

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

TUESDAY, May 12, 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 Laurie Crandall, Divinity Student of Bethany United Methodist Church, Madison.

The senate remained standing and Senator Lorge 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 396

Relating to collection of public utility bills.

By Senators Johnston and Frank.

To committee on Insurance and Utilities.

Senate Bill 397

Relating to collective bargaining concerning determination of public school calendars.

JOURNAL OF THE SENATE [May 12, 1981]

By Senator Johnston.

To committee on Education and State Institutions.

Senate Bill 398

Relating to appointments to fill vacancies in the office of U.S. senator.

By Senator Johnston; cosponsored by Representative Kirby.

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

Senate Bill 399

Relating to rate discounts of life insurance policies issued to nonsmokers by the state life insurance program.

By Senators Johnston and Braun; cosponsored by Representatives Flintrop, Nelsen, Ulichny, Crawford, Schmidt, Coggs, Matty and Duren.

To committee on Insurance and Utilities.

Senate Bill 400

Relating to a prison inmate's liability for the cost of imprisonment.

By Senators Johnston and Offner; cosponsored by Representatives Ladwig, Dorff and Luckhardt.

To committee on Judiciary and Consumer Affairs.

Senate Bill 401

Relating to prohibiting rate increases for personal motor vehicle liability insurance policies due to accidents or traffic violations occurring during operation of a motor vehicle.

By Senators Kleczka and Cullen, by request of Peter Frorath.

To committee on Insurance and Utilities.

Senate Bill 402

Relating to review of real estate examinations by applicants for real estate broker or salesperson licenses.

By Senators Kreul and Johnston; cosponsored by Representatives Lewison, Nelsen and Schmidt.

To committee on Human Services.

Senate Bill 403

Relating to repealing the unfair sales act.

By Senators Moody, McCallum and Harnisch; cosponsored by Representatives Norquist, Nelsen, Panzer, Stitt, Hopkins and Becker, by request of Wisconsin Consumers League.

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

Senate Bill 404

Relating to the issuance of 'Class W' liquor licenses permitting the sale of wine by food stores for consumption off the premises.

By Senators Bablitch, Moody, Engeleiter and Bidwell; cosponsored by Representatives Broydrick, Otte, Helbach, Conradt, McEssy and Hauke.

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

Senate Bill 405

Relating to creating a Wisconsin energy authority, granting rule-making authority, creating an assessment, making an appropriation and authorizing bonding.

By Senators Strohl, Berger, Harnisch, Braun and George; cosponsored by Representatives Crawford, Neubauer, Jackamonis, Becker, Hasenrohl, Everson and Coggs.

To Joint Survey committee on Tax Exemptions.

Senate Bill 406

Relating to licensing of athletic trainers by the medical examining board, creating an athletic trainers examining council, granting rule-making authority and providing penalties.

By Senators Cullen, Thompson, Goyke, Van Sistine, Frank, Hanaway, Chilsen and Krueger; cosponsored by Representatives Byers, Metz, D. Travis, Helbach and Tregoning.

To committee on Human Services.

Senate Bill 407

Relating to establishing a homeownership mortgage loan program in the department of development, granting rule-making authority and making appropriations.

By Senators Cullen, Hanaway, Bablitch, Kleczka, Berger, Goyke, Van Sistine, Krueger and Lorge; cosponsored by Representatives Broydrick, Donoghue, D. Travis, Behnke, Coggs, Kunicki, Andrea, Barczak, Schneiders, Dilweg, Prosser and Matty.

To Joint Survey committee on Debt Management.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends for introduction:

Senate Bill 408

Relating to the fiscal year to which tax receipts are credited and to the date of the transfer of moneys from the general fund into the shared revenue account.

Introduction:

Ayes, 11 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Roshell and McCallum, Representatives Norquist, Roberts, Kirby and Wood; tf;3

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

GERALD D. KLECZKA
Senate Chair

REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Appendix to **Senate Bill 284**

Public Policy Involved

The Joint Survey Committee on Tax Exemptions recommends that consideration be given to the following items as this bill proceeds through the legislative process:

1. Deductions for the "cost of capital (interest and earnings)" imputed to certain expenses should be limited so as not to provide, in effect, a double deduction for expenses of mining.

2. If the mining tax is altered to allow accelerated depreciation, no methods of depreciation should be allowed which are not allowed for Wisconsin corporate income tax purposes.

3. Consideration by the standing committees should be given to the provisions of this bill that would impose the mining tax on each mine, rather than on each person engaged in mining.

GARY R. GOYKE
Co-chair

GARY K. JOHNSON
Co-chair

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

JOURNAL OF THE SENATE [May 12, 1981]

The committee on Aging, Business and Financial Institutions and Transportation reports and recommends:

Senate Joint Resolution 27

Calling on President Reagan and all members of Wisconsin's Congressional delegation to ensure that the state retains its 'hold harmless' status for supplemental security income payments.

Adoption:

Ayes, 6 -- Senators Moody, Goyke, Maurer, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

Senate Bill 78

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

Passage:

Ayes, 7 -- Senators Goyke, Moody, Roshell, Maurer, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

Senate Bill 124

Relating to clarifying the permit and licensing requirement for contract motor carriers, correcting a reference to a section of the interstate commerce act which has been renumbered, waiver of fees of \$2 or less due under the international registration plan, exemption from state motor vehicle operator's license requirements for residents of certain foreign countries, the removal of an inaccurate reference, the renewal fee for an operator's license after discharge from the armed services, and removing a reference to a date in a section relating to reflectors at the entrance to a private road or driveway (suggested as remedial legislation by the department of transportation).

Passage:

Ayes, 7 -- Senators Moody, Roshell, Goyke, Maurer, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

TIM CULLEN

Chair

JOURNAL OF THE SENATE [May 12, 1981]

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

Senate Bill 268

Relating to the term of appointment of the adjutant general, the titles and tenure of the deputy and assistant adjutants general and creation of the positions of chief surgeon for army and chief surgeon for air.

Introduction and adoption of senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

JEROME VAN SISTINE

Chair

The committee on Human Services reports and recommends:

Senate Bill 76

Relating to authorizing the dentistry examining board to sanction a dentist or dental hygienist for incompetence, negligence or overbilling and increasing staff assigned to the dentistry examining board.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Senate Bill 206

Relating to removing restrictions on advertising venereal disease treatment services.

Passage:

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

Noes, 0 -- None.

Senate Bill 223

Relating to the definition of sexual contact.

Passage:

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

Noes, 0 -- None.

JOURNAL OF THE SENATE [May 12, 1981]

DEBACK, VIVIEN, of Muskego, as a member of the Board on Nursing, to succeed Sister Sharee Hurtgen, to serve a four year term to expire on May 1, 1984.

Confirmation:

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

Noes, 0 -- None.

CARL W. THOMPSON
Chair

The committee on Insurance and Utilities reports and recommends:

Senate Bill 218

Relating to acceptance of certifications of disability by insurers.

Passage:

Ayes, 3 -- Senators Frank, Berger and Van Sistine;

Noes, 1 -- Senator Lorge.

KURT A. FRANK
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

May 4, 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.

Anderson, Jeffrey M., 23 N. Pinckney St., Madison, WI 53703 (608) 256-3344; Wisconsin Professional Police Assn., 23 N. Pinckney St., Madison, WI 53703 (608) 256-3344; 26; 121, 122, 123, 126, 136-141, 186.

Bugge, Lawrence J., P.O. Box #1497, Madison, WI 53701 (608) 257-5035; Wisconsin Bankers Assn., 16 N. Carroll St., Madison, WI

JOURNAL OF THE SENATE [May 12, 1981]

53703 (608) 256-0673; 1-3, 16, 21, 22, 26; 101, 109, 113-117, 136, 138-140, 170, 172, 174, 175, 179, 183, 186.

Koontz, Bryan K., 16 N. Carroll St., Madison, WI 53703 (608) 256-0673; Wisconsin Bankers Assn., 16 N. Carroll St., Madison, WI 53703 (608) 256-0673; 1-3, 16, 21, 22, 26; 101, 109, 113-117, 136, 138-140, 170, 172, 174, 175, 179, 183, 186.

Laszewski, Harry, 1707 S. Park St., Madison, WI 53713 (608) 256-0687; Associated Milk Producers, Inc., 1707 S. Park St., Madison, WI 53713 (608) 256-0687; 1-25; 109, 110, 116, 127, 129-131, 136, 137, 144, 147-149, 168, 170, 176, 178, 180-182, 184.

State of Wisconsin
Legislative Council

May 6, 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 81-4-- Legislation Relating to Product Liability (AB 325)

RL 81-5 -- Legislation Relating to Nonmetallic Mining (SB 283)

RL 81-6 -- Legislation Relating to Small Business (SB 212)

RL 81-7 -- Legislation Relating to Pretrial Release (AB 388)

RL 81-8 -- Legislation Relating to State Employment Relations (AB 373 and AB 374)

RL 81-9 -- Legislation Relating to Community Correctional Programs (SB 213)

RL 81-11 -- Legislation Relating to Community Correctional Programs (SB 214)

RL 81-13 -- Legislation Relating to Juvenile Corrections (AB 299)

RL 81-15 -- Legislation Relating to Constitutional Revision (AJR 34, AJR 35, AJR 36, AJR 37 and AJR 48)

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 Maurer, with unanimous consent, the senate recessed until 10:25 A.M.

10:12 A.M.

RECESS

10:25 A.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the Calendar of May 12 was referred to committee on Senate Organization.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 80-210

A RULE to repeal NR 25.06 (1), 25.07 (1) and 25.08 (5) (a) 3; to renumber NR 25.08 (5) (b); to amend NR 25.05 (1) (a) and 26.23 (1); to repeal and recreate NR 25.08 (3) (a) 4 and 26.23 (2) (b); and to create NR 25.061, 25.08 (5) (b) and 26.23 (4), relating to Lake Superior trout harvest regulations.

Submitted by Department of Natural Resources.

Report received from agency, May 11, 1981.

Referred to committee on Agriculture and Natural Resources, May 12, 1981.

Clearinghouse Rule 81-15

AN ORDER to repeal NR 160.03 (5) (b); to renumber NR 160.08; to amend Ch. NR 160 (title), 160.01, 160.03 (1) (c) note and (6) (b) and (d) and 160.05 to 160.07; and to create NR 160.08 and 160.09, relating to definition of the federal and state construction grant priority ranking system for water pollution abatement projects.

Submitted by Department of Natural Resources.

Report received from agency, May 11, 1981.

Referred to committee on Agriculture and Natural Resources, May 12, 1981.

Clearinghouse Rule 81-42

AN ORDER to amend H 45.25 (4), relating to the use of preventive agents for gonococcal ophthalmia in newborns.

Submitted by Department of Health and Social Services.

Report received from agency, May 11, 1981.

Referred to committee on Human Services, May 12, 1981.

Clearinghouse Rule 81-48

AN ORDER to repeal Ag 31.06 (3) (a) 3; to renumber Ag 31.06 (3) (b); to amend Ag 30.10 (6) (c), 31.06 (3) (a) 1 and 2 and 31.06 (3) (c) (intro.) and 7, as renumbered; and to create Ag 31.06 (3) (b), (d) and (e), relating to time limitations for mastitis retests, pasteurizing standards and pasteurizing equipment for the pasteurization of dairy products.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, May 8, 1981.

Referred to committee on Agriculture and Natural Resources, May 12, 1981.

Clearinghouse Rule 81-70

AN ORDER to repeal and recreate NR 25.07 (2) (a) 1, relating to chub quotas for commercial fishing of Lake Michigan.

Submitted by Department of Natural Resources.

Report received from agency, May 11, 1981.

Referred to committee on Agriculture and Natural Resources, May 12, 1981.

The committee on Aging, Business and Financial Institutions and Transportation reports and recommends:

Clearinghouse Rule 81-52

AN ORDER to repeal Trans 78.02 (4) and 78.06 (3); to renumber Trans 78.06 (4); to amend Trans 78.06 (2) (a) and 78.08, relating to the transportation system management program.

Review period waived.

TIM CULLEN

Chair

The committee on Human Services reports and recommends:

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.

No action taken.

CARL W. THOMPSON

Chair

JOURNAL OF THE SENATE [May 12, 1981]

State of Wisconsin
Revisor of Statutes Bureau
Madison, Wisconsin

May 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 80-9 effective May 1, 1980.
Clearinghouse Rule 80-70 effective June 1, 1980.
Clearinghouse Rule 79-42 effective May 1, 1981.
Clearinghouse Rule 79-43 effective May 1, 1981.
Clearinghouse Rule 79-45 effective May 1, 1981.
Clearinghouse Rule 80-82 effective May 1, 1981.
Clearinghouse Rule 80-96 effective May 1, 1981.
Clearinghouse Rule 80-115 effective May 1, 1981.
Clearinghouse Rule 80-131 effective May 1, 1981.
Clearinghouse Rule 80-138 effective May 1, 1981.
Clearinghouse Rule 80-139 effective May 1, 1981.
Clearinghouse Rule 80-149 effective May 1, 1981.
Clearinghouse Rule 80-171 effective May 1, 1981.
Clearinghouse Rule 80-177 effective May 1, 1981.
Clearinghouse Rule 80-178 effective May 1, 1981.
Clearinghouse Rule 80-180 effective May 1, 1981.
Clearinghouse Rule 80-183 effective May 1, 1981.
Clearinghouse Rule 80-185 effective May 1, 1981.
Clearinghouse Rule 80-189 effective May 1, 1981.
Clearinghouse Rule 80-197 effective May 1, 1981.
Clearinghouse Rule 80-198 effective May 1, 1981.
Clearinghouse Rule 80-199 effective May 1, 1981.
Clearinghouse Rule 80-201 effective May 1, 1981.
Clearinghouse Rule 80-212 effective May 1, 1981.
Clearinghouse Rule 80-213 effective May 1, 1981.
Clearinghouse Rule 80-222 effective May 1, 1981.
Clearinghouse Rule 80-225 effective May 1, 1981.
Clearinghouse Rule 81-21 effective May 1, 1981.

Sincerely,
GARY L. POULSON
Assistant Revisor

JOURNAL OF THE SENATE [May 12, 1981]

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 242

Assembly Bill 253

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 242

Relating to providing penalties for use of a dangerous weapon.

By Representatives Rutkowski, Prosser, Kunicki, Wood and Ulichny, co-sponsored by Senator Moody.

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

Assembly Bill 253

Relating to utilization of unemployment compensation and employment training benefits received by county jail prisoners.

By Representatives Potter and Otte.

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

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 409

Relating to tax exemptions for motor fuel and special fuel used by county and municipal trucks.

By Senator Chilsen; cosponsored by Representative McEwen.

To Joint Survey committee on Tax Exemption.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 369** by Senator Goyke.

JOURNAL OF THE SENATE [May 12, 1981]

Senate amendment 1 to **Senate Bill 369** by Senator Goyke.
Senate amendments 2, 3 and 4 to **Senate Bill 369** by Senator Braun.

Senate amendment 1 to **Assembly Bill 20** by Senator Kreul.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, May 14.

10:31 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 72

1. Page 34, line 3: substitute "4," for "3,".

Senate Bill 91

1. Page 2, line 8: substitute "are" for "is".

Senate Bill 369

1. Page 2, line 2: after "enter" insert "into".