

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

THURSDAY, January 29, 1987

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The senate stood for the prayer which was offered by Father Bruce M. Hennington, Chaplain of the Wisconsin Wing of the Civil Air Patrol and pastor of Holy Redeemer Catholic Church, Madison.

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

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

Senators Adelman, Andrea, Chvala, Czarnecki, Davis, Ellis, Engleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leraan, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine 30.

Absent None.

Absent with leave None.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 61

Relating to an inheritance and gift tax exemption for lineal issue.

By Senators Harsdorf, Davis, Van Sistine, Kreul, Stitt, Leraan, Lorman and Lasee; cosponsored by Representatives Panzer, Buettner, Paulson, Ladwig, Schneiders, Radtke, Schober, Musser, Cowles, Rosenzweig, Schultz, Welch, Van Gorden, McEssy, Ourada and Huelsman.

To Joint Survey committee on Tax Exemptions.

Senate Bill 62

Relating to issuance of a special registration plate to the surviving spouse of a former prisoner of war.

By Senators Harsdorf, Czarnecki, Kreul and Kincaid; cosponsored by Representatives Paulson and Ladwig, by request of Mrs. Evelyn Brooker of Siren, Wisconsin.

To committee on Transportation, Tourism and Conservation.

Senate Bill 63

Relating to authorizing counties to establish tax stabilization funds.

By Senators Lee and Plewa; cosponsored by Representatives Becker, Krusick, Barrett and Carpenter, by request of Milwaukee County.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 64

Relating to gubernatorial appointment of the director of the vocational, technical and adult education system.

By Senators Adelman and Lee; cosponsored by Representative Merkt.

To committee on Education.

Senate Bill 65

Relating to immunity of agencies or organizations regarding children subject to supervised work programs.

By Senator Helbach; cosponsored by Representative Gruszynski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 66

Relating to a license permitting the sale of wine in restaurants.

By Senators Helbach and Leraan; cosponsored by Representative Gruszynski.

To committee on Labor, Business, Insurance, Veterans and Military Affairs.

By request of Senator Te Winkle, with unanimous consent, he was made a co-author of **Senate Bill 44**.

Senate Bill 67

Relating to delegation of county board payment powers.

By Senator Helbach; cosponsored by Representative Gruszynski.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 68

Relating to payment of expenses of city and county housing authority commissioners.

By Senator Helbach; cosponsored by Representative Gruszynski.

To committee on Housing, Government Operations and Cultural Affairs.

Senate Bill 69

Relating to transfers of county board funds between certain budgeted items.

By Senator Helbach; cosponsored by Representative Gruszynski.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 70

Relating to creating a film promotion office in the department of development and making an appropriation.

By Senators Czarnezki, Kincaid, Moen, Risser, Lee, George, Van Sistine, Harsdorf, Chilsen and Plewa; cosponsored by Representatives Neubauer, Holperin, Fortis, Barca, Carpenter, Radtke, Bock, Zweck, Fergus, Bolle, Nelsen, Thompson, Porter, Hamilton, Berndt, Mark Lewis, Rosenzweig, Prosser, Hasenohrl, Ladwig, Magnuson, Lepak and Rutkowski.

To committee on Economic Development and Financial Institutions.

Senate Bill 71

Relating to intoxicated snowmobiling, intoxicated operation of all-terrain vehicles, implied consent, samples and tests related to intoxicants, granting rule-making authority and providing and revising penalties.

By Senators Davis, Adelman, Lee, Andrea, Risser, Czarnezki, Chilsen, Leean and Engeleiter; cosponsored by Representatives Huelsman, Carpenter, Nelsen, Fortis, Buettner, Goetsch, Vergeront, Wimmer and Tregoning.

To committee on Judiciary and Consumer Affairs.

Senate Bill 73

Relating to extending the agricultural production loan guarantee program administered by the Wisconsin housing and economic development authority and making an appropriation.

By Senators Moen, Jauch, Te Winkle, Helbach, Strohl, Feingold, Roshell, Kreul, Van Sistine and Andrea; cosponsored by Representatives Shoemaker, Gronemus, Medinger, Hubler, Carpenter, Hasenohrl, Wineke, Schultz, Van Gorden, Deininger, Linton, Berndt, Ourada, Buettner, Goetsch, Loftus, Brandemuehl, Coleman, Barca and Mark Lewis.

To committee on Agriculture, Health and Human Services.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends for introduction:

Senate Bill 72

Relating to federalizing the individual income tax, reducing the individual income tax rates, providing for a withholding study and defining 'internal revenue code'; an alternative minimum tax; the internal revenue code used in calculating the minimum tax; community development authority bonds; small income and franchise tax refunds and balances; technical changes to the individual income tax necessitated by marital property law; nonwithholding of tax on exempt remuneration; notice by the department of revenue about the effects of marital property agreements; federalizing

the corporate income and franchise taxes; the taxation of tax-option corporations and their shareholders; the income and franchise tax credit for sales and use taxes paid for fuel and electricity used in manufacturing; agreements about the payment of real property taxes; the payroll factor used to apportion corporate income for the income and franchise taxes; the definition of 'public utility' used in apportioning corporate income for income and franchise tax purposes; disallowing an income tax deduction for taxes for estates and trusts and deducting administrative expenses on fiduciaries' income tax returns and inheritance tax returns; the inheritance tax exemptions for contributions to cemeteries; a sales tax exemption for close-out sales by persons holding seller's permits, the use tax exemption for persons moving to this state, the sales tax on servicing certain property owned by nonresidents, a credit against the local sales tax for contractors and owners of certain property for local sales taxes paid in another state, repeals of local sales taxes; imposing the sales and use taxes on occasional sales of all-terrain vehicles and temporary sellers' permits; a sales and use tax exemption for wood waste used for fuel by businesses; clarifying that payment of telephone license fees is a license to do business for the year when the fee is paid, the definition of 'telephone company' and the distinction between toll and exchange revenue for the license fees imposed on telephone companies, the time period after which unpaid telephone company license fees become delinquent, and one of the rates for the license fees on telephone companies' toll business revenue; the real estate transfer fee and return in regard to conveyances involving units of government; the proceeds of tax sales; a special tax on built-in gains on property distributions of certain tax-option corporations; the taxation of certain federal property; phasing-out the inheritance tax and the gift tax; granting rule-making authority; and making an appropriation.

By request of Governor Tommy G. Thompson.

Introduction:

Ayes, 15 -- Senators George, Roshell, Norquist, Helbach, Andrea, Stitt and Davis, Representatives Schneider, Kunicki, Travis, Coggs, Bell, Holperin, Prosser and Panzer;

Noes, 0 -- None.

GARY R. GEORGE
Senate Chair

Read first time and referred to joint committee on Finance.

Pursuant to Senate Rules 36(2) and section 13.50 of the Wisconsin Statutes, the Co-Chairs of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of Senate Bill 73 as a matter of public policy.

FRED A. RISSER
President

REPORT OF JOINT SURVEY COMMITTEE ON DEBT MANAGEMENT

Appendix to Senate Bill 54
Public Policy Involved

The borrowing related provisions of 1987 Senate Bill 54 are desirable as a matter of public policy, but the Committee takes no position on the desirability of any of the specific sites enumerated in the bill.

FRED A. RISSER
Co-Chair

MARGARET ANN KRUSICK
Co-Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 3

A petition by 84 friends and supporters of the Beaver Dam Community Hospital in support of sunsetting Wisconsin's Hospital Rate Setting Commission on June 30, 1987.

By Senator Lorman.

Read and referred to committee on Agriculture, Health and Human Services.

Senate Petition 4

A petition by 81 residents of the state of Wisconsin in support of allowing Wisconsin citizens to decide if Wisconsin should have a legal state-regulated lottery.

By Senator Lorman.

Read and referred to committee on Labor, Business, Insurance, Veterans and Military Affairs.

Senate Petition 5

A petition by 87 residents of the state of Wisconsin in opposition to authorizing a state lottery and legalizing pari-mutuel betting.

By Senator Lorman.

Read and referred to committee on Labor, Business, Insurance, Veterans and Military Affairs.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

January 26, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RICHARD J. LONGBAUGH of Mequon as Executive Director of the Wisconsin Housing and Economic Development Authority, to serve a two-year term expiring January 31, 1989.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Economic Development and Financial Institutions.

CALENDAR OF JANUARY 29, 1987

Senate Resolution 3

Relating to corrections in the rules of the senate.
Read.

The question was: Adoption of Senate Resolution 3?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Chilsen, Chvala, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leraan, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine — 30.

Noes — None.

Absent or not voting — None.

So the resolution was adopted.

Senate Joint Resolution 10

Relating to commending Miss Patricia V. Robbins on her service to the Wisconsin State Legislature.

Read.

Adopted.

Senate Bill 26

Relating to permitting the secretary of administration, if requested by the governor, to change the biennial state budget process to an annual budget process in fiscal years 1987-88 and 1988-89.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Norquist and Adelman.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

Senator Chilsen moved reconsideration of the vote by which senate amendment 1 to senate substitute amendment 1 was adopted.

The question was: Reconsideration of the vote by which senate amendment 1 to senate substitute amendment 1 was adopted?

The motion prevailed.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator Ellis moved rejection of senate amendment 1 to senate substitute amendment 1.

The question was: Rejection of senate amendment 1 to senate substitute amendment 1?

The motion prevailed.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 26

Read a third time.

The ayes and noes were required and the vote was: ayes, 23; noes, 7; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Chilsen, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine — 23.

Noes — Senators Adelman, Chvala, Czarnezki, Feingold, Jauch, Norquist and Risser — 7.

Absent or not voting — None.

So the bill passed.

By request of Senator Strohl, with unanimous consent, the Senate returned to the eighth order of business.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Assembly Joint Resolution 2

Assembly Joint Resolution 3

**MESSAGE FROM THE ASSEMBLY
CONSIDERED**

Assembly Joint Resolution 2

Relating to excepting pari-mutuel on-track betting as provided by law from the prohibition against legislative authorization of lotteries (2nd consideration).

By Representatives Shoemaker, Becker, Gronemus, Grobschmidt, Vanderperren, Robinson, Hauke, Van Gorden, Medinger, Barca, Fergus, Antaramian, Carpenter, Ladwig, Williams, Volk, Matty, Ourada, Bolle, Turba, Hamilton, Prosser, Larson, Hasenohrl, Bradley, Boyle and Holschbach, cosponsored by Senators Roshell, Van Sistine, Moen, Andrea, Plewa, Lasee, Kincaid and Kreul.

Read first time and referred to committee on Labor, Business, Insurance, Veterans and Military Affairs.

Assembly Joint Resolution 3

Relating to authorizing the creation of a Wisconsin state lottery, with the net proceeds used for property tax relief as provided by law (2nd consideration).

By Representatives Robinson, Shoemaker, Vanderperren, Antaramian, Carpenter, Zweck, Medinger, Hauke, Williams, Volk, Hamilton, Ladwig, Matty, Ourada, Turba, Hasenohrl, Gronemus, Bradley, Van Gorden, Seery, Holschbach and Weeden, cosponsored by Senators Van Sistine, Kincaid, Roshell, Strohl, Plewa, Te Winkle, Moen, Rude, Lasee, Kreul, George, Ellis and Andrea.

Read first time and referred to committee on Labor, Business, Insurance, Veterans and Military Affairs.

CALENDAR OF JANUARY 29, 1987

Assembly Bill 16

Relating to the salaries of certain elected state officials.

Read a second time.

By request of Senator Lasee, with unanimous consent, the senate recessed until 11:46 A.M.

11:05 A.M.

RECESS

11:46 A.M.

The senate reconvened.

Ordered to a third reading.

By request of Senator Norquist, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 16

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Chilsen, Chvala, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine — 30.

Noes — None.

Absent or not voting — None.

So the bill was concurred in.

MOTIONS

By request of Senator Strohl, with unanimous consent, **Senate Bill 44** was withdrawn from the committee on Senate Organization and referred to the committee on Labor, Business, Insurance, Veterans and Military Affairs.

By request of Senator Strohl, with unanimous consent, **Senate Bill 55** was withdrawn from the committee on Senate Organization and referred to the committee on Urban Affairs, Energy, Environmental Resources and Elections.

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

By request of Senator Strohl, with unanimous consent, the senate recessed until 1:30 P.M.

11:55 A.M.

RECESS

1:30 P.M.

The senate reconvened.

By request of Senator Strohl, with unanimous consent, the senate recessed until 2:40 P.M.

1:30 P.M.

RECESS

2:40 P.M.

The senate reconvened.

By request of Senator Strohl, with unanimous consent, the Senate returned to the fourth and eighth orders of business.

COMMITTEE REPORTS

The committee on Labor, Business, Insurance, Veterans and Military Affairs reports and recommends:

Assembly Joint Resolution 2

Relating to excepting pari-mutuel on-track betting as provided by law from the prohibition against legislative authorization of lotteries (2nd consideration).

Concurrence:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Chilsen and Kreul;

Noes, 1 -- Senator Leean.

Assembly Joint Resolution 3

Relating to authorizing the creation of a Wisconsin state lottery, with the net proceeds used for property tax relief as provided by law (2nd consideration).

Concurrence:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Chilsen and Kreul;

Noes, 1 -- Senator Leean.

JEROME VAN SISTINE

Chair

The committee on Agriculture, Health and Human Services reports and recommends:

Senate Bill 54

Relating to correctional institutions, revising the state building program and providing for a study.

Introduction and adoption of senate substitute 1:

Ayes, 4 -- Senators Moen, Te Winkle, Harsdorf and Rude;

Noes, 3 -- Senators Jauch, Feingold and Lorman.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

Ayes, 4 -- Senators Moen, Harsdorf, Lorman and Rude;

Noes, 3 -- Senators Jauch, Feingold and Te Winkle.

Introduction and adoption of senate amendment 2 to senate substitute amendment 1:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Rude;

Noes, 1 -- Senator Lorman.

Passage as amended:

Ayes, 4 -- Senators Moen, Te Winkle, Harsdorf and Rude;

Noes, 3 -- Senators Jauch, Feingold and Lorman.

RODNEY C. MOEN

Chair

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 22

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 22

Relating to making an appropriation to reimburse attorneys and investigators for providing services under the state public defender program.

By Representatives Loftus, Schneider, Prosser, Hauke and Travis, cosponsored by Senators Risser, Adelman, Feingold, Lorman and Chvala.

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

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By request of Senator Strohl, with unanimous consent, the rules were suspended and the supplemental calendar was considered at this time.

Upon motion of Senator Strohl the senate adjourned until 10:00 A.M. Tuesday, February 3.

2:46 P.M.

CALENDAR OF JANUARY 29, 1987

Senate Bill 54

Relating to correctional institutions, revising the state building program and providing for a study.

Read a second time.

By request of Senator Strohl, with unanimous consent, **Senate Bill 54** was referred to joint committee on Finance.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 54

1. Page 6, line 5: after "accordingly" insert a period.
2. Page 7, line 1: substitute "EFFECT" for "AFFECT".