

JOURNAL OF THE SENATE [April 14, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

TUESDAY, April 14, 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 Father Charles Schluter of St. Paul's Catholic Church, University of Wisconsin Catholic Center Chapel of Madison.

The senate remained standing and Senator Hanaway 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 283

Relating to the regulation of nonmetallic mining, the zoning of mineral-bearing lands and the collection of information on mining, and providing an appropriation.

By committee on Legislative Council.

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

Senate Bill 284

Relating to the net proceeds tax on the mining of metallic minerals and granting rule-making authority.

By Senators Krueger and Roshell, by request of the United Steelworkers of America, District 32 and the Wisconsin Assn. of Manufacturers and Commerce.

To Joint Survey Committee on Tax Exemptions.

Senate Bill 285

Relating to increasing intoxicating liquor license quotas after annexation of territory.

By Senator Krueger.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 41

Relating to the accomplishments of the Amery High School band.

Concurrence:

Ayes, 4 -- Senators Risser, Bablitch, Flynn and Chilsen;

Noes, 0 -- None.

FRED A. RISSER

Chair

The committee on Human Services reports and recommends:

Senate Bill 112

Relating to making permanent the authorization for optometrists to use topical ocular diagnostic pharmaceutical agents.

Passage:

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

Noes, 0 -- None.

CARL W. THOMPSON

Chair

The committee on Human Services reports and recommends:

CHEEKS, DIANA B., of Glendale, as a member of the Arts Board, to succeed Ruth de Young Kohler, to serve for the term ending May 1, 1983.

Confirmation:

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Ayes, 4 -- Senators Thompson, Strohl, Offner and Theno;
Noes, 0 -- None.

NICHOLS, DIANE, of Oconto, as a member of the Arts Board, to succeed Mary Alice Wimmer, to serve for the term ending May 1, 1983.

Confirmation:

Ayes, 4 -- Senators Thompson, Strohl, Offner and Theno;
Noes, 0 -- None.

PRINDLE, DAVID, of LaCrosse, as a member of the Domestic Abuse Council, to serve for the term ending July 1, 1981.

Confirmation:

Ayes, 4 -- Senators Thompson, Strohl, Offner and Theno;
Noes, 0 -- None.

JACKSON, GWEN T., of Milwaukee, as a member of the Medical Examining Board, to succeed Mary Reddin, to serve for the term ending May 1, 1984.

Confirmation:

Ayes, 4 -- Senators Thompson, Strohl, Offner and Theno;
Noes, 0 -- None.

GUNDERSEN, DR. ADOLF L., of LaCrosse, as a member of the Medical Examining Board, to succeed Dr. William Baker, to serve a four year term to expire on May 1, 1984.

Confirmation:

Ayes, 4 -- Senators Thompson, Strohl, Offner and Theno;
Noes, 0 -- None.

CARL W. THOMPSON
Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 6

A petition by 41 residents of the state of Wisconsin proposing the enactment of the Citizen/Labor Energy Coalition Proposal to tax all oil company profits derived from doing business in the state of Wisconsin.

By Senator Offner.

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

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State of Wisconsin
Department of State

April 6, 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.

Abraham, William J., 777 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 271-2400; Care Cabs, Inc., 5538 W. National Ave., West Allis, WI 53214 (414) 476-1006; 11, 19.

Arnold, John D., 777 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 271-2400; Care Cabs, Inc., 5538 W. National Ave., West Allis, WI 53214 (414) 476-1006; 11, 19.

Christianson, Peter Coe, 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Ad Hoc Committee of Wisconsin Premium Payment Companies, c/o Martin D. Haber, AFCCO, Ten Hanover St., New York City 10004 (212) 797-1850; 14.

Driessen, Anthony H., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Ad Hoc Committee of Wisconsin Premium Payment Companies, c/o Martin D. Haber, AFCCO, Ten Hanover St., New York City 10004 (212) 797-1850; 14.

Earl, Anthony S., P.O. Box #1497, 1st Wisconsin Plaza, 1 S. Pinckney St., Madison, WI 53701 (608) 257-5035; Care Cabs, Inc., 5538 W. National Ave., West Allis, WI 53214 (414) 476-1006; 11, 19.

Franke, Harry F., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900; Ad Hoc Committee of Wisconsin Premium Payment Companies, c/o Martin D. Haber, AFCCO, Ten Hanover St., New York City 10004 (212) 797-1850; 14.

Hanson, Albert A., Sheet Metal Workers Local #279, 1602 S. Park St., Madison, WI 53715 (608) 257-8666; Wisconsin State Council of Sheet Metal Workers, 1104 Wisconsin Ave., Sheboygan, WI 53081 (414) 458-0401; 2, 3, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25; 108, 109, 115, 116, 117, 118, 121, 122, 123, 127, 129, 132, 136, 137, 138, 142, 144, 148, 149, 150, 170, 171, 172, 174, 176, 183, 184, 185.

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Hanson, Thomas S., 23 N. Pinckney St., Madison, WI 53703 (608) 256-5299; Wisconsin Consumer Finance Assn., 2100 Marine Plaza, Milwaukee, WI 53202 (414) 271-8210; 3, 26; Wisconsin Funeral Directors Assn., 5920 W. North Ave., Milwaukee, WI 53208 (414) 453-3060; 3, 11, 18, 20; 129, 136, 150, 159.

Lund, Paul F., Sheet Metal Workers Local #565, 1602 S. Park St. Madison, WI 53715 (608) 257-5757; Wisconsin State Council of Sheet Metal Workers, 1104 Wisconsin Ave., Sheboygan, WI 53081 (414) 458-0401; 2, 3, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25; 108, 109, 115, 116, 117, 118, 121, 122, 123, 127, 129, 132, 136, 137, 138, 142, 144, 148, 149, 150, 170, 171, 172, 174, 176, 183, 184, 185.

State of Wisconsin
Legislative Council

April 10, 1981

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1981 Legislature on legislation introduced by the Legislative Council:

RL 81-2 -- Legislation Recodifying the Laws on the Sale and Consumption of Alcoholic Beverages (AB 300)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Cordially
BONNIE REESE
Executive Secretary

By request of Senator Flynn, with unanimous consent, the rules were suspended and the calendar of April 14, 1981 was taken up at this time.

CALENDAR OF APRIL 14

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

BODWAY, GERALD, of Madison, as a member of the Board of Veterans Affairs, to succeed Charles D. Boranson, to serve for the term ending May 1, 1987.

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Read.

CHEEKS, DIANA B., of Glendale, as a member of the Arts Board, to succeed Ruth de Young Kohler, to serve for the term ending May 1, 1983.

Read.

GUNDERSEN, DR. ADOLF L., of LaCrosse, as a member of the Medical Examining Board, to succeed Dr. William Baker, to serve a four year term to expire on May 1, 1984.

Read.

JACKSON, GWEN T., of Milwaukee, as a member of the Medical Examining Board, to succeed Mary Reddin, to serve for the term ending May 1, 1984.

Read.

MURPHY, DONALD, of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 1986.

Read.

NICHOLS, DIANE, of Oconto, as a member of the Arts Board, to succeed Mary Alice Wimmer, to serve for the term ending May 1, 1983.

Read.

PRINDLE, DAVID, of LaCrosse, as a member of the Domestic Abuse Council, to serve for the term ending July 1, 1981.

Read.

STURM, JOHN, of Manawa, as a member of the Board of Veterans Affairs, to succeed Italo Bensoni, to serve for the term ending May 1, 1987.

Read.

The question was: Confirmation of the appointments?

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, 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 -- 32.

Noes -- Senator Berger -- 1.

Absent or not voting -- None.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-1

AN ORDER to create ch. NR 212, relating to waste load allocated water quality related effluent limitations.

Submitted by Department of Natural Resources.

Report received from agency, April 9, 1981.

Referred to committee on Agriculture and Natural Resources, April 14, 1981.

Clearinghouse Rule 81-5

AN ORDER to repeal NR 104.08 (3); and to repeal and recreate NR 102.03 (3) and 104.07 (3), relating to water quality standards and use designations.

Submitted by Department of Natural Resources.

Report received from agency, April 9, 1981.

Referred to committee on Agriculture and Natural Resources, April 14, 1981.

Clearinghouse Rule 81-20

AN ORDER to renumber NR 11.26 (8) and 11.27 (14), (16) and (19); to amend NR 10.01 (3) (e) 1 a and b and (h) 2, 10.14 (2) and (7) and 10.27 (1) and (2); to repeal and recreate NR 10.01 (3) (e) 2 a, c and d; and to create NR 11.25 and 11.271 (intro.), relating to 1981 hunting and trapping regulations.

Submitted by Department of Natural Resources.

Report received from agency, April 9, 1981.

Referred to committee on Agriculture and Natural Resources, April 14, 1981.

The committee on Human Services reports and recommends:

Clearinghouse Rule 80-196

A RULE to create Ch. HSS 144, relating to immunization requirements for all elementary, middle, junior and senior high school students and for children attending day care centers.

Approval as amended:

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

Noes, 0 -- None.

CARL W. THOMPSON
Chair

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The committee on Agriculture and Natural Resources reports and recommends:

Clearinghouse Rule 80-188

A RULE to create Ch. NR 181, relating to hazardous waste management.

No action taken.

Clearinghouse Rule 80-219

A RULE to amend NR 25.05 (1) (d) and 25.06 (2) (a), relating to the chub fishery in Lake Michigan.

No action taken.

THOMAS W. HARNISCH
Chair

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

Clearinghouse Rule 81-19

AN ORDER to create VA 4.12, relating to the removal from the department's list of authorized lenders of any lender which makes excessive number of errors on applications for direct veterans housing loans.

No action taken.

JEROME VAN SISTINE
Chair

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

Senate Joint Resolution 8

Passed and asks concurrence in:

Assembly Bill 25

Assembly Bill 35

Assembly Bill 52

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 25

Relating to allowing treble damages for damage caused by arson.

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By Representative Ulichny.

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

Assembly Bill 35

Relating to permitting transportation of firewood in excess of the registered weight of certain motor trucks and trailers.

By Representatives Hopkins, Vanderperren, Bradley, Lewison, Matty, Harer, Paulson, Behnke, Helbach, Stitt, Radtke, Klicka, Murray, Looby, Prosser and Wagner, co-sponsored by Senators Johnston, Opitz and Roshell.

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

Assembly Bill 52

Relating to transportation of deer.

By Representative Potter.

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

CALENDAR OF APRIL 14

By request of Senator Bablitch, with unanimous consent, **Senate Bill 112** was laid on the table.

Assembly Joint Resolution 41

Relating to the accomplishments of the Amery High School band.

Read.

Concurred in.

Senate Bill 239

Relating to computation of depreciation for purposes of the income tax.

Read a third time.

By request of Senator Lasee, with unanimous consent, the senate recessed until 10:27 A.M.

10:19 A.M.

RECESS

10:27 A.M.

The senate reconvened.

Senate Bill 239

Relating to computation of depreciation for purposes of the income tax.

Read.

The question was: Shall the bill pass?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Risser, Roshell, Strohl, Thompson and Van Sistine -- 19.

Noes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorman, McCallum, Opitz and Theno -- 13.

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

So the bill passed.

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 286

Relating to the refund of excess taxes collected as the result of property assessment errors.

By Senators Theno, Lasee, Hanaway, Lorman, Harsdorf and Krueger; cosponsored by Representatives Jaronitzky, Duren, Dorff, Kincaid, Harer, Thompson and Ladwig.

To committee on State and Local Affairs and Taxation.

Senate Bill 287

Relating to a 10% limit on increases in assessed valuations for property tax purposes.

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By Senators Theno, Kreul, Opitz, Harsdorf and Krueger; cosponsored by Representatives Swoboda, Jaronitzky, Laatsch, Duren, Ellis, Kincaid, Goodrich, Harer and Robertson.

To committee on State and Local Affairs and Taxation.

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

Upon motion of Senator Bablitch the senate adjourned until 11:00 A.M. Wednesday, April 15.

10:50 A.M.