

JOURNAL OF THE SENATE [February 12, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

THURSDAY, February 12, 1981.

9:00 A.M.

The senate met.

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

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

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

Absent -- Senator Opitz -- 1.

Absent with leave -- Senator Krueger -- 1.

The senate stood for the prayer which was offered by Reverend William Koehler, Senior Minister of Lake Edge United Church of Christ, Madison.

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

LEAVE OF ABSENCE

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 78

Relating to correcting errors and making minor substantive changes in various mining statutes.

By Legislative Council.

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

Senate Bill 79

Relating to governmental practices regarding personal information.

By Senators Berger, Hanaway, Braun and Cullen; cosponsored by Representatives Broydrick, Rogers and Kirby.

To committee on State and Local Affairs and Taxation.

Senate Bill 80

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

By Senators Risser, Braun, Strohl, McCallum, Moody, Flynn and Lasec; cosponsored by Representatives Munts, Dilweg, Otte, Smith, Gerlach, Lee, Flintrop, Ladwig, Duren, Andrea, Norquist, Ulichny, Behnke, Cogg, Broydrick, Crawford and Tuczynski.

To committee on Human Services.

Senate Bill 81

Relating to utility advertising practices.

By Senators Berger, Cullen, Offner, Moody, George and Braun; cosponsored by Representatives Kirby, Crawford, Lee, Ulichny, Metz, Plous, Kunicki, Czarnezki, Flintrop, Leopold, Becker, Cogg, Jackamonis and Neubauer.

To committee on Insurance and Utilities.

Senate Bill 82

Relating to auditing public utilities by the legislature and public service commission.

By Senators Berger, George and Braun; cosponsored by Representatives Kirby, Crawford, Metz, Plous, Kunicki, Czarnezki, Becker, Cogg and Jackamonis.

To committee on Insurance and Utilities.

Senate Bill 83

Relating to prohibiting utility charges for construction work in progress.

By Senators Berger, Moody, George and Braun; cosponsored by Representatives Kirby, Crawford, Metz, Plous, Kunicki, Czarnezki, Becker, Coggs and Jackamonis.

To committee on Insurance and Utilities.

Senate Bill 84

Relating to limiting the rate of profits on public utility stock.

By Senators Berger, George and Braun; cosponsored by Kirby, Crawford, Plous, Kunicki, Hasenohrl, Czarnezki, Becker and Coggs.

To committee on Insurance and Utilities.

Senate Bill 85

Relating to direct appeal to the supreme court of public service commission rate decisions.

By Senators Berger and Braun; cosponsored by Representative Kirby.

To committee on Insurance and Utilities.

Senate Bill 86

Relating to judicial review of public service commission decisions.

By Senators Berger, George and Braun; cosponsored by Representatives Kirby, Crawford, Plous, Kunicki, Czarnezki and Coggs.

To committee on Insurance and Utilities.

Senate Bill 87

Relating to utility rates.

By Senators Berger, Braun, Moody and George; cosponsored by Representatives Kirby, Crawford, Lee, Plous, Kunicki, Czarnezki, Becker and Coggs.

To committee on Insurance and Utilities.

Senate Bill 88

Relating to prohibiting utility rate increases to recover tax increases.

By Senators Berger and George; cosponsored by Representatives Kirby, Crawford, Plous, Kunicki, Czarnezki, Becker, Coggs and Jackamonis.

To committee on Insurance and Utilities.

Senate Bill 89

Relating to guaranteed shared revenue account payments for pipeline property.

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By Senators Roshell, Van Sistine, Harsdorf, Theno, Lasee and Chilsen; cosponsored by Representatives Vanderperren, Murray and Donoghue.

To committee on State and Local Affairs and Taxation.

Senate Bill 90

Relating to allowing municipalities to issue general obligation bonds to provide traffic control signals.

By Senators Flynn, Van Sistine and Lasee; cosponsored by Representatives Vanderperren, Klicka and Hauke.

To committee on State and Local Affairs and Taxation.

Senate Bill 91

Relating to the Wisconsin compensation rating bureau and rates for worker's compensation insurance.

By Senators Kleczka, McCallum, Moody, Roshell, Flynn, Hanaway, Opitz, Kreul, Strohl, Maurer and Berger; cosponsored by Representatives Luckhardt, Tuczynski, Norquist, Shabaz, Hauke and Flintrop.

To committee on Insurance and Utilities.

Senate Bill 92

Relating to conflict of interest and nonpayment of fees by insurance intermediaries, eliminating licensing of and certain restrictions on fire insurance adjusters, eliminating regulation of insurance policy vending machines and the separate regulation of insurance brokers and consultants, eliminating the requirement that partnerships and corporations acting as intermediaries be licensed, miscellaneous changes in the insurance code and granting rulemaking authority.

By Senators Kleczka, McCallum, Roshell, Flynn, Hanaway, Chilsen, Harsdorf, Opitz, Kreul, Strohl, Maurer, Berger, Braun, Offner, George, Van Sistine and Frank; cosponsored by Representatives Luckhardt, Ladwig, Tuczynski, Norquist, Shabaz, Hauke, Thompson and Flintrop.

To committee on Insurance and Utilities.

Senate Bill 93

Relating to mandatory coverage by disability insurance policies.

By Senators Kleczka, McCallum, Roshell, Moody, Flynn, Krueger, Hanaway, Chilsen, Harsdorf, Opitz, Kreul, Strohl, Berger, Offner, George, Van Sistine and Frank; cosponsored by Representatives Luckhardt, Ladwig, Tuczynski, Norquist, Shabaz, Potter, Hauke and Flintrop.

To committee on Insurance and Utilities.

Senate Bill 94

Relating to removing the limit on the amount of term life insurance which may be provided for an individual through group term life insurance.

By Senators Kleczka, McCallum, Roshell, Moody, Flynn, Krueger, Hanaway, Chilsen, Harsdorf, Opitz, Kreul, Strohl, Maurer, Berger, Braun, Offner, George, Van Sistine and Frank; cosponsored by Representatives Luckhardt, Ladwig, Tuczynski, Norquist, Shabaz, Potter, Hauke and Flintrop.

To committee on Insurance and Utilities.

Senate Bill 95

Relating to eliminating the restriction prohibiting insurers and insurance intermediaries from offering inducements not specified in the policy for the purchase or termination of an insurance policy.

By Senators Flynn, Strohl, Berger and Offner; cosponsored by Representative Norquist.

To committee on Insurance and Utilities.

By request of Senator Berger, with unanimous consent, **Senate Bill 82** was withdrawn from committee on Insurance and Utilities and referred to joint committee on Audit.

Senator Strohl asked unanimous consent that **Senate Bills 81, 83 and 87** be withdrawn from committee on Insurance and Utilities and referred to committee on Energy.

Senator Bablitch objected.

By request of Senator Bablitch, with unanimous consent, **Senate Bills 81, 83 and 87** were withdrawn from committee on Insurance and Utilities and referred to committee on Senate Organization.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Joint Resolution 5

Relating to revising the right to bail and authorizing the legislature to permit circuit courts to deny release on bail for a limited period to certain accused persons (2nd consideration).

Concurrence:

Ayes, 2 -- Senators Adelman and Johnston;

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Noes, 2 -- Senators George and Braun.

Without recommendation

LYNN S. ADELMAN

Chair

The committee on Education and State Institutions reports and recommends:

FINLAYSON, EDITH, of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to succeed Bertram McNamara, to serve a seven year term to expire on May 1, 1987.

Confirmation:

Ayes, 4 -- Senators Goyke, George, Thompson and Harsdorf;

Noes, 0 -- None.

GARY R. GOYKE

Chair

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Commission on Interstate Cooperation**

February 9, 1981

To the Honorable, the Senate

Pursuant to s. 13.54(2)(d) of the statutes, I herewith submit the Report of the Commission on Interstate Cooperation on the Operations and Activities of the Commission during 1979 and 1980.

Respectfully submitted

WILLIAM A. BABLITCH

Vice Chairman

EXECUTIVE COMMUNICATIONS

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State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 11, 1981

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
10 (partial veto)-----	1 -----	February 11, 1981

Sincerely,
LEE SHERMAN DREYFUS
Governor

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 11, 1981

To the Honorable, the Senate:

I have signed **Senate Bill 10** and deposited it with the Secretary of State. I have exercised my constitutional power to item veto in three areas.

Although this legislation does not go as far as I would like to go, I commend the legislature for acting so promptly to deal with the shortfall in this biennium. The cuts in this bill at least go part way in addressing our problems.

I have vetoed the accounting change that moves \$90 million in state liabilities from this biennium into the next. I strongly believe we must deal with this year's fiscal problems this year, and not make worse the certain problems of the next biennium. This one time fiscal tonic must be taken when it is most needed. By making our fiscal problems seem less intense now than they really are, we will make them far more severe in the future.

Even a modest economic recovery will not be felt in tax revenues until the second year of the next biennium. Major changes in federal tax and spending policy are imminent, substantially affecting the next biennial budget, but the form and degree remain clouded. With this uncertainty, vetoing the accounting change is the only responsible action to take. The accounting change should be used when most needed and when the implications are clear. That time is now.

I have also vetoed the changes in the s. 16.50 authority of the executive through the Secretary of Administration to order reductions when revenues are less than expected. The Supreme Court has already severely restricted that authority; however, at least within state operations, the executive must have the ability to manage, to order limited cutbacks when necessary. The implications of a process requiring special sessions and special bills deserves more intense review at a time when the current authority is not being exercised. There was no enthusiasm for this approach when our problems first surfaced last summer.

Also vetoed are the provisions establishing the base for shared revenues for the next biennium. I have made proposals concerning this in my biennial budget. It is in that context, with full hearings on the issues and independent consideration by the legislature, that this issue should be addressed.

I note the decision of the legislature to establish a priority among state programs by cutting local aids and school aids less than state operations. With the exception of Medicaid and AFDC, effectively the legislature has placed local government and school districts above the University of Wisconsin, VTAE, other state human services and tax processing.

To deal with any potential shortfall remaining, I have directed the Secretary of Administration to impose an additional 1.4% cut in state operations. This will result in a 5.8% cut in state operations over this fiscal year. Since there is so little time remaining, it will actually be an additional 3.3% cut for the remainder of this year. It will be painful; it will affect people and services, but it is necessary to face today's problems today.

I am also submitting legislation which further reduces shared revenues and school aids to a total of 3.9% below budget for each program. This recognizes that the legislature has rejected the 4.4% cuts which counties, towns, municipalities and school districts should have been prepared to handle. It also recognizes the priorities among programs established by **Senate Bill 10**.

I continue to believe that recipients of state aid should share in the state tax revenue shortfall created by the national recession. It is important to remember that with these cuts local schools and municipalities are being ask to cut only that portion of their budgets supported by state aids, substantially less than 4.4%, 3% or 2.2%. State operations will be cut a full 5.8%.

Senate Bill 10, with my vetoes and with the additional cuts in state operations, will result in a tight but balanced budget in this biennium. The recommended cuts in local and school aids will permit us to enter the difficult 1981-83 biennium with a balance, and will insure that we

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will retain the flexibility to deal with the fiscal difficulties which are certain to come and to do so without raising general taxes.

LEE SHERMAN DREYFUS
Governor

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-163

A RULE to repeal and recreate Ins 3.39 (7) (b); and to create Ins 3.45, relating to standards for nursing home insurance.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, February 11, 1981.

Referred to committee on Insurance and Utilities, February 12, 1981.

Clearinghouse Rule 80-225

A RULE to amend Ins 4.10, relating to Wisconsin Insurance Plan.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, February 10, 1981.

Referred to committee on Insurance and Utilities, February 12, 1981.

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 13

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 13

Relating to removing obsolete provisions of the constitution regarding corporations and banking (2nd consideration).

By Representative Jackamonis, co-sponsored by Senator Bablitch.

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

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

By request of Senator Bablitch, with unanimous consent, the rules were suspended and the appointment of Edith Finlayson was considered at this time.

FINLAYSON, EDITH, of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to succeed Bertram McNamara, to serve a seven year term to expire on May 1, 1987.

Read.

The question was: Confirmation of the appointment?

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

Noes -- None.

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

So the appointment was confirmed.

By request of Senator Maurer, with unanimous consent, the senate recessed until 10:08 A.M.

9:17 A.M.

RECESS

10:08 A.M.

The senate reconvened.

Senator Bablitch moved, pursuant to Senate Rules 19 and 69, that the senate resolve into a Committee of the Whole at 10:00 A.M. Tuesday, February 17 to consider the consequences, impact and implications of the partial veto of **Senate Bill 10**.

The question was: Shall the senate resolve into a Committee of the Whole at 10:00 A.M. Tuesday, February 17, to consider the consequences, impact and implications of the partial veto of **Senate Bill 10**?

The motion prevailed.

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By request of Senator Bablitch, with unanimous consent, Senator Risser was appointed as chairman of the Committee of the Whole.

By request of Senator Bablitch, with unanimous consent, Senator Flynn was appointed as vice-chairman of the Committee of the Whole.

Upon motion of Senator Bablitch the senate adjourned until 9:45 A.M. Tuesday, February 17.

10:35 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 33

1. Page 12, line 8: strike through "Gain".

Senate Bill 47

1. Page 3, line 17: strike through "which is".