen, Lorman, Harsdorf and Krueger; cosponsored by Representatives Jaronitzky, Ellis, Dorff, Stitt, Radtke, Goodrich, Laatsch, Porter, Lewison, Nelsen and R. Travis.

Read first time and referred to committee on State and Local Affairs and Taxation.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 277

Relating to the number of signatures required on nomination papers for party committeeman or committeewoman.

By Senator Frank; cosponsored by Representatives Tesmer and Gerlach.

To committee on State and Local Affairs and Taxation.

Senate Bill 278

Relating to the definition of mopeds.

By Senators Frank, Harsdorf, Chilsen and Goyke; cosponsored by Representatives Plewa, Conradt, Gerlach, Johnson, Andrea and Schneider.

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

Senate Bill 279

Relating to land acquisitions by the department of natural resources.

By Senators Theno, Kreul, Opitz, Chilsen, Roshell, Harsdorf and Krueger; cosponsored by Representatives Jaronitzky, Duren, Kincaid, Goodrich, Laatsch, Porter and Matty.

To committee on Agriculture and Natural Resources.

JOURNAL OF THE SENATE [April 9, 1981]

Senate Bill 280

Relating to licenses for vehicles used to transport skidders used in logging.

By Senators Theno, Harsdorf, Johnston and Krueger; cosponsored by Representatives Vanderperren, McEwen and Kincaid.

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

Senate Bill 281

Relating to exempting from cosmetology statutes services performed without compensation.

By Senators Theno, Lorman, Johnston and Krueger; cosponsored by Representatives Jaronitzky and Norquist.

To committee on Human Services.

Senate Bill 282

Relating to allowing ambulance drivers to handle sick, injured or disabled persons under supervision.

By Senators Theno, Lorman, Harsdorf, Johnston and Krueger; cosponsored by Representatives Schmidt, Laatsch, McEwen, Lewison and R. Travis.

To committee on Human Services.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 39** by Senator Kreul.

Senate substitute amendment 1 to **Senate Bill 77** by Senator Braun.

Upon motion of Senator Flynn the senate adjourned until 10:00 A.M., Tuesday, April 14.

11:42 A.M.