

JOURNAL OF THE SENATE [May 14, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

THURSDAY, May 14, 1981.

9:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

By request of Senator Maurer, with unanimous consent, the senate recessed until 9:30 A.M.

9:01 A.M.

RECESS

9:30 A.M.

The senate reconvened.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engleiter, 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 Reverend Joseph Washington, retired Baptist minister of Madison.

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution 8

Creating rules governing examination of officers interpellated under sections 13.28 and 13.29 of the Wisconsin statutes during the 1981-83 legislative session.

By Senator Flynn.

Read and referred to committee on Senate Organization.

COMMITTEE REPORTS

The joint committee on Audit reports and recommends for introduction:

Senate Bill 410

Relating to various changes in the statutes pertaining to vocational, technical and adult education and granting rule-making authority.

Introduction:

Ayes, 7 -- Senators George, Berger and Hanaway, Representatives Tuczynski, Gerlach, Nelsen and Quackenbush;

Noes, 0 -- None.

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

GARY R. GEORGE

Co-Chair

PHILLIP J. TUCZYNSKI

Co-Chair

The joint committee on Finance reports and recommends:

Senate Bill 408

Relating to the fiscal year to which tax receipts are credited and to the date of the transfer of moneys from the general fund into the shared revenue account.

Passage with emergency statement attached:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Roshell and McCallum, Representatives Norquist, Otte, Roberts, Kirby, Metz, Wood and Ellis;

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Noes, 0 -- None.

GERALD D. KLECZKA
Senate Chair

State of Wisconsin
Office of the Governor
Madison, Wisconsin

April 30, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Shirley Crinion of Eau Claire as a member of the Judicial Commission, to fill a vacant position, pursuant to the statutes governing, to serve a term to expire on August 1, 1981 and for a subsequent three year term to expire on August 1, 1984.

Sincerely,
LEE SHERMAN DREYFUS
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

By request of Senator Flynn, with unanimous consent, the appointments of Vivien DeBack and Branko Terzic were placed at the foot of the calendar.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-93

A RULE to create Ch. NR 347, relating to regulation of hydraulic dredging projects on the beds of waterways.

Submitted by Department of Natural Resources.

Report received from agency, May 12, 1981.

Referred to committee on Agriculture and Natural Resources, May 14, 1981.

Clearinghouse Rule 80-167

A RULE to amend NR 154.11 (2) (b), (3) (c) and (e) and (4) (c), (e) and (f), relating to air emissions of particulate matter in primary and associated secondary nonattainment areas for total suspended particulate matter.

Submitted by Department of Natural Resources.

Report received from agency, May 13, 1981.

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Referred to committee on Agriculture and Natural Resources,
May 14, 1981.

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 261
Assembly Bill 320

Adopted and asks concurrence in:

Assembly Joint Resolution 8

Concurred in:

Assembly Joint Resolution 7, senate amendment 1
Senate Bill 243, senate amendment 1 to assembly amendment 3

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 261

Relating to certification of school administrators and granting rule-making authority.

By Representatives Goodrich, Leopold, Flintrop, Wagner, Potter, Quackenbush and DeLong, co-sponsored by Senators Adelman, Cullen and Moody.

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

Assembly Bill 320

Relating to eliminating the expiration date for collective bargaining impasse resolution procedures for local government employes other than law enforcement and fire fighting personnel.

By Legislative Council.

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

Assembly Joint Resolution 8

Directing the legislative council to study the problem of battery to the elderly and to report recommended solutions to the legislature.

By Representatives Tesmer, Rogers, Potter and Rooney, co-sponsored by Senator Frank.

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

CALENDAR OF MAY 14

Senate Joint Resolution 26

Relating to the life and public service of General of the Army, Douglas MacArthur.

Read.

Adopted.

Senate Joint Resolution 27

Calling on President Reagan and all members of Wisconsin's Congressional delegation to ensure that the state retains its 'hold harmless' status for supplemental security income payments.

Read.

The question was: Adoption?

The ayes and noes were demanded and the vote was: ayes, 31; noes, 2; absent or not voting, 0; 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, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Noes -- Senators Lorge and Opitz -- 2.

Absent or not voting -- None.

So the joint resolution was adopted.

Senate Bill 76

Relating to authorizing the dentistry examining board to sanction a dentist or dental hygienist for incompetence, negligence or overbilling and increasing staff assigned to the dentistry examining board.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Moody, Goyke and Johnston.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 76** was referred to joint committee on Finance.

Senate Bill 77

Relating to removing the requirements of U.S. citizenship and good moral character from certain employment and licensure statutes.

Read a second time.

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

Senate Bill 77

Read a third time and passed.

Senate Bill 237

Relating to school bus insurance.

Read a second time.

By request of Senator Cullen, with unanimous consent, **Senate Bill 237** was referred to committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 369

Relating to contracts with Minnesota for confinement of Wisconsin prisoners and revising an appropriation.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senate amendments 1 and 2 to senate substitute amendment 1 offered by Senator Braun.

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

Senator Goyke moved rejection of senate amendment 1 to senate substitute amendment 1.

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

By request of Senator Goyke, with unanimous consent, **Senate Bill 369** was placed at the foot of the calendar.

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By request of Senator Maurer, with unanimous consent, the senate recessed until 12:36 P.M.

10:43 A.M.

RECESS

12:36 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the appointment of Branko Terzic was referred to committee on Senate Organization.

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

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Assembly Joint Resolution 51

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 51

Relating to proclaiming May 15, 16 and 17, 1981, Syttende Mai Weekend.

By Entire Membership of the Assembly.

Read and referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 126** was withdrawn from committee on Senate Organization and referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 12:52 P.M.

12:44 P.M.

RECESS

12:52 P.M.

The senate reconvened.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 51

Relating to proclaiming May 15, 16 and 17, 1981, Syttende Mai Weekend.

Concurrence:

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

Noes, 0 -- None.

FRED A. RISSER

Chair

By request of Senator Bablitch, with unanimous consent, **Assembly Joint Resolution 51** was considered for action at this time.

Assembly Joint Resolution 51

Relating to proclaiming May 15, 16 and 17, 1981, Syttende Mai Weekend.

Read.

Concurred in.

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 9

Relating to the recovery of Pope John Paul II.

Introduction:

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

Noes, 0 -- None.

FRED A. RISSER

Chair

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By request of Senator Bablitch, with unanimous consent, **Senate Resolution 9** was considered for action at this time.

Senate Resolution 9

Relating to the recovery of Pope John Paul II.

Read.

Adopted.

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

CALENDAR OF MAY 14

DEBACK, VIVIEN, of Muskego, as a member of the Board on Nursing, to succeed Sister Sharee Hurtgen, to serve a four year term to expire on May 1, 1984.

Read.

The question was: Shall the appointment be confirmed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- 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.

Noes -- None.

Absent or not voting -- None.

So the appointment was confirmed.

Senate Bill 369

Relating to contracts with Minnesota for confinement of Wisconsin prisoners and revising an appropriation.

Read.

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

The motion did not prevail.

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?

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Senator Goyke moved rejection of senate amendment 2 to senate substitute amendment 1.

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

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Frank, Goyke, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Opitz and Roshell -- 13.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, George, Harnisch, Kleczka, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Risser, Strohl, Theno, Thompson and Van Sistine -- 20.

Absent or not voting -- None.

So the motion did not prevail.

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

Adopted.

Senate amendment 3 to senate substitute amendment 1 offered by Senators Goyke and Bidwell.

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

By request of Senator Harnisch, with unanimous consent, senate amendment 3 to senate substitute amendment 1 was placed after senate amendment 6 to senate substitute amendment 1 to **Senate Bill 369**.

Senate amendments 4, 5 and 6 to senate substitute amendment 1 offered by Senator Braun.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

By request of Senator Braun, with unanimous consent, senate amendment 4 to senate substitute amendment 1 was returned to the author.

The question was: Adoption of senate amendment 5 to senate substitute amendment 1?

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Senator Goyke moved rejection of senate amendment 5 to senate substitute amendment 1.

The question was: Rejection of senate amendment 5 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Engeleiter, Flynn, Frank, Goyke, Harsdorf, Kleczka, Kreul, Krueger, Lasee, Lorman, Maurer, Opitz, Risser, Roshell, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Berger, Braun, Chilsen, Cullen, George, Hanaway, Harnisch, Johnston, Lorge, McCallum, Moody, Offner, Strohl and Thompson -- 15.

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

So the motion prevailed.

The question was: Adoption of senate amendment 6 to senate substitute amendment 1?

By request of Senator Braun, with unanimous consent, senate amendment 6 to senate substitute amendment 1 was returned to the author.

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

Adopted.

Senate amendment 7 to senate substitute amendment 1 offered by Senator Harnisch:

The question was: Adoption of senate amendment 7 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lorman, McCallum, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators George, Krueger, Lasee, Lorge and Opitz -- 5.

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

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So the substitute amendment was adopted.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 369** was referred to joint committee on Finance.

By request of Senator Flynn, with unanimous consent, the Senate returned to the eighth order of business.

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Assembly Joint Resolution 24

Passed and asks concurrence in:

Assembly Bill 76

Assembly Bill 85

Assembly Bill 230

Assembly Bill 244

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 24

Relating to expressing appreciation to Algeria for its help in releasing the American hostages held by Iran.

By Representatives Prosser, Loftus, Thompson, Hauke, Matty, Gerlach, Paulson, Duren, Leopold, Donoghue, Lee, Becker, Porter, Byers, Neubauer, Berndt, Jaronitzky, Larson, Lewison, Tregoning, Bradley and Robinson, co-sponsored by Senators Bablitch, Chilsen and Hanaway.

Read and referred to committee on Senate Organization.

Assembly Bill 76

Relating to damages in wrongful death actions.

By Representatives Hauke, Thompson, Behnke, Tesmer, Prosser, Looby and Broydrick.

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

Assembly Bill 85

Relating to the maximum recovery level for tort actions against local governmental entities and agencies.

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By Representatives Hauke, Leopold and Looby, co-sponsored by Senator Flynn.

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

Assembly Bill 230

Relating to the computation of a school district's controllable cost in the 1980-81 school year.

By Representatives Flintrop, DeLong and Neubauer.

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

Assembly Bill 244

Relating to the governing body of a public inland lake protection and rehabilitation district.

By Representatives Rutkowski, Byers, Wagner, Hephner, Luckhardt and Smith, co-sponsored by Senators Adelman and Chilsen.

Read first time and referred to committee on Agriculture and Natural Resources.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 272** by Senators Flynn and Bablitch.

Upon motion of Senator Flynn the senate adjourned until 10:00 A.M. Tuesday, May 19.

2:05 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 394

1. Page 2, line 27: after "(9)", insert "of the statutes are repealed."