

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

TUESDAY, June 16, 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, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- Senator Johnston -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Roger D. Gustafson, pastor of Asbury United Methodist Church, Madison.

The senate remained standing and Senator Opitz 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 453

Relating to a revision of the obscenity law and the penalties for its violation.

By Senator Johnston.

To committee on Judiciary and Consumer Affairs.

Senate Bill 454

Relating to battery to certain bus drivers and providing a penalty.

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By Senators Frank, Offner, Braun, Roshell and Van Sistine;
cosponsored by Representatives Andrea, Behnke and Barczak.

To committee on Judiciary and Consumer Affairs.

Senate Bill 455

Relating to misconduct aboard motor busses and providing a penalty.

By Senators Frank, Johnston, Braun, Roshell and Van Sistine;
cosponsored by Representatives Andrea, Lee, Behnke, Plous and Barczak.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Human Services reports and recommends:

Assembly Bill 15

Relating to abolishment of the real estate examining board, creation of a real estate board, transfer of functions of the real estate examining board to the real estate board and the department of regulation and licensing and granting rule-making authority.

Concurrence:

Ayes, 4 -- Senators Thompson, Strohl, Theno and Offner;

Noes, 0 -- None.

Senate Bill 80

Relating to regulating smoking in public conveyances and specified places and providing a penalty.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Thompson, Strohl, Offner and Theno;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Thompson, Strohl, Offner and Theno;

Noes, 0 -- None.

CARL W. THOMPSON

Chair

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

GEISSLER, HENRY J., of Chippewa Falls, as a member of the Savings and Loan Review Board, to succeed Gerald Levy, to serve a four year term to expire on May 1, 1983.

Confirmation:

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Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

NEVIASER, B. ANN, of Madison, as a member of the Savings and Loan Review Board, to succeed Helen Casper, to serve for the term ending May 1, 1983.

Confirmation:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

SCALES, HAROLD E., of Madison, as a member of the Savings and Loan Review Board, to succeed Ralph K. Schlitz, to serve a four year term to expire on May 1, 1983.

Confirmation:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

SCHUNK, JOHN, of Verona, as a member of the Banking Review Board, to succeed August N. Renner, to serve a five year term to expire on May 1, 1985.

Confirmation:

Ayes, 7 -- Senators Roshell, Moody, Goyke, Maurer, Bidwell,
Engeleiter and Cullen;

Noes, 0 -- None.

TIM CULLEN

Chair

The committee on Energy reports and recommends:

Senate Bill 337

Relating to requiring retail service stations to furnish pressurized air to customers.

Introduction and adoption of senate amendment 1:

Ayes, 3 -- Senators Strohl, Harnisch and Berger;

Noes, 1 -- Senator Lorman.

Passage as amended:

Ayes, 3 -- Senators Strohl, Harnisch and Berger;

Noes, 1 -- Senator Lorman.

Senate Bill 371

Relating to prohibiting the use and sale of radar detectors and providing a penalty.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

Ayes, 3 -- Senators Strohl, Harnisch and Berger;

Noes, 1 -- Senator Lorman.

Senate Bill 360

Relating to a residential weatherization program, granting rule-making authority and making an appropriation.

Introduction and adoption of senate substitute amendment 1:

Ayes, 3 -- Senators Strohl, Harnisch and Berger;

Noes, 1 -- Senator Lorman.

Passage as amended:

Ayes, 3 -- Senators Strohl, Harnisch and Berger;

Noes, 1 -- Senator Lorman.

JOSEPH STROHL

Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

June 8, 1981.

To the Honorable, the Senate:

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

Yours very truly,
VEL PHILLIPS
Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number.

Driessen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Marathon Oil Company, 539 S. Main St., Findlay, OH 45840 (419) 422-2121; 22.

Franke, Harry F., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Marathon Oil Company, 539 S. Main St., Findlay, OH 45840 (419) 422-2121; 22.

Morgan, James W., 6515 Grand Teton Plaza, Ste. #120, Madison, WI 53719 (608) 833-9595; Wisconsin Precast Concrete

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Assn., 737 Herbert St., Chippewa Falls, WI 54729 (715) 723-7446; 17, 18, 20, 23; 136, 144, 176.

Renk, Ralph W., 777 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 765-5221; First Wisconsin Corp., 777 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 765-4985; 1-25; 101-186.

Sosnowski, Leonard S., Foley & Lardner, First Wisconsin Plaza, 1 S. Pinckney St., Madison, WI 53703 (608) 257-5035; First Wisconsin Trust Co., 777 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 765-5000; 22.

Tibbitts, Susan L., 20 N. Carroll St., Rm. #27, Madison, WI 53703 (608) 256-2686; Common Cause In Wisconsin, 20 N. Carroll St., Rm. #27, Madison, WI 53703 (608) 256-2686; 3, 4, 8, 12, 13, 17, 18, 19, 20, 21, 23; 109, 119, 128, 138, 149, 150, 174, 176, 184.

Wimmer, James W., Jr., P.O. Box #1482, Madison, WI 53701 (608) 256-5223; Security Savings & Loan Assn., 184 W. Wisconsin Ave., Milwaukee, WI 53202 (414) 273-1900; 2-4, 8, 9, 12-18, 20-22, 24, 25; 101, 109, 113, 114, 116, 117, 119, 121, 128, 136, 138-140, 142, 145, 149, 150, 170, 172-175, 179, 183.

Registration Amendment:

Morgan, James W. address & telephone update: 6515 Grand Teton Plaza, Suite #120, Madison, WI 53719 (608) 833-9595.

CALENDAR OF JUNE 16

By request of Senator Bablitch, with unanimous consent, the appointments were considered enmasse with the exceptions of Gordon B. Baldwin, Edward F. Pinzer, Jack Steinhilber and Thomas R. Timken.

CRINION, SHIRLEY, of Eau Claire, as a member of the Judicial Commission, to serve for the term ending August 1, 1981 and for a subsequent term ending August 1, 1984.

Read.

GEISSLER, HENRY J., of Chippewa Falls, as a member of the Savings and Loan Review Board, to succeed Gerald Levy, to serve a four year term to expire on May 1, 1983.

Read.

KOPISH, WILLIAM P. of Marinette, as a member of the Public Defender Board, to succeed Mary Lou Robinson, to serve a three year term to expire on May, 1983

Read.

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NEVIASER, B. ANN, of Madison, as a member of the Savings and Loan Review Board, to succeed Helen Casper, to serve for the term ending May 1, 1983.

Read.

RAETHER, HERBERT, of Columbus, as a member of the Public Defender Board, to succeed Donald Sykes, to serve a three year term to expire on May 1, 1983.

Read.

SCALES, HAROLD E., of Madison, as a member of the Savings and Loan Review Board, to succeed Ralph K. Schlitz, to serve a four year term to expire on May 1, 1983.

Read.

SCHRAUFNAGEL, ALLEN, of Elroy, as a member of the Public Defender Board, to succeed Eleanor Brennan, to serve for the term ending May 1, 1982.

Read.

SCHUNK, JOHN, of Verona, as a member of the Banking Review Board, to succeed August N. Renner, to serve a five year term to expire on May 1, 1985.

Read.

SMITH, WILLIAM BRADFORD, of Madison, as a member of the Tax Appeals Commission, to succeed Keith Clifford whose term expired on March 1, 1981, to serve a six year term to expire on March 1, 1987.

Read.

The question was: Confirmation of the appointments enmasse?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the appointments were confirmed enmasse.

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BALDWIN, GORDON B., Professor, of Madison, as a member of the Public Defender Board, to succeed William Coffey, to serve a three year term to expire on May 1, 1982.

Read.

The question was: Confirmation of the appointment?

The ayes and noes were required and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, George, Goyke, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz, Risser, Theno and Thompson -- 19.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, Harnisch, Maurer, Moody, Offner, Roshell, Strohl and Van Sistine -- 14.

Absent or not voting -- None.

So the appointment was confirmed.

PINZER, EDWARD F., of Wauwatosa, as a member of the Public Defender Board, to succeed Sally Bilder, to serve a three year term to expire on May 1, 1983.

Read.

The question was: Confirmation of the appointment?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Flynn, Goyke, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz, Roshell and Theno -- 17.

Noes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Frank, George, Harnisch, Kleczka, Maurer, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 16.

Absent or not voting -- None.

So the appointment was confirmed.

Senator Flynn in the chair.

10:55 A.M.

STEINHILBER, JACK, of Oshkosh, as a member of the public defenders Board, to succeed Frank Remington, to serve a three year term to expire on May 1, 1982.

Read.

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The question was: Confirmation of the appointment?

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Opitz, Risser, Roshell, Theno, Thompson and Van Sistine -- 25.

Noes -- Senators Adelman, Berger, Braun, Cullen, George, Harnisch, Offner and Strohl -- 8.

Absent or not voting -- None.

So the appointment was confirmed.

TIMKEN, THOMAS R., of Wausau, as a member of the Tax Appeals Commission, to succeed himself, to serve a six year term to expire on March 1, 1987.

Read.

The question was: Confirmation of the appointment?

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 CLEARINGHOUSE ORDERS

Clearinghouse Rule 79-26

A RULE to create Ch. HSS 326, relating to leave for qualified inmates.

Submitted by Department of Health and Social Services.

Report received from agency, June 15, 1981.

Referred to committee on Human Services, June 16, 1981.

Clearinghouse Rule 79-44

A RULE to create Ch. HSS 324, relating to work and study release of inmates of correctional institutions.

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Submitted by Department of Health and Social Services.

Report received from agency, June 15, 1981.

Referred to committee on Human Services, June 16, 1981.

Clearinghouse Rule 81-61

AN ORDER to renumber NR 46.03 (3) and (4); to amend NR 46.03 (1); to repeal and recreate NR 46.09 (2) (a) to (c); and to create NR 46.03 (3) and 46.10 (1) (h), relating to the woodland tax law and stumpage values for severance tax under the forest crop law.

Submitted by Department of Natural Resources.

Report received from agency, June 15, 1981.

Referred to committee on Agriculture and Natural Resources, June 16, 1981.

CALENDAR OF JUNE 16

Senate Bill 451

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Building Trades Negotiating Committee for the 1981-83 biennium, covering employes in the building trades crafts collective bargaining unit, and authorizing an expenditure of funds.

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 451

Read a third time.

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 bill passed.

Senate Joint Resolution 18

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

Read a second time.

Senate amendment 1 offered by Senator Chilsen.

The question was: Adoption of senate amendment 1?

Senator Berger moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The president in the chair.

11:58 A.M.

The question was: Rejection of senate amendment 1?

The motion prevailed.

Ordered to a third reading.

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

Senate Joint Resolution 18

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 28.

Noes -- Senators Adelman, Kreul, Maurer and Offner -- 4.

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

So the joint resolution was adopted.

Senate Bill 188

Relating to collective bargaining units consisting of supervisors, making an appropriation and providing a penalty.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 188** was referred to joint committee on Finance.

Senate Bill 196

Relating to due dates for sales and use tax returns.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 196** was referred to joint committee on Finance.

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Senate Bill 257

Relating to budgetary procedure in populous counties.

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 257

Read a third time and passed.

Senate Bill 277

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

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 277

Read a third time and passed.

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

By request of Senator Theno, with unanimous consent, the senate adjourned in honor of Senator Engeleiter on becoming an attorney today.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, June 18.

12:08 P.M.