

JOURNAL OF THE SENATE

Eighty-Fifth Regular Session

WEDNESDAY, March 18, 1981.

The chief clerk makes the following entries under the above date.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 12

Making an application to the Congress of the United States pursuant to article V of the constitution of the United States, for a convention for proposing an amendment to the constitution of the United States to protect the lives of all human beings, including unborn children, at every stage of their biological development.

By Senators Flynn, Berger, Kleczka, Hanaway, Roshell, Van Sistine, Johnston, Frank, Chilsen, Krueger, Opitz, Kreul, Lorge and Harsdorf; cosponsored by Representatives Duren, Plewa, Vanderperren, Hopkins, Harer, Young, Gerlach, Quackenbush, Wood, Smith, R. Travis, Conradt, Kincaid, Laatsch, McEwen, Larson, Matty, Stitt, McEssy, Porter, Merkt and Holschbach.

Read and referred to committee on Human Services.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 199

Relating to the purchase and loan of textbooks to pupils attending public and private schools, granting rule-making authority and making an appropriation.

By Senators Moody, Lorge, Braun, Berger, Van Sistine and Kreul; cosponsored by Representative Plewa.

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

Senate Bill 200

Relating to counting shared-time pupils for state school aids purposes and granting rule-making authority.

By Senators Goyke, Lorge, Hanaway, Berger, Johnston, Van Sistine, Kreul, Chilsen, Braun, George and Moody; cosponsored by Representative Potter.

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

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Senate Bill 201

Relating to maternity coverage for dependent children under group disability insurance policies.

By Senators Braun and Berger; cosponsored by Representative Kir by.

Read first time and referred to committee on Insurance and Utilities.

Senate Bill 202

Relating to transient merchant licenses and providing a mechanism for the revocation of such licenses.

By Senator Berger, by request of Jerome Steindler, Milwaukee.

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

Senate Bill 203

Relating to modifying the maximum allowable tax levy for counties and municipalities.

By Senators Maurer and McCallum; cosponsored by Representatives Roberts and Ellis, by request of League of Wisconsin Municipalities.

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

Senate Bill 204

Relating to employment discrimination.

By Senators Braun, Berger, Hanaway, Strohl, Moody, Lorman, Risser, Thompson, George, Maurer, Johnston and Van Sistine; cosponsored by Representatives Tesmer, Coggs, Plous, Kirby, Leopold, Kunicki, Crawford, Munts, Ulichny, Broydrick, Becker, D. Travis, Behnke, Metz and Williams.

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

COMMITTEE REPORTS

The committee on Human Services reports and recommends for introduction:

Senate Bill 205

Relating to sexual activity between consenting adults and revising penalties.

By request of United Ministry in Higher Education; League of Women Voters of Wisconsin; Wisconsin Chapter Council on Human

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Concerns; Wisconsin Federation of Teachers; Wisconsin Chapter of the National Association of Social Workers; American Federation of State, County, and Municipal Employees, Council 24; Madison Police Department; Wisconsin Privacy Coalition; Southeastern Wisconsin Unitarian Universalist Council; Ronald E. Ballew, Friedens United Church of Christ of Milwaukee; Rev. Lowell Bartel, Community United Methodist Church of Cedarburg; Rev. James A. Bartos, Village Church of Milwaukee; William D. Bussey, District Attorney of Bayfield County, Rev. Robert E. Cordes, Fox Valley Pastoral Counseling Center, Inc. of Appleton; James Doyle, District Attorney of Dane County; Robert S. Duxstad, District Attorney of Green County; Rev. Edward M. Esler, First Presbyterian Church of Beloit; Rev. Paul Flucke, Plymouth United Church of Christ of Milwaukee; Rev. Alan J. Hagstrom, United Methodist Church of Turtle Lake; Rev. John C. Helt, New Hope United Church of Christ of Milwaukee; Rev. Bedford F. Hines, Fox Valley Pastoral Counseling Center, Inc. of Appleton; Rev. Keith A. Kensinger, Crossroads United Campus Ministry, University of Wisconsin - LaCrosse; Rev. Paul Kuenning, Incarnation Lutheran Church of Milwaukee; Rand L. Krueger, District Attorney of Marathon County; Rev. Dennis Landon, First Christian Church (Disciples of Christ) of Brookfield; Rev. Tony Larson, Unitarian Universalist Church of Racine and Kenosha; Rev. Eugene Locke, Brookfield United Presbyterian Church; Rev. Leland L. Longrie, Atonement Lutheran Church of Racine; Rabbi Lawrence N. Mahrer, Mount Sinai Congregation of Wausau; Bishop Margorie S. Matthews, the United Methodist Church of the Wisconsin Area; Rev. Mary Ann Neeval, Plymouth United Church of Christ of Milwaukee; Rev. Jerome Nilssen, Lake Park Lutheran Church of Milwaukee; Rev. Clifford J. Pierson, Memorial Presbyterian Church of Appleton; Rev. Harold G. Porter, Linn Presbyterian Church of Lake Geneva; Michael M. Rajek, District Attorney of Pierce County; Rev. Christine B. Rannie Grimbol, Tippecanoe Presbyterian Church of Milwaukee; Rev. Dr. Stanley R. Reiber, Professor of Sociology, Carroll College (Waukesha); Rev. Joseph F. Rider, Saint John the Divine Episcopal Church of Burlington; Rev. Dale Robison, Unitarian Church North of Mequon; John E. Schneider, District Attorney of Polk County; Rev. Dr. Lawrence A. Sinclair, Chairperson, Department of Religion, Carroll College (Waukesha); Rev. Dave Steffenson, Campus Minister of the United Methodist Church, University of Wisconsin - Green Bay; Rev. L. Douglas Throckmorton, Director of United Campus Ministries, University of

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Wisconsin - Platteville; Rodney A. Zemke, District Attorney of Eau Claire County.

Introduction:

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

Noes, 0 -- None.

Read first time and referred to committee on Human Services.

Senate Bill 206

Relating to removing restrictions on advertising venereal disease treatment services.

Introduction:

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

Noes, 0 -- None.

Read first time and referred to committee on Human Services.

CARL. W. THOMPSON

Chair

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

Senate Bill 16

Relating to staggering the terms of town supervisors.

Passage:

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

Noes, 0 -- None.

JAMES P. MOODY

Chair

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PETITIONS AND COMMUNICATIONS

State of Wisconsin
Claims Board

March 12, 1981.

Don Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on February 16, 1981.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,
EDWARD D. MAIN
Secretary

State of Wisconsin
Claims Board

The State Claims Board conducted a hearing at the State Capitol Building, Madison, Wisconsin, on February 16, 1981, upon the claim of John C. Weaver.

John C. Weaver claims a lump sum of \$156,710.00 or \$18,751.00 per year, retroactive to the date of his retirement as President of the University of Wisconsin. In August, 1970, a Search and Screen Committee was appointed by the Board of Regents to appoint a new University President. The Committee's recommendation to appoint John Weaver was made and accepted by the Board of Regents on October 26, 1970. An ad hoc committee was then appointed to meet with Dr. Weaver to discuss his appointment to the presidency. Due to a brief tenure at his previous employment as President of the

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University of Missouri, Dr. Weaver had not attained any retirement benefits from that institution. Dr. Weaver expressed his concern, at the time of his appointment as President of the University of Wisconsin in November, 1970, that a compensation plan be provided to him that included a retirement program which would yield a lifetime annuity of approximately 50% of his final salary. Details of the pension agreement were finalized by a letter to Dr. Weaver dated May 22, 1971 from Bernard Ziegler, President of the University of Wisconsin Regents. On June 18, 1971, the Board of Regents met to consider the proposal of a deferred salary payment plan for Dr. Weaver. The matter submitted for the Board's consideration was the proposal outlined in President Ziegler's letter of May 22, and was unanimously approved by the Regents. On January 6, 1972, the Attorney General issued an opinion regarding the legality of the deferred salary plan between Dr. Weaver and the University. The opinion concluded that the Regents had no authority to enter into such a deferred salary plan since it did not fall within the powers granted the Regents under s. 36.06, Wis. Stat. Dr. Weaver officially commenced his tenure as President of the University of Wisconsin on January 1, 1971 and occupied the position until June 30, 1977, at which time due to health, he retired. In May of 1978, Dr. Weaver officially resigned his Wisconsin tenure and professorship. Since the date of his retirement from the University of Wisconsin, Dr. Weaver has received no payments from the State of Wisconsin pursuant to the deferred salary plan agreement.

The Board finds that this claim is not one for which the state is legally liable, however, the Board finds that the claim should be partially allowed, based on equitable principles.

The Board recommends:

1. That no payment be made for the period of time between the date of the claimant's retirement from the University of Wisconsin and the effective date of any session law authorizing payments.

2. That the University of Wisconsin be authorized and directed to award the claimant an annual annuity of \$11,623.12 commencing on the effective date of the session law authorizing payment. The annual annuity was determined by subtracting the amount the claimant is currently receiving monthly from the State Teachers Retirement Fund (\$593.99) from the annual amount which the claimant would have received if the claimant's deferred salary plan was not invalidated by the Attorney General.

3. That the actual payments shall be made on a monthly basis by the University of Wisconsin until the claimant's death.

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4. That the University of Wisconsin be authorized and directed to make these monthly payments from the appropriation provided by section 20.285(1)(a), Stats., or any successor appropriation.

Dated at Madison, Wisconsin this 12th day of March, 1981.

GERALD D. KLECZKA
Senate Finance Committee

VIRGIL D. ROBERTS
Assembly Finance Committee

LAURIE ANN McCALLUM
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of
Administration

WARD L. JOHNSON
Representative of Attorney
General

State of Wisconsin
Joint Legislative State Supported Programs
Study and Advisory Committee

March 17, 1981

Dear Mr. Schneider

We are pleased to transmit to you a copy of the Report of the 1979-80 Joint Legislative State Supported Programs Study and Advisory Committee. We would appreciate your printing this letter in the Journal for the information of your membership. Additional copies of this Report are available on request, in the Legislative Council offices, Room 147 North, State Capitol.

Thank you.

Sincerely yours,
GARY R. GOYKE
Co-Chair

LARY J. SWOBODA
Co-Chair

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EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 12, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Dr. Maura Gage of Rhinelander as a member of the Air Resource Allocation Council, pursuant to the statutes governing, to serve an initial term to expire on July 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

March 12, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Robert Graves of Spring Green as a member of the Air Resource Allocation Council, pursuant to the statutes governing to serve an initial term to expire on July 1, 1983.

Sincerely,

LEE SHERMAN DREYFUS

Governor

Read and referred to committee on Agriculture and Natural Resources.

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

March 12, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Walter Woelfle of Waukesha, as a member of the Air Resource Allocation Council, pursuant to the statutes governing, to serve an initial term to expire on July 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**

March 12, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint William Falk of Neenah as a member of the Air Resource Allocation Council, pursuant to the statutes governing to serve an initial term to expire on July 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**

March 12, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint James Larson of Waupaca as a member of the Air

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Resource Allocation Council, pursuant to the statutes governing, to serve an initial term to expire on July 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

March 12, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Donald R. Murphy of Madison as a member of the Personnel Commission with a salary as follows: March 1, 1981 - \$41,148, March 1, 1982 - \$43,184, March 1, 1983 - \$44,750, March 1, 1984 - \$44,750 and March 1, 1985 - \$44,750, pursuant to the statutes governing, to serve a five year term to expire on March 1, 1986.

Sincerely,
LEE SHERMAN DREYFUS
Governor

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

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 16, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint John Sturm of Manawa, as a member of the Board of Veterans Affairs, to succeed Italo Bensoni of Hurley whose term expires on May 1, 1981, pursuant to the statutes governing, to serve a six year term to expire on May 1, 1987.

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Sincerely,
LEE SHERMAN DREYFUS
Governor

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

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 16, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Gerald Bodway of Madison, as a member of the Board of Veterans Affairs, to succeed Charles D. Goranson of Madison whose term expires on May 1, 1981, pursuant to the statutes governing, to serve a six year term to expire on May 1, 1987.

Sincerely,
LEE SHERMAN DREYFUS
Governor

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

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 18, 1981

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Branko Terzic of Milwaukee, as a member of the Public Service Commission to succeed Edward Parsons, Jr. of Madison whose term expired on March 1, 1981, at a salary as follows: 1981 - \$40,000, March 1, 1982 - \$42,500, March 1, 1983 - \$45,000, March 1, 1984 - \$47,500, March 1, 1985 - \$50,000 and March 1, 1986 - \$52,500; pursuant to the statutes governing, to serve a six year term to expire on March 1, 1987.

Sincerely,
LEE SHERMAN DREYFUS
Governor

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Read and referred to committee on Insurance and Utilities.

State of Wisconsin
Office of the Governor
Madison, Wisconsin

March 11, 1981

To the Honorable, the Senate:

I am writing to withdraw my appointment of Mrs. Helen I. Barnhill to the State Public Defender Board.

Mrs. Barnhill has advised me that because of increased business responsibilities, she regrets that she will be unable to assume the position.

Sincerely,
LEE SHERMAN DREYFUS
Governor

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-205

A RULE to amend ss. Med 4.02 (2), 4.05 and 12.03 (1), relating to locum tenens licenses and investigation and institution of complaint proceedings.

Submitted by Department of Regulation and Licensing.

Report received from agency, March 12, 1981.

Referred to committee on Human Services, March 18, 1981.

Clearinghouse Rule 81-12

AN ORDER to create Ins 3.47, relating to disclosure requirements for cancer insurance policies.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, March 16, 1981.

Referred to committee on Insurance and Utilities, March 18, 1981.

Clearinghouse Rule 81-29

AN ORDER to amend Ind 201.07 (9); and to create Ind 201.07 (11) (cm) and (cn), relating to migrant labor.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, March 18, 1981.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, March 18, 1981.

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The committee on Education and State Institutions reports and recommends:

Clearinghouse Rule 80-97

A RULE to amend PI 3.03 (3) (c) and 3.07 (11), relating to excluding district administrators, secondary school administrators and elementary school administrators from receiving a one-year Wisconsin teaching license.

No objection:

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

Noes, 0 -- None.

Clearinghouse Rule 80-184

A RULE to repeal TR 3.03, 5.01 and 8.02, relating to eligibility of part-time teaching assistants, teachers' affidavits and receipt of annuity while teaching.

No objection:

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

Noes, 0 -- None.

GARY R. GOYKE

Chair

The committee on Insurance and Utilities reports and recommends:

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.

No action taken.

Clearinghouse Rule 80-225

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

No action taken.

KURT A. FRANK

Chair

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 139** by Senator Offner.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 134

1. Page 11, line 17: delete "49.51" and substitute "49.50".

Senate Bill 198

1. Page 10, line 1: change "66.41" to "66.46".