

JOURNAL OF THE SENATE [January 27, 1982]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

WEDNESDAY, January 27, 1982.

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, 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 of Madison.

The senate remained standing and Senator Bidwell 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 721

Relating to various changes in the statutes pertaining to condemnation.

By Senator Strohl; cosponsored by Representatives Neubauer, Rooney and Ladwig.

To committee on Judiciary and Consumer Affairs.

JOURNAL OF THE SENATE [January 27, 1982]

Senate Bill 722

Relating to the nonpartisan nature of the citizens utility board and imposing a penalty.

By Senators Opitz, Roshell, Kreul and Hanaway; cosponsored by Representatives R. Travis, Goodrich, Lewison, Matty, Hopkins, Klicka, Ladwig and Donoghue.

To committee on Insurance and Utilities.

Senate Bill 723

Relating to removing date and time restrictions on jewelry auction sales.

By Senators McCallum, Risser, Offner and Lasee; cosponsored by Representatives Nelsen, Menos, Panzer, Prosser, Flintrop, Norquist and Jackamonis, by request of Bob Tiedt of Fond du Lac.

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

Senate Bill 724

Relating to the income tax consequences of retirement savings.

By Senators McCallum, Lorge, Opitz, Chilsen, Frank, Goyke and Roshell; cosponsored by Representatives R. Travis, Matty, Panzer, Ladwig, Hopkins, Klicka, Behnke, Goodrich, Radtke, Stitt, Menos, McEssy, Schmidt, Jaronitzky, Harer, Schneiders, Alberts and Donoghue.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 725

Relating to authorizing dissolution of certain metropolitan sewerage districts.

By Senator Harsdorf; cosponsored by Representative Paulson.

To committee on Agriculture and Natural Resources.

Senate Bill 726

Relating to the size of a county public work contract which can be let without advertising for bids.

By Senators Frank and George; cosponsored by Representative Meaux, by request of Milwaukee County.

To committee on State and Local Affairs and Taxation.

COMMITTEE REPORTS

The joint committee on Audit reports and recommends for introduction:

Senate Bill 727

Relating to inland lake protection and renewal, granting rule-making authority and making and revising appropriations.

Introduction:

Ayes, 6 -- Senators George, Berger, Hanaway, Representatives Ulichny, Gerlach and Quackenbush;

Noes, 1 -- Senator Lasee.

Read first time and referred to joint committee on Audit.

GARY R. GEORGE

Co-Chair

BARBARA ULICHNY

Co-Chair

The joint committee on Audit reports and recommends:

Senate Bill 659

Relating to miscellaneous changes to the municipal industrial revenue bonding law.

Introduction of senate substitute amendment 1:

Ayes, 7 -- Senators George, Berger and Lasee, Representatives Ulichny, Gerlach, Nelsen and Quackenbush;

Noes, 0 -- None.

GARY R. GEORGE

Co-Chair

BARBARA ULICHNY

Co-Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 377

Relating to recall primary requirements for state, congressional, judicial, legislative and county offices and canvassing procedure.

Introduction and adoption of senate amendment 2:

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

Noes, 0 -- None.

Passage:

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

JOURNAL OF THE SENATE [January 27, 1982]

Noes, 0 -- None.

Assembly Bill 127

Relating to restricting possession of a firearm by a person previously convicted of a crime and providing a penalty.

Concurrence:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

Assembly Bill 306

Relating to elements of and defenses to criminal abandonment.

Concurrence:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;
Noes, 0 -- None.

LYNN S. ADELMAN

Chair

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

RIZZO, FRANK E., of Kenosha, as a member of the Banking Review Board, to succeed himself, to serve for the term ending May 1, 1986.

Confirmation:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;
Noes, 0 -- None.

Senate Joint Resolution 42

Relating to directing the legislative council to study the need for noise pollution legislation.

Introduction and adoption of senate amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;
Noes, 0 -- None.

Adoption:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;
Noes, 0 -- None.

Senate Bill 170

Relating to operating motor vehicles and providing penalties.

Adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;
Noes, 0 -- None.

JOURNAL OF THE SENATE [January 27, 1982]

Passage:

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

Noes, 0 -- None.

Senate Bill 308

Relating to highway jurisdiction transfer agreements between the state and local units of government.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage:

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

Noes, 0 -- None.

Senate Bill 633

Relating to revising the weight limits for vehicles, establishing fees for certain single trip permits, permitting backhaul permits and creating a penalty.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage:

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

Noes, 0 -- None.

Assembly Bill 363

Relating to motor vehicles used by public or nonpublic schools for driver's education and creating a penalty.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 459

Relating to special identification cards for organizations that transport disabled persons.

Concurrence:

JOURNAL OF THE SENATE [January 27, 1982]

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

Noes, 0 -- None.

TIM CULLEN

Chair

The committee on Senate Organization reports and recommends:

Senate Joint Resolution 52

Granting the use of the senate and assembly chambers to the Wisconsin College Republicans' 1982 model legislature.

Adoption:

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

Noes, 0 -- None.

FRED A. RISSER

Chair

LEAVE OF ABSENCE

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

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

Senate Bill 467

Relating to notification of inspection of certain records of the department of regulation and licensing.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

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

Noes, 1 -- Representative Crawford.

Adoption of senate substitute amendment 1:

Ayes, 8 -- Senators Berger, Goyke, Harnisch, George and
Kreul, Representatives Rogers, Helbach and Thompson;

Noes, 2 -- Representatives Wagner and Crawford.

Passage:

Ayes, 8 -- Senators Berger, Goyke, Harnisch, George and
Kreul, Representatives Rogers, Helbach and Thompson;

JOURNAL OF THE SENATE [January 27, 1982]

Noes, 2 -- Representatives Wagner and Crawford.

DAVID G. BERGER
Co-Chair

WILLIAM J. ROGERS
Co-Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

January 27, 1982

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.

Robinson, J. Bernard, 100 Park Ave., New York, NY 10017 (212) 679-1800; Philip Morris Inc., 100 Park Ave., New York, NY 10017 (212) 679-1800; 26; Antismoking legislation (e.g. AB 80).

Rouse, Leon, 2935 N. Prospect Ave., Milwaukee, WI 53211 (414) 961-7052; Committee for Fundamental Judeo-Christian Human Rights, 2935 N. Prospect Ave., Milwaukee, WI 53211 (414) 961-7052; 4, 12, 18, 20; AB 20.

Shakely, William W., Tobin Law Offices, P.C., Ste. 1113, 1875 Connecticut Ave., N.W., Washington, D.C. 20009 (202) 467-5712; Town of Hobart, WI, c/o Al Gerrits, Town Chairman, Acorn Dr., Oneida, WI 54155 (414) 865-7325; 4, 5, 6.

Registration Amendments:

Madison Audubon Society, Inc.: Change address to 111 King St., Madison, WI 53703, effective Jan. 18, 1982.

Arnesen, Anne S.: Change address to 1605 Monroe St., Madison, WI 53711. Change phone No. to: (608) 255-3160, effective Jan. 14, 1982.

JOURNAL OF THE SENATE [January 27, 1982]

Fitch, Eleanor M.: Change address to 1605 Monroe St., Madison, WI 53711. Change phone no. to: (608) 255-3160, effective Jan. 14, 1982.

RULING OF THE CHAIR

Senate Bill 493

Relating to compulsory motor vehicle insurance, granting rule-making authority and providing a penalty.

On Thursday, October 29, 1981 Senator Bablitch asked unanimous consent that Senate Bill 493 be referred to the joint committee on Finance and the bill was so referred.

Before the next bill was called Senator Lorge moved that the bill be withdrawn from the joint committee on Finance and considered immediately.

Senator Bablitch raised the point of order that the motion was not properly before the Senate.

A similar point of order was raised by Senator Sensenbrenner on February 14, 1978. The chair's ruling stated in part:

"The chair recalls that in past sessions, operating under similar rules, motions to withdraw from committee have been made at other times than the eighth order.

In this case the chair finds no written rule either allowing or forbidding the Senator to make a motion to withdraw from committee at the time he made it. But there is strong precedent this session, enunciated as recently as last week by the majority leader, that motions to withdraw bills from committee will be restricted to the eighth order of business."

A rule change has since moved the order of business "Motions" from the eighth order to the fourteenth order. It is the opinion of the chair that based on this past ruling and our precedent of the past several sessions that the point of order raised by the Senator of the 24th, Senator Bablitch, is well taken, and the motion should be made on the fourteenth order of business.

Senator Lorge appealed the ruling of the chair.

By request of Senator Chilsen, with unanimous consent, the motion to appeal the ruling of the chair was laid on the table.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Meredith Hughes Bakke, D.C. of DeForest as a member of the Chiropractic Examining Board, to succeed Kenneth Luedtke, D.C. of Madison whose term expired on July 1, 1981, pursuant to the statutes governing, to serve a six year term to expire on July 1, 1987.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Human Services.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Robert Bittner, D.C. of Wisconsin Rapids as a member of the Chiropractic Examining Board, to succeed Dr. S.C. Syverud of Mount Horeb whose term expired on July 1, 1981, pursuant to the statutes governing, to serve a six year term to expire on July 1, 1987.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Human Services.

JOURNAL OF THE SENATE [January 27, 1982]

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Clifford A. Fredrickson of Amery as a member of the Snowmobile Recreation Council, to succeed Frederick J. Wenzel of Marshfield whose term expired on May 1, 1980, pursuant to the statutes governing, to serve a term to expire on May 1, 1983.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Agriculture and Natural Resources.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Judy Hartig of Racine as a member of the Public Defender Board, to succeed Patricia M. Heim of LaCrosse whose term expired on May 1, 1982, pursuant to the statutes governing, to serve a three year term to expire on May 1, 1984.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Judiciary and Consumer Affairs.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Gilbert S. Hill of Pine River as a member of the

JOURNAL OF THE SENATE [January 27, 1982]

Dentistry Examining Board, serving as the citizen member, to fill a vacant position, pursuant to the statutes governing, to serve a term to expire on July 1, 1986.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Human Services.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint James William Morrison of Brown Deer, as a member of the Public Defender Board, to succeed Theodore Hodan of Milwaukee whose term expired on May 1, 1981, pursuant to the statutes governing, to serve a three year term to expire on May 1, 1984.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Judiciary and Consumer Affairs.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Mary Podlesny of Ashland as a member of the University of Wisconsin System, Board of Regents, to fill a vacant position, pursuant to the statutes governing, to serve a term to expire on May 1, 1983.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Education and State Institutions.

JOURNAL OF THE SENATE [January 27, 1982]

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Gerald M. Rosen, D.V.M. of Glendale, as a member of the Veterinary Examining Board, to fill a vacant position, pursuant to the statutes governing, to serve a term to expire on July 1, 1986.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

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

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Darlene Weis of Greenfield, as a member of the Board of Nursing, to fill a vacant position, pursuant to the statutes governing, to serve a term to expire on May 1, 1983.

**Sincerely,
LEE SHERMAN DREYFUS
Governor**

Read and referred to committee on Human Services.

**State of Wisconsin
Office of the Governor
Madison, Wisconsin**

January 21, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Dean A. Woodas of Merrimac, as a member of the Cosmetology Examining Board, to succeed Ferdinand W.

JOURNAL OF THE SENATE [January 27, 1982]

Schultz of Waukesha whose term expired on July 1, 1980, pursuant to the statutes governing, to serve a term to expire on July 1, 1983.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Human Services.

CALENDAR OF JANUARY 27

By request of Senator Bablitch, with unanimous consent, the appointments were considered enmasse.

SHERMAN, RAY E., of Sturgeon Bay, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to succeed himself, to serve for the term ending July 1, 1984.

Read.

TIMM, ELMER, of Stevens Point, as a member of the Accounting Examining Board, to succeed himself, to serve for the term ending July 1, 1986.

Read.

The question was: Shall the appointments be confirmed?

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

Noes -- None.

Absent or not voting -- Senators Engeleiter and Maurer -- 2.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-124

A RULE to repeal PIB 1.02 (1), (3) and (4); to renumber PIB 1.01 (3) and (4); to renumber and amend PIB 1.02 (2), 1.03 and 1.04; to amend PIB Ch. 1 (title), 1.01 (2) and (3), as renumbered, and 1.02 (title); and to create PIB 1.03 and 1.06, relating to the basis for payment, collection and refunding of potato assessments.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, January 25, 1982.

Referred to committee on Agriculture and Natural Resources, January 27, 1982.

Clearinghouse Rule 81-155

AN ORDER to create PI 3.07 (7) (a) 13, 14 a and b and 15, relating to licensing of persons to teach American Indian language and culture programs and serve as home-school coordinators, counselors and aides.

Submitted by Department of Public Instruction.

Report received from agency, January 27, 1982.

Referred to committee on Education and State Institutions, January 27, 1982.

Clearinghouse Rule 81-218

AN ORDER to create ch. Trans 503, relating to a motorcycle safety program.

Submitted by Department of Transportation.

Report received from agency, January 26, 1982.

Referred to committee on Aging, Business and Financial Institutions and Transportation, January 27, 1982.

Clearinghouse Rule 81-233

AN ORDER to amend VA 3.02 (2) (b), relating to the classification of veterans homesteads as non-resources for the purpose of determining whether such applicants qualify for economic assistance loans from the department.

Submitted by Department of Veterans Affairs.

Report received from agency, January 20, 1982.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, January 27, 1982.

Clearinghouse Rule 82-18

AN ORDER to amend SEC 3.11, relating to real estate programs.

JOURNAL OF THE SENATE [January 27, 1982]

Submitted by Office of the Commissioner of Securities.

Report received from agency, January 22, 1982.

Referred to committee on Aging, Business and Financial Institutions and Transportation, January 27, 1982.

The committee on Insurance and Utilities reports and recommends:

Clearinghouse Rule 81-206

AN ORDER to repeal Ins 3.36, relating to statistical reports for health professional liability insurance.

No action taken.

KURT A. FRANK

Chair

CALENDAR OF JANUARY 27

Senate Joint Resolution 52

Granting the use of the senate and assembly chambers to the Wisconsin College Republicans' 1982 model legislature.

Read.

Adopted.

Senate Bill 121

Relating to various changes in the statutes pertaining to the department of regulation and licensing and its attached examining boards (suggested as remedial legislation by the department of regulation and licensing).

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

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 121

Read a third time and passed.

Senate Bill 242

Relating to coverage of teaching, project and program assistants employed by the university of Wisconsin system under the state employment labor relations act, authorizing mediation-arbitration and a limited right to strike and making appropriations.

Read a second time.

JOURNAL OF THE SENATE [January 27, 1982]

By request of Senator Kleczka, with unanimous consent **Senate Bill 242** was referred to joint committee on Finance.

Senate Bill 298

Relating to clarifying and making uniform various provisions, and changing provisions concerning the requirement of references and the definition of handicap, in state and local fair housing laws.

Read a second time.

Senator Flynn in the chair.

10:28 A.M.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?

By request of Senator Braun, with unanimous consent, senate amendment 2 was withdrawn.

Senate amendment 3 offered by Senator Braun.

The question was: Adoption of senate amendment 3?

Adopted.

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 298

Read a third time and passed.

Senate Bill 300

Relating to regulation of fireworks and changing penalties.

Read a second time.

By request of Senator Goyke, with unanimous consent, **Senate Bill 300** was placed at the foot of the calendar.

Senate Bill 314

Relating to filing and recording corporate and cooperative documents.

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 314

Read a third time and passed.

JOURNAL OF THE SENATE [January 27, 1982]

Senate Bill 376

Relating to creation of a joint legislative survey committee on local mandates.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 376** was referred to joint committee on Finance.

Senate Bill 384

Relating to the personal representative filing a claim for a homestead credit on behalf of a deceased person.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 384** was referred to joint committee on Finance.

Senate Bill 392

Relating to various changes in the statutes regulating school district reorganization.

Read a second time.

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

The President of the senate in the chair.

10:35 A.M.

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

Senate Bill 392

Read a third time and passed.

Senate Bill 486

Relating to allowing cities to place waterways on the official city map.

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 486

Read a third time and passed.

Senate Bill 524

Relating to requiring employe disclosure of improper activities in governmental units and prohibiting retaliation because of such disclosure, granting rule-making authority and making an appropriation.

Read a second time.

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?

By request of Senator Berger, with unanimous consent, senate amendment 2 to senate substitute amendment 1 was laid on the table.

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

Adopted.

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

Adopted.

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

Senator Berger 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, 14; noes, 18; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Flynn, Frank, George, Goyke, Harsdorf, Moody, Roshell and Van Sistine -- 14.

Noes -- Senators Chilsen, Engeleiter, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Offner, Opitz, Risser, Strohl, Theno and Thompson -- 18.

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

JOURNAL OF THE SENATE [January 27, 1982]

So the motion did not prevail.

The question was: Adoption of senate amendment 5?

By request of Senator Berger, with unanimous consent, senate amendment 5 to senate substitute amendment 1 was placed after senate amendment 9 to senate substitute amendment 1.

By request of Senator Lasee, with unanimous consent, the senate recessed until 11:43 A.M.

11:15 A.M.

RECESS

11:43 A.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 3:15 P.M.

11:44 A.M.

RECESS

3:15 P.M.

The senate reconvened.

QUORUM CALL

Senator Flynn 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, Braun, Flynn, Frank, George, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Risser, Strohl, Theno, Thompson and Van Sistine -- 23.

Absent -- Senators Bablitch, Bidwell, Chilsen, Cullen, Engeleiter, Goyke, Kleczka, Lasee, Moody and Roshell -- 10.

Absent with leave -- None.

JOURNAL OF THE SENATE [January 27, 1982]

By request of Senator Lorge, with unanimous consent, he withdrew his motion to appeal the ruling of the chair on **Senate Bill 493**.

Senate amendment 6 to senate substitute amendment 1 offered by Senators Berger and Braun.

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

Adopted.

Senate amendment 7 to senate substitute amendment 1 offered by Senator Berger.

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

Senator Hanaway asked unanimous consent that **Senate Bill 524** be referred to joint committee for Review of Administrative Rules.

Senator Berger objected.

Senator Hanaway moved that **Senate Bill 524** be referred to joint committee for Review of Administrative Rules.

The question was: Shall **Senate Bill 524** be referred to joint committee for Review of Administrative Rules?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 20; absent or not voting, 1; as follows:

Ayes -- Senators Chilsen, Hanaway, Harnisch, Johnston, Krueger, Lorge, Lorman, Moody, Offner, Opitz, Theno and Thompson -- 12.

Noes -- Senators Adelman, Berger, Bidwell, Braun, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Harsdorf, Kleczka, Kreul, Lasee, McCallum, Maurer, Risser, Roshell, Strohl and Van Sistine -- 20.

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

So the motion did not prevail.

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

Adopted.

Senate amendment 8 to senate substitute amendment 1 offered by Senator Flynn.

JOURNAL OF THE SENATE [January 27, 1982]

Senate amendment 1 to senate amendment 8 to senate substitute amendment 1 offered by Senator Adelman.

The question was: Adoption of senate amendment 1 to senate amendment 8 to senate substitute amendment 1?

By request of Senator Adelman, with unanimous consent, senate amendment 1 to senate amendment 8 to senate substitute amendment 1 was withdrawn and returned to the author.

Senate amendment 2 to senate amendment 8 to senate substitute amendment 1 offered by Senator Adelman.

The question was: Adoption of senate amendment 2 to senate amendment 8 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 8 to senate substitute amendment 1?

Senator Berger moved rejection of senate amendment 8 to senate substitute amendment 1.

The question was: Rejection of senate amendment 8 to senate substitute amendment 1?

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

Ayes -- Senators Berger, Bidwell, George, Goyke, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorman, McCallum, Roshell and Van Sistine -- 14.

Noes -- Senators Adelman, Bablitch, Braun, Chilsen, Cullen, Flynn, Frank, Harnisch, Kleczka, Lorge, Maurer, Moody, Offner, Opitz, Risser, Strohl, Theno and Thompson -- 18.

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

So the motion did not prevail.

The question was: Adoption of senate amendment 8?

Adopted.

Senate amendment 9 to senate substitute amendment 1 offered by Senator Adelman.

The question was: Adoption of senate amendment 9 to senate substitute amendment 1?

JOURNAL OF THE SENATE [January 27, 1982]

By request of Senator Adelman, with unanimous consent, senate amendment 9 to senate substitute amendment 1 was withdrawn and returned to the author.

The question was: Adoption of senate amendment 5?

By request of Senator Berger, with unanimous consent, senate amendment 5 to senate substitute amendment 1 was laid on the table.

Senate amendment 10 to senate substitute amendment 1 offered by Senator Theno.

The question was: Adoption of senate amendment 10 to senate substitute amendment 1?

Senator Berger moved rejection of senate amendment 10 to senate substitute amendment 1.

The question was: Rejection of senate amendment 10 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Cullen, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Kleczka, Kreul, Krueger, Lorge, McCallum, Maurer, Moody, Risser, Roshell, Strohl, Thompson and Van Sistine -- 24.

Noes -- Senators Chilsen, Engeleiter, Harsdorf, Johnston, Lasee, Lorman, Offner, Opitz and Theno -- 9.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 11 to senate substitute amendment 1 offered by Senator Theno.

The question was: Adoption of senate amendment 11 to senate substitute amendment 1?

Senator Berger moved rejection of senate amendment 11 to senate substitute amendment 1.

The question was: Rejection of senate amendment 11 to senate substitute amendment 1?

The motion prevailed.

Senate amendment 12 to senate substitute amendment 1 offered by Senator Offner.

JOURNAL OF THE SENATE [January 27, 1982]

The question was: Adoption of senate amendment 12 to senate substitute amendment 1?

Senator Berger moved rejection of senate amendment 12 to senate substitute amendment 1.

The question was: Rejection of senate amendment 12 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 22; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, Flynn, George, Goyke, Kreul, Lasee and Van Sistine -- 11.

Noes -- Senators Adelman, Chilsen, Engeleiter, Frank, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Krueger, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno and Thompson -- 22.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 12 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Chilsen, Engeleiter, Frank, Hanaway, Harnisch, Harsdorf, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Theno and Thompson -- 17.

Noes -- Senators Bablitch, Berger, Bidwell, Braun, Cullen, Flynn, George, Goyke, Kleczka, Kreul, Lasee, Lorge, Strohl and Van Sistine -- 14.

Absent or not voting -- Senators Johnston and Krueger -- 2.

So the amendment was adopted.

Senate amendment 13 to senate substitute amendment 1 offered by Senator Offner.

The question was: Adoption of senate amendment 13 to senate substitute amendment 1?

By request of Senator Offner, with unanimous consent, senate amendment 13 to senate substitute amendment 1 was withdrawn and returned to the author.

The question was: Adoption of senate substitute amendment 1? Adopted.

JOURNAL OF THE SENATE [January 27, 1982]

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 524

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; 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, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- Senator Opitz -- 1.

Absent or not voting -- None.

So the bill passed.

By request of Senator Bablitch, with unanimous consent, **Senate Bill 300** was considered at this time.

Senate Bill 300

Relating to regulation of fireworks and changing penalties.

Read a second time.

Senator Flynn in the chair.

5:00 P.M.

Senate amendment 1 to senate amendment 1 to senate substitute amendment 1 offered by Senator Goyke.

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

Senate amendment 3 to senate substitute amendment 1 offered by Senator Risser.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Kleczka.

Senate amendment 1 to senate amendment 4 to senate substitute amendment 1 offered by Senator Risser.

Senate amendment 5 to senate substitute amendment 1 offered by Senator Kleczka.

Senate amendment 6 to senate substitute amendment 1 offered by Senator Goyke.

JOURNAL OF THE SENATE [January 27, 1982]

Senator Lorge moved indefinite postponement of **Senate Bill 300**.

The question was: Shall **Senate Bill 300** be indefinitely postponed?

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

Ayes -- Senators Berger, Bidwell, Cullen, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, McCallum, Maurer, Opitz, Roshell, Theno, Thompson and Van Sistine -- 19.

Noes -- Senators Adelman, Bablitch, Braun, Chilsen, Engeleiter, Flynn, Frank, George, Kleczka, Lorman, Moody, Offner, Risser and Strohl -- 14.

Absent or not voting -- None.

So the bill was indefinitely postponed.

By request of Senator Bablitch, with unanimous consent, **Assembly Bills 296, 297, 333, 345, 346, 348** and **398** were laid on the table.

The president of the senate in the chair.

5:08 P.M.

MOTIONS

Senator Lorge moved that **Senate Bill 493** be withdrawn from joint committee on Finance and placed on the calendar.

The question was: Shall **Senate Bill 493** be withdrawn from joint committee on Finance and placed on the calendar?

The ayes and noes were required and the vote was: ayes, 4; noes, 29; absent or not voting, 0; as follows:

Ayes -- Senators Johnston, Krueger, Lasee and Lorge -- 4.

Noes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Kleczka, Kreul, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 29.

Absent or not voting -- None.

So the motion did not prevail.

Senator Bablitch asked unanimous consent that **Senate Bill 305** be withdrawn from committee on Senate Organization and referred to committee on Judiciary and Consumer Affairs.

JOURNAL OF THE SENATE [January 27, 1982]

Senator Engeleiter objected.

By request of Senator Maurer, with unanimous consent, the senate recessed until 5:32 P.M.

5:15 P.M.

RECESS

5:32 P.M.

The senate reconvened.

Senator Bablitch moved that **Senate Bill 305** be withdrawn from committee on Senate Organization and referred to committee on Judiciary and Consumer Affairs.

The question was: Shall **Senate Bill 305** be withdrawn from committee on Senate Organization and referred to committee on Judiciary and Consumer Affairs?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Krueger, Lorge, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 21.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorman, McCallum, Opitz and Theno -- 12.

Absent or not voting -- None.

So the motion prevailed.

By request of Senator Cullen, with unanimous consent, **Senate Bill 506** was withdrawn from committee on Aging, Business and Financial Institutions and Transportation and referred to committee on Labor, Government, Veterans Affairs and Tourism.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 728

Relating to including social security payments in income for purposes of computing the homestead credit and farmland preservation credit, and for income computation purposes under the property tax deferral program.

By Senators Kleczka, Cullen, Flynn, Bablitch, Braun, Berger, Frank, Risser, Van Sistine, Thompson, Maurer, Harnisch, Offner, George, Roshell, Moody, Adelman, Strohl, Goyke, McCallum and Chilsen; cosponsored by Representatives Norquist, Czarnecki, Kunicki, Loftus, Ulichny, Jackamonis and Robinson.

To joint committee on Finance.

MOTIONS

By request of Senator Kleczka, with unanimous consent, **Senate Bill 728** was withdrawn from joint committee on Finance and referred to committee on Senate Organization.

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

AMENDMENTS OFFERED

Senate substitute amendment 2 to **Senate Bill 575** by Senator Harsdorf.

Senate amendment 1 to **Senate Bill 693** by Senator McCallum.

Senate substitute amendment 1 to **Senate Bill 266** by Senator Lorge.

Senate substitute amendment 1 to **Senate Bill 190** by Senator Johnston.

Senate amendment 2 to **Senate Bill 604** by Senator Kleczka.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 659** by Senator Lorge, by request of Mr. W. H. Geenen of Appleton.

Senate substitute amendment 1 to **Senate Bill 695** by Senator Strohl.

Senate amendment 1 to **Assembly Bill 346** by Senator Braun, by request of W. Schultz.

JOURNAL OF THE SENATE [January 27, 1982]

Senate amendment 1 to senate substitute amendment 2 to **Senate Bill 316** by Senator Kleczka.

Senate amendment 2 to **Senate Bill 376** by Senator Adelman.

Senate amendment 3 to **Senate Bill 376** by Senator Theno.

Senate amendment 1 to **Senate Bill 713** by Senator Engleiter.

CITATIONS

MOTIONS UNDER SENATE RULE 97

A Certificate of Congratulations by Senator Kreul for LYNNE FITZGERALD on the occasion of winning the State Class C Girls' Cross Country Championship;

A Certificate of Congratulations by Senator Kreul for the FENNIMORE CLASS C BOYS' CROSS COUNTRY TEAM on the occasion of retaining the WIAA State Class C Title;

A Certificate of Congratulations by Senator Kreul for the FENNIMORE GIRLS' CROSS COUNTRY TEAM on the occasion of winning the WIAA State Class C Championship;

A Certificate of Congratulations and Commendation by Senator Chilsen for the NEWMAN HIGH SCHOOL CROSS COUNTRY TEAM on the occasion of winning the Class B State Championship, Wisconsin Independent Schools Athletic Association;

A Certificate of Commendation and Congratulations by Senator Van Sistine for IRVIN VINCENT on the occasion of his recycling efforts through NEW Plastics Corporation;

A Certificate of Congratulations by Senators Flynn and Braun for KATE HARKINS on the occasion her 100th Birthday;

A Certificate of Commendation by Senator Engleiter for RUTH HUMPHRIES on the occasion of leaving the Senate;

A Certificate of Commendation by Senator Goyke for JIM STRUPP on the occasion of becoming an Eagle Scout;

A Certificate of Commendation by Senator Goyke for STEPHEN F. MURLEY on the occasion of becoming an Eagle Scout.

MOTIONS UNDER JOINT RULE 7

A Certificate of Condolence by Senator Bablitch cosponsored by Representative Jackamonis for JERRY WURF, DECEASED AFSCME PRESIDENT on the occasion of his passing;

A Certificate of Commendation by Senator Theno cosponsored by Representative Smith for JACOB L. 'JAKE' GULLICKSON on the occasion of his retirement;

A Certificate of Congratulations by Senator Lorman cosponsored by Representative Knox for AMANDA NOTBOHM on the occasion of her 100th Birthday;

A Certificate of Condolence by Senator Moody cosponsored by Representative Leopold for BETTY HIGGINS AND THE FAMILY OF JIM HIGGINS on the occasion of the death of Jim Higgins;

A Certificate of Congratulations by Representative Schneiders cosponsored by Senator Engeleiter for COACH DAVE PETROFF on the occasion of his winning football season.

A Certificate of Congratulations by Representative Schneiders cosponsored by Senator Engeleiter for TERRY LEHNEN on the occasion of being selected Player of the Year - Waukesha County;

A Certificate of Congratulations by Representative Tregoning cosponsored by Senator Kreul for PAMELA NEUMANN on the occasion of winning the National Jr. Angus Recognition Awards;

A Certificate of Congratulations by Representative Tregoning cosponsored by Senator Kreul for MAYOR CLIFFORD REASA on the occasion of receiving the Wisconsin Park and Recreation Association Award;

A Certificate of Congratulations by Representative Tregoning cosponsored by Senator Kreul for STEVE HERMANSON on the occasion of winning the American Farmer Degree;

A Certificate of Congratulations by Representative Tregoning cosponsored by Senator Kreul for RICHARD H. MESKE on the occasion of winning the American Farmer Degree;

A Certificate of Congratulations by Representative Hasenohrl cosponsored by Senator Bablitch for VERNON BALTUS, PRESIDENT OF BALTUS OIL COMPANY on the occasion of the company's selection as 1982 'Firm of the Year'.

Upon motion of Senator Bablitch the senate adjourned until 10:00 A.M. Thursday, January 28.

5:58 P.M.