

JOURNAL OF THE SENATE [March 16, 1982]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

TUESDAY, March 16, 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, Cullen, Engleiter, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Thompson and Van Sistine -- 28.

Absent -- Senators Chilsen, Flynn, Frank, Krueger and Theno -- 5.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Roger Schmidt, pastor of Lakeview American Lutheran Church of Madison.

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

LEAVE OF ABSENCE

By request of Senator Hanaway, with unanimous consent, Senator Theno was granted a leave of absence for this morning's session.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 818

Relating to detaching property from town sanitary districts and levying district taxes on unserviced property within a district.

By Senator Roshell.

To committee on State and Local Affairs and Taxation.

Senate Bill 819

Relating to regulation of life care contracts, granting rule-making authority and providing a penalty.

By Senator Adelman; cosponsored by Representative Rutkowski.

To committee on Human Services.

COMMITTEE REPORTS

The committee on State and Local Affairs and Taxation reports and recommends for introduction:

Senate Bill 820

Relating to zoning of certain mobile homes.

Introduction:

Ayes, 5 -- Senators Adelman, Berger, Hanaway, Moody and Van Sistine;

Noes, 0 -- None.

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

JAMES P. MOODY

Chair

The committee on Agriculture and Natural Resources reports and recommends for introduction:

Senate Bill 821

Relating to regulating and limiting wild turkey hunting, creating penalties and increasing an appropriation.

Introduction:

Ayes, 5 -- Senators Harnisch, Strohl, Thompson, Krueger and Opitz;

Noes, 0 -- None.

JOURNAL OF THE SENATE [March 16, 1982]

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

THOMAS W. HARNISCH
Chair

The committee on State and Local Affairs and Taxation reports and recommends:

WENZLER, WILLIAM P., of Milwaukee, 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.

Confirmation:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

POOLE, ERIN, H. of Port Washington, as a member of the Funeral Directors and Embalmers Examining Board, to succeed John Proko, to serve for the term ending July 1, 1983.

Confirmation:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

ROSEN, GERALD M., D.V.M., of Glendale, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1986.

Confirmation:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

SHANNON, ARTHUR W., of Brookfield, 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.

Confirmation:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 38

Relating to the competitive bidding requirement for harbor construction, repair and maintenance and related materials, supplies and equipment.

Concurrence:

JOURNAL OF THE SENATE [March 16, 1982]

Ayes, 5 -- Senators Adelman, Berger, Hanaway, Lasee and Moody;

Noes, 1 -- Senator Van Sistine.

Assembly Bill 358

Relating to placing in the statutes laws related to sewerage commissions in 1st class cities and metropolitan sewerage districts.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 684

Relating to jurisdiction over outlying waters.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Senate Bill 740

Relating to application of collective bargaining agreements concerning disciplinary procedure to employes of certain counties and 1st class cities.

Passage:

Ayes, 4 -- Senators Adelman, Berger, Moody and Van Sistine;

Noes, 2 -- Senators Hanaway and Lasee.

Assembly Bill 850

Relating to preservation of records by city housing and redevelopment authorities.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Joint Resolution 32

Directing the legislative council to study the interrelationship of urban programs and agricultural land use.

Concurrence:

Ayes, 4 -- Senators Adelman, Berger, Hanaway and Moody;

Noes, 2 -- Senators Lasee and Van Sistine.

JOURNAL OF THE SENATE [March 16, 1982]

Assembly Joint Resolution 62

Requesting the legislative council to study mobile home taxation.

Concurrence:

Ayes, 4 -- Senators Adelman, Berger, Hanaway and Moody;

Noes, 2 -- Senators Lasee and Van Sistine.

Assembly Bill 482

Relating to amending the powers and duties of 1st class cities to conform to the powers and duties of other cities.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 578

Relating to unclassified appointments by the county executive in populous counties.

Concurrence:

Ayes, 5 -- Senators Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 652

Relating to destruction of certain taped recordings of local public meetings.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 657

Relating to taxation of mobile homes.

Concurrence:

Ayes, 5 -- Senators Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 753

Relating to appointment of a deputy town clerk and deputy town treasurer.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 805

Relating to permitting counties and cities to establish urban homestead programs.

Concurrence:

Ayes, 5 -- Senators Adelman, Berger, Lasee, Moody and Hanaway;

Noes, 1 -- Senator Van Sistine.

Assembly Bill 829

Relating to the definition of the term "municipality" for the purposes of the statutes pertaining to library services.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 921

Relating to allowing any village to provide police or fire protective services by creating its own protective services department, by contracting for protective services or by creating a joint department with another municipality and allowing the village to govern the department with a separate or a joint board of commissioners.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 871

Relating to removing the Park East Freeway and Lake Freeway North in Milwaukee county from the state trunk highway system, disposing of the lands and property and making an appropriation.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

Assembly Bill 884

Relating to removing the Lake Freeway South in Milwaukee county from the state trunk highway system, disposing of the lands and property and making an appropriation.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody and Van Sistine;

Noes, 0 -- None.

JOURNAL OF THE SENATE [March 16, 1982]

Assembly Bill 1013

Relating to financing of harbor improvements.

Concurrence:

Ayes, 6 -- Senators Adelman, Berger, Hanaway, Lasee, Moody
and Van Sistine;

Noes, 0 -- None.

JAMES P. MOODY

Chair

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

Assembly Joint Resolution 69

Relating to reparations for the internment of the Japanese.

Concurrence:

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

Noes, 0 -- None.

Assembly Joint Resolution 83

Relating to creating a legislative council special study committee
on state contractual service procurement.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 777

Relating to wearing military uniforms (suggested as remedial
legislation by the department of military affairs).

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 911

Relating to members of the board of veterans affairs.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 942

Relating to abolishing certain councils, commissions and boards.

Concurrence:

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

Noes, 0 -- None.

JOURNAL OF THE SENATE [March 16, 1982]

Assembly Bill 986

Relating to increasing the maximum amount of monthly annuity receivable for eligibility for a lump sum option under the Wisconsin retirement system.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 1100

Relating to the legislative council's native American study committee.

Concurrence:

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:

Assembly Bill 902

Relating to county, city, village and town enforcement of unpaid forfeitures.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 290

Relating to immediately effective wage assignments in orders for support or maintenance.

Concurrence:

Ayes, 3 -- Senators Adelman, Braun and Johnston;

Noes, 1 -- Senator George.

Assembly Bill 388

Relating to fingerprinting, the issuance of citations and summonses for misdemeanors and pretrial inquiries, reports and other services and creating an appropriation.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 736

Relating to stays of execution of a sentence of imprisonment.

Concurrence:

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

Noes, 0 -- None.

JOURNAL OF THE SENATE [March 16, 1982]

Assembly Bill 744

Relating to crimes in respect to computers and providing penalties.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 989

Relating to consent adoptions.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 782

Relating to granting immunity to persons removing and storing vehicles.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 266

Relating to duties of and remedies for maintenance of residential premises and retaliatory conduct and defenses to eviction in residential tenancies.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 370

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

Adoption of senate substitute amendment 1:

Ayes, 3 -- Senators Adelman, Braun and George;

Noes, 1 -- Senators Johnston.

Concurrence:

Ayes, 3 -- Senators Adelman, Braun and George;

Noes, 1 -- Senator Johnston.

Assembly Bill 756

Relating to various changes in the code of ethics for state public officials.

Introduction and adoption of senate amendment 1:

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

JOURNAL OF THE SENATE [March 16, 1982]

Noes, 0 -- None.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 769

Relating to amending a complaint or citation in municipal court.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 785

Relating to preventing persons from receiving property by will or by intestacy from persons they have intentionally and feloniously killed.

Concurrence:

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

Noes, 0 -- None.

Senate Bill 769

Relating to circuit judges.

Passage:

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

Noes, 0 -- None.

Senate Bill 790

An act to repeal, renumber, renumber and amend, amend, reenact, create and revise various provisions of the statutes and session laws for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments, officers and institutions, correcting references, renumbering for better location and arrangement, eliminating duplications and unnecessary provisions, reconciling conflicts and repelling unintended repeals. (Revisor's Correction Bill)

Passage:

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

Noes, 0 -- None.

Assembly Bill 752

Relating to deferred prosecution agreements.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Concurrence:

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

JOURNAL OF THE SENATE [March 16, 1982]

Noes, 0 -- None.

LYNN S. ADELMAN
Chair

The committee on Human Services reports and recommends:

Senate Bill 383

Relating to including as an authorized emergency vehicle privately owned vehicles used by paramedics or ambulance attendants.

Passage:

Ayes, 1 -- Senator Theno;

Noes, 2 -- Senators Thompson and Strohl.

Senate Bill 186

Relating to forfeitures imposed on nursing homes and waiver of rules regarding nursing homes.

Passage:

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

Noes, 0 -- None.

Assembly Bill 711

Relating to revising the laws concerning local health agencies and communicable diseases and granting rule-making authority .

Concurrence:

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

Noes, 0 -- None.

CARL W. THOMPSON
Chair

The committee on Energy reports and recommends:

Senate Joint Resolution 43

Relating to the deregulation of natural gas prices.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Adoption:

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

Noes, 0 -- None.

JOE STROHL
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Natural Resources

March 11, 1982

To the Honorable, the Senate

The attached report is submitted in response to Section 3, Chapter 375, Laws of 1977. The report contains the results of a Department of Natural Resources study to determine the effects of restricting the use of phosphates in laundry detergents including the impact of phosphorus in surface waters and wastewater treatment plants.

The Natural Resources Board reviewed this report at their meeting on February 24 and 25, 1982, and voted to forward it to the Legislature without recommendation regarding termination or extension of the legislation beyond the July 1, 1982 expiration date.

Please consider the results of this study and the action of the Natural Resources Board in your review of legislation regarding this issue. We will be happy to answer any questions you may have regarding the results of our investigation.

Sincerely,

C.D. BESADNY

Secretary

LEAVE OF ABSENCE

By request of Senator Hanaway, with unanimous consent, Senators Krueger and Chilsen were granted a leave of absence for this morning's session.

By request of Senator Bablitch, with unanimous consent, Senator Frank was granted a leave of absence for today's session.

By request of Senator Bidwell, with unanimous consent, he was granted a leave of absence from 10:00 A.M. until 3:00 P.M..

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 885

Concurred in:

Assembly Bill 62, senate amendments 1 and 2

Nonconcurrent in:

Assembly Bill 62, senate amendment 3

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 885

Relating to revising the agricultural marketing act.

By Representatives Everson, Vanderperren, Shoemaker, Leopold, Paulson, Tregoning, Conradt, Smith, Schmidt, Laatsch, Hasenohrl, Merkt, Knox and Murray, co-sponsored by Senators Goyke, Harsdorf, Roshell, Thompson, Kreul and Krueger.

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

By request of Senator Maurer, with unanimous consent, the senate recessed until 11:30 A.M.

10:20 A.M.

RECESS

11:30 A.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 2:00 P.M.

11:31 A.M.

RECESS

2:00 P.M.

The senate reconvened.

QUORUM CALL

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

Senators Bablitch, Berger, Bidwell, Braun, Chilsen, Engeleiter, George, Goyke, Hanaway, Harnisch, Harsdorf, Kleczka, Kreul, Krueger, Lorge, Lorman, McCallum, Maurer, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 26.

Absent -- Senators Adelman, Cullen, Flynn, Johnston, Lasee and Moody -- 6.

Absent with leave -- Senator Frank -- 1.

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Flynn was granted a leave of absence for today's session.

By request of Senator Chilsen, with unanimous consent, Senator Lasee was granted a leave of absence for today's session.

By request of Senator Chilsen, with unanimous consent, the senate welcomed Senator Raymond Bice of Lacrosse former Senator from the 32nd Senate District.

By request of Senator Maurer, with unanimous consent, the senate recessed until 6:00 P.M.

2:27 P.M.

RECESS

6:00 P.M.

The senate reconvened.

JOURNAL OF THE SENATE [March 16, 1982]

QUORUM CALL

Senator Bablitch 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, Bablitch, Berger, Chilsen, Engeleiter, George, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lorman, Maurer, Moody, Offner, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Absent -- Senators Bidwell, Braun, Cullen, Harsdorf, Lorge, McCallum and Opitz -- 7.

Absent with leave -- Senators Flynn, Frank and Lasee -- 3.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 7:08 P.M.

6:11 P.M.

RECESS

7:08 P.M.

The senate reconvened.

QUORUM CALL

Senator Bablitch 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, Bablitch, Berger, Bidwell, Cullen, Engeleiter, George, Goyke, Harnisch, Johnston, Kleczka, Kreul, Lorge, Lorman, McCallum, Maurer, Moody, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Absent -- Senators Braun, Chilsen, Hanaway, Harsdorf, Krueger, Offner and Opitz -- 7.

Absent with leave -- Senators Flynn, Frank and Lasee -- 3.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 510** by Senator Strohl.

JOURNAL OF THE SENATE [March 16, 1982]

Senate amendment 1 to **Senate Bill 668** by Senator Kreul.

Senate substitute amendment 1 to **Senate Bill 738** by Senator Bablitch.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 771** by Senator Krueger.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 775** by Senator Chilsen.

Senate amendment 4 to senate substitute amendment 1 to **Senate Bill 783** by Senators Goyke, McCallum, Lorge, Frank and Opitz.

Senate amendment 1 to **Assembly Bill 170** by Senator Berger.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Wednesday, March 17.

7:16 P.M.