

JOURNAL OF THE SENATE [April 7, 1981]

STATE OF WISCONSIN

# Senate Journal

**Eighty-Fifth Regular Session**

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TUESDAY, April 7, 1981.

10:00 A.M.

The senate met.

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

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, 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 Reverend Vernon Forsberg, pastor of Westminister Presbyterian Church of Madison.

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

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## INTRODUCTION OF RESOLUTIONS

### **Senate Joint Resolution 16**

Relating to abolishing the constitutional office of state treasurer (first consideration).

By Senator Johnston.

Read first time and referred to committee on Judiciary and Consumer Affairs.

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 245**

Relating to petitions and distribution of political literature in the common areas of shopping centers which are open to the public.

By Senators Adelman, Thompson, George, Braun, Flynn, Harnisch and Van Sistine; cosponsored by Representatives Crawford, Jackamonis, Lee and Rutkowski.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 246**

Relating to determining the amount of grants from the veterans trust fund to counties.

By Senator Berger; cosponsored by Representatives Gerlach, Plewa, Tuzynski, Broydrick and Lee, by request of Milwaukee County.

To committee on Labor, Government, Veterans Affairs and Tourism.

**Senate Bill 247**

Relating to modulating headlamps on motor-driven cycles, motor bicycles and mopeds during daylight.

By Senators Adelman and Engeleiter; cosponsored by Representative Jackamonis.

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

**Senate Bill 248**

Relating to authorizing county boards to delegate authority concerning claims, demands and causes of action.

By Senators Frank, George, Braun and Adelman; cosponsored by Representative Tuczynski, by request of Milwaukee County.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 249**

Relating to the prohibition of the sale, distribution or use of 2,4,5-T and silvex and providing penalties.

By Senator Adelman; cosponsored by Representative Loftus.

To committee on Agriculture and Natural Resources.

**Senate Bill 250**

Relating to access to public records, creating an open records board, granting rule-making authority, making appropriations and providing a penalty.

By Senators Adelman, Braun, Flynn, Thompson, Van Sistine and Offner; cosponsored by Representatives Jackamonis, Lee and Rutkowski.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 251**

Relating to eliminating a program of inspection and maintenance of certain vehicles.

By Senator Opitz; cosponsored by Representatives Stitt, McEssy, Ladwig, Luckhardt and Barczak.

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

**Senate Bill 252**

Relating to adjustment of the date of the spring primary and election and presidential preference primary and certain other dates for election procedures.

By Senators Johnston, Bablitch, Hanaway, Offner and Chilsen; cosponsored by Representatives De Long, Nelsen, Donoghue, Ladwig, Laatsch and Becker.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 253**

Relating to revoking assessors' certificates and to reassessments by the department of revenue.

By Senators George, Braun, Flynn, Berger and Kleczka; cosponsored by Representatives Broydrick, Crawford, Tuczynski, Lee, Ulichny, Plous, Norquist, Kirby and Kunicki.

To committee on State and Local Affairs and Taxation.

**Senate Bill 254**

Relating to conversion of sick leave credits of legislators to pay health insurance premiums on death or retirement.

By Senators Johnston and Hanaway; cosponsored by Representatives Nelsen, Radtke, Flintrop, Knox, Goodrich, R. Travis, Dilweg and Tuczynski.

To Joint Survey committee on Retirement Systems.

**Senate Bill 255**

Relating to repealing the state forestry tax, funding state forestry programs out of the general fund and making appropriations.

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By Senator George; cosponsored by Representatives Plewa, Tuczynski, Broydrick and Lee, by request of Milwaukee County.  
To committee on Agriculture and Natural Resources.

### **Senate Bill 256**

Relating to extending the deadline for reporting cost data for local transportation aids.

By Senator Adelman.

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

### **Senate Bill 257**

Relating to budgetary procedure in populous counties.

By Senator George, by request of Milwaukee County.

To committee on State and Local Affairs and Taxation.

### **Senate Bill 258**

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

By Senators Kleczka, Berger, Moody, Van Sistine, Strohl, Harnisch, Thompson, Risser and Goyke; cosponsored by Representatives Broydrick, Plewa, Behnke, Ulichny, Andrea, Menos, Hauke, Plous, Coggs, Tuczynski, Leopold, Becker, Kunicki, Crawford, Czarnecki, Tesmer, Williams and Looby.

To committee on Labor, Government, Veterans Affairs and Tourism.

### **Senate Bill 259**

Relating to using persons trained in first aid as ambulance attendants in small cities and granting rule-making authority.

By Senator Cullen.

To committee on Human Services.

### **Senate Bill 260**

Relating to authorizing court commissioners to conduct initial appearances.

By Senator George; cosponsored by Representative Broydrick, by request of Milwaukee County.

To committee on Judiciary and Consumer Affairs.

### **Senate Bill 261**

Relating to state funding of emergency number systems and making an appropriation.

By Senator Johnston.

To committee on State and Local Affairs and Taxation.

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COMMITTEE REPORTS

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

**Senate Bill 262**

Relating to establishing by rule the criteria for establishing the priorities for highway and bridge projects and granting rule-making authority.

Introduction:

Ayes, 8 -- Senators Berger, Goyke, Harnisch and George;  
Representatives Rogers, Wagner, Helbach and Crawford;  
Noes, 2 -- Senator Kreul; Representative Thompson.

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

**Senate Bill 263**

Relating to revising the regulation of nursing homes and granting rule-making authority.

Introduction:

Ayes, 10 -- Senators Berger, Goyke, Harnisch, George and Kreul; Representatives Rogers, Wagner, Helbach, Crawford and Thompson;  
Noes, 0 -- None.

Read first time and referred to committee on Human Services.

DAVID G. BERGER  
Co-Chair

WILLIAM J. ROGERS  
Co-Chair

The committee on Senate Organization reports and recommends:

**Senate Joint Resolution 11**

Relating to the life and public service of Irving P. Mehigan.

Adoption:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Chilsen and Hanaway;  
Noes, 0 -- None.

**Senate Joint Resolution 15**

Granting the use of the senate and assembly chambers to the Wisconsin Legion Auxiliary Badger Girls State in 1981 and 1982 to hold a practice legislative session.

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Adoption:

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

Noes, 0 -- None.

FRED A. RISSER

Chair

The committee on Education and State Institutions reports and recommends:

**READ, SISTER JOEL**, of Milwaukee, as a member of the Educational Communications Board, to succeed Warner Mills, to serve for the term ending May 1, 1984.

Confirmation:

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

Noes, 0 -- None.

**BICHA, GLORIA**, of Racine, as a member of the Educational Communications Board, to succeed Gloria Downing, to serve for the term ending May 1, 1982.

Confirmation:

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

Noes, 0 -- None.

**KNOWLES, ROBERT P.**, of New Richmond, as a member of the Board of Regents of the University of Wisconsin System, to succeed Nancy Barkla, 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

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

**Senate Bill 67**

Relating to prohibiting employment discrimination against state employes because of political affiliation, except where political affiliation is an appropriate requirement.

Passage:

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

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Noes, 0 -- None.

**DAVID G. BERGER**  
Co-Chair

**WILLIAM J. ROGERS**  
Co-Chair

**REPORT OF JOINT SURVEY COMMITTEE ON  
TAX EXEMPTIONS**

**Appendix to Senate Bill 33**

**Public Policy Involved**

1. The provision of Senate Bill 33, which excludes from gross income up to \$200 per person of interest income and dividends received from domestic corporations (SECS. 8, 9, of Senate Bill 33) is good public policy.

2. The provisions of Senate Bill 33, relating to capital gains deductions (SECS. 15, 16, 18, 19) are good public policy provided that adequate state revenues are available to cover the fiscal effects of these provisions. In addition, the Committee recommends consideration of limiting the provision of the Bill (SEC. 16) allowing nonrecognition of gain on the sale of a principal residence to instances where the state in which the new residence is purchased extends the same benefits to persons who move to Wisconsin.

3. The provisions of Senate Bill 33, which exempt interspousal transfers from the inheritance tax and the gift tax (SECS. 54-57 and 59-62) are good public policy provided that adequate state revenues are available to cover the fiscal effects of these provisions.

4. The provision of Senate Bill 33, which exempts from the sales tax the closeout sales of certain property (SECS. 71, 72) is good public policy.

**GARY R. GOYKE**  
Co-Chair

**GARY K. JOHNSON**  
Co-Chair

Read and referred to Joint Survey committee on Debt Management.

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**PETITIONS AND COMMUNICATIONS**

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State of Wisconsin  
Department of State

March 30, 1981.

To the Honorable, the Senate:

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

Yours very truly,  
VEL PHILLIPS  
Secretary of State

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

Arnessen, Anne S., 2059 Atwood Ave., Madison, WI 53704 (608) 249-6654; Wisconsin Council on Human Concerns, 2059 Atwood Ave., Madison, WI 53704 (608) 249-6654; 1, 5, 6, 9, 11, 12, 18, 19, 22; 108, 129, 143, 162, 163, 164, 165; Wisconsin Public Health Assn., P.O. Box #361, Madison, WI 53701 (608) 271-1826; 5, 6, 9, 10, 11, 12, 18, 19, 22; 108, 129, 143, 162, 163, 164, 165.

Driessen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Wisconsin Division-American Automobile Assn., 433 W. Washington Ave., Madison, WI 53703 (608) 257-0711; 14, 23, 26.

Earl, Anthony S., Foley and Lardner, P.O. Box #1497, Madison, WI 53701 (608) 257-5035; Wisconsin Public Service Corp., 700 N. Adams St., Green Bay, WI 54305 (414) 433-1598; 4, 22; 149, 170.

Fitch, Eleanor M., 2059 Atwood Ave., Madison, WI 53704 (608) 249-6654; Wisconsin Public Health Assn. Inc., P.O. Box #361, Madison, WI 53701 (608) 271-1826; 5, 6, 9, 10, 11, 12, 18, 19, 22; 108, 129, 143, 162, 163, 164, 165; Wisconsin Council on Human Concerns, 2059 Atwood Ave., Madison, WI 53704 (608) 249-6654; 1, 5, 6, 9, 11, 12, 18, 19, 22; 108, 129, 143, 162, 163, 164, 165.

Hanson, Richard E., 100 N. Barstow St., Eau Claire, WI 54701 (715) 839-2497; Northern States Power Co., 100 N. Barstow St., Eau Claire, WI 54701 (715) 839-2480; 1-26.

Marotz, Robert G., 231 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 276-2894; Wisconsin State Brewers Assn., 231 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 276-2894; 1-25; 101, 109, 112, 116, 128, 130, 136, 140, 142, 144, 150, 170, 174, 175, 176.

Morgan, James W., P.O. Box #4184, Madison, WI 53711 (608) 271-5252; National Solid Waste Management Assn., 1120 Connecticut Ave., N.W., Ste. #930, Washington, D.C. 20036 (202) 659-4613; 26; 144, 129; Wisconsin Liquid Waste Carriers Assn. Inc.,



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5544 W. Forest Home Ave., Milwaukee, Wi 53220 (414) 541-1440;  
24, 36, 44.

Sosnowski, Leonard S., Foley and Lardner, P.O. Box #1497,  
Madison, WI 53701 (608) 257-5035; Wisconsin Public Service  
Corp., 700 N. Adams St., Green Bay, WI 54305 (414) 433-1598; 1-  
26; 101-186.

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### CALENDAR OF APRIL 7

By request of Senator Bablitch, with unanimous consent, the rules were suspended and the calendar of April 7, 1981 was taken up at this time.

Senator Bablitch asked unanimous consent that the appointments of Sister Joel Read, Gloria Bicha and Robert Knowles be considered enmasse.

Senator Kleczka objected.

By request of Senator Bablitch, with unanimous consent, the appointments of Gloria Bicha and Robert Knowles were considered enmasse.

**BICHA, GLORIA**, of Racine, as a member of the Educational Communications Board, to succeed Gloria Downing, to serve for the term ending May 1, 1982.

Read.

**KNOWLES, ROBERT P.**, of New Richmond, as a member of the Board of Regents of the University of Wisconsin System, to succeed Nancy Barkla, to serve a seven year term to expire on May 1, 1987.

Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

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So the appointments were confirmed.

READ, SISTER JOEL, of Milwaukee, as a member of the Educational Communications Board, to succeed Warner Mills, to serve for the term ending May 1, 1984.

Read.

The question was: Confirmation of the appointment?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the appointment was confirmed.

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### SENATE CLEARINGHOUSE ORDERS

#### **Clearinghouse Rule 81-22**

AN ORDER to repeal chs. PW 1 and 2, relating to minimum standards for county homes, infirmaries, general hospitals, public medical institutions and mental hospitals.

Submitted by Department of Health and Social Services.

Report received from agency, April 6, 1981.

Referred to committee on Human Services, April 7, 1981.

The committee on Education and State Institutions reports and recommends:

#### **Clearinghouse Rule 80-169**

A RULE to repeal and recreate PI 3.07 (9) (a) 1, 2 and 3; and to create PI 3.07 (14) (h) and (i), relating to teacher certification requirements for the school counseling field.

No action taken.

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**Clearinghouse Rule 80-168**

A RULE to amend PI 3.01 (24), 3.03 (2) and 3.07 (7) (a) 8 c, (9) (a) 4 d 4), (12) (b) and (14) (b), (c) 8 and (d) 3; and to create PI 3.03 (1) (a) and (b), relating to the regular teaching license for state certification.

No action taken.

**Clearinghouse Rule 80-170**

A RULE to repeal and recreate PI 3.07 (7) (a) 8, 10 and 11 and PI 3.07 (14) (g), relating to teacher certification requirements for the instructional media field.

No action taken.

GARY R. GOYKE

Chair

The committee on Agriculture and Natural Resources reports and recommends:

**Clearinghouse Rule 80-249**

A RULE to amend ss. NR 10.01 (1) (intro.), (a), (L) 1, 2 b 1) and 2) and 5 and NR 10.12 (3) (d) 1 and 2; and to create s. NR 10.01 (1) (b) through (g), relating to 1980 migratory bird hunting regulations.

No action taken.

THOMAS W. HARNISCH

Chair

State of Wisconsin  
Revisor of Statutes Bureau  
Madison, Wisconsin

February 1, 1981

Donald J. Schneider  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin

Dear Mr. Schneider:

The following rules have been published and are effective:

Clearinghouse Rule 80- 48 effective February 1, 1981.

Clearinghouse Rule 80- 88 effective February 1, 1981.

Clearinghouse Rule 80-112 effective February 1, 1981.

Clearinghouse Rule 80-133 effective February 1, 1981.

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Clearinghouse Rule 80-136 effective February 1, 1981.  
Clearinghouse Rule 80-152 effective February 1, 1981.  
Clearinghouse Rule 80-153 effective February 1, 1981.

Sincerely,  
GARY L. POULSON  
Assistant Revisor

State of Wisconsin  
Revisor of Statutes Bureau  
Madison, Wisconsin

April 1, 1981

Donald J. Schneider  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin

Dear Mr. Schneider:

The following rules have been published and are effective:

Clearinghouse Rule 79- 65 effective April 1, 1981.  
Clearinghouse Rule 80- 3 effective April 1, 1981.  
Clearinghouse Rule 80- 42 effective April 1, 1981.  
Clearinghouse Rule 80-109 effective April 1, 1981.  
Clearinghouse Rule 80-118 effective April 1, 1981.  
Clearinghouse Rule 80-151 effective April 1, 1981.  
Clearinghouse Rule 80-190 effective April 1, 1981.  
Clearinghouse Rule 80-220 effective April 1, 1981.  
Clearinghouse Rule 80-221 effective April 1, 1981.  
Clearinghouse Rule 80-223 effective April 1, 1981.  
Clearinghouse Rule 80-224 effective April 1, 1981.  
Clearinghouse Rule 80-229 effective April 1, 1981.

Sincerely,  
GARY L. POULSON  
Assistant Revisor

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CALENDAR OF APRIL 7

**Senate Joint Resolution 8**

Relating to the centennial of the American labor movement.

Read.

Adopted.

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### **Senate Joint Resolution 11**

Relating to the life and public service of Irving P. Mehigan.

Read.

Adopted by unanimous rising vote.

### **Senate Joint Resolution 15**

Granting the use of the senate and assembly chambers to the Wisconsin Legion Auxiliary Badger Girls State in 1981 and 1982 to hold a practice legislative session.

Read.

Adopted.

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

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

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## INTRODUCTION OF BILLS

Read first time and referred:

### **Senate Bill 264**

Relating to permits for enclosing navigable waters.

By Senator Chilsen; cosponsored by Representative Robinson.

To committee on Agriculture and Natural Resources.

### **Senate Bill 265**

Relating to receipt of unemployment compensation benefits by certain business owners and relatives of such owners.

By Senators Lorge, Kreul, Lasee and Opitz.

To committee on Labor, Government, Veterans Affairs and Tourism.

### **Senate Bill 266**

Relating to regulation of intrastate transportation of hazardous material, granting rule-making authority and creating a penalty.

By Senators Lorge, Chilsen, Hanaway, Krueger, Lasee and Harsdorf.

To committee on Agriculture and Natural Resources.

By request of Senator Berger, with unanimous consent, the senate adjourned in honor of James Madison High School of Milwaukee who won the Class A WIAA Basketball Championship.

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

10:28 A.M.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 97**

1. Page 3, line 9: substitute "ON" for the 2nd "IN"

**Senate Bill 234**

1. Page 3, line 4: substitute "In" for "IN".
2. Page 3, line 7: substitute "life or" for "life of".