

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

TUESDAY, February 3, 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 Reverend Shirley Funk of Christ Presbyterian Church, Madison.

The senate remained standing and Senator Stitt 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, Chilsen, Chvala, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lecan, 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 74

Relating to variable interest rates in residential mortgage loans and mobile home transactions.

By Senators Lee, Risser and Czarnezki; cosponsored by Representatives Barrett, Grobschmidt, Magnuson, Seery, Fortis, Hamilton, Carpenter, Schneiders, Young, Boyle, Mark Lewis, Bolle and Notestein.

To committee on Aging, Banking, Commercial Credit and Taxation.

Senate Bill 75

An act to direct expenditure of \$29,440.68 from moneys appropriated to the department of revenue for payment of a claim against the state by Dwain and Betty Jones.

By Senator Moen.

To joint committee on Finance.

Senate Bill 76

Relating to medical assistance coverage of dental sealants for certain recipients.

By Senator Harsdorf; cosponsored by Representative Paulson, by request of Judy Mott of Clayton.

To committee on Agriculture, Health and Human Services.

Senate Bill 77

Relating to an income and franchise tax exemption for compensation for well contamination.

By Senators Harsdorf, Chilsen and Te Winkle; cosponsored by Representatives Potter and Robinson.

To Joint Survey committee on Tax Exemptions.

Senate Bill 78

Relating to transferring the office of the commissioner of banking to Milwaukee.

By Senators Norquist, Czarnezki, Lee and Plewa; cosponsored by Representatives Notestein, Hauke, Bell, Krug, Bock, M. Coggs and Becker.

To committee on Aging, Banking, Commercial Credit and Taxation.

Senate Bill 79

Relating to sexual assault.

By Senators Adelman, Lee, Kincaid, Lasee and Roshell; cosponsored by Representatives Rutkowski, Bolle, Roberts, Carpenter, Krug, Young, Barrett, Schultz, Radtke, Rosenzweig, Ladwig, Schmidt, Bell, Porter, Huelsman, Black, Van Gorden, Buettner, Notestein, Goetsch, Magnuson, Barca, Shoemaker, Lepak, Fortis and Schneiders.

To committee on Judiciary and Consumer Affairs.

Senate Bill 80

Relating to authorizing the department of agriculture, trade and consumer protection to waive interest payments on farmland preservation agreement liens.

By Senators Lorman, Kreul, Harsdorf, Kincaid, Leean, Lasee, Stitt, Rude and Chilsen; cosponsored by Representatives Gronemus, Volk, Radtke, Margaret Lewis, Musser, Schultz, Ladwig, Goetsch, Porter, Williams, Zweck, Berndt, Wimmer, Van Gorden, Vergeront, Tregoning and Schober.

To committee on Agriculture, Health and Human Services.

Senate Bill 81

Relating to agreements between boards of school directors and organizations representing administrators and supervisors in 1st class cities.

By Senators Czarnezki, Ulichny, Plewa and Lee; cosponsored by Representatives Notestein, Krug, Krusick, Potter, Becker and Merkt; by request of Milwaukee Public Schools and Administrators and Supervisors Council.

To committee on Education.

Senate Bill 82

Relating to various changes in the statutes pertaining to the veterinary examining board and the licensure of

JOURNAL OF THE SENATE [February 3, 1987]

veterinarians and animal technicians and granting rule-making authority.

By Senators Moen and Harsdorf; cosponsored by Representatives Paulson, Hubler, Swoboda, Volk, Ott, Musser, McEssy and Roberts, by request of Veterinary Examining Board.

To committee on Agriculture, Health and Human Services.

Senate Bill 83

Relating to various changes in the organization of the department of military affairs and in certain provisions governing members of the Wisconsin national guard or state guard and revising penalties.

By Senators Van Sistine, Roshell, George, Plewa, Andrea, Kincaid, Moen and Davis; cosponsored by Representatives Bolle, Swoboda, Roberts, Hauke, Porter, Radtke, Holperin, Musser, Lepak, Tregoning, Barca, Van Gorden, Neubauer and Welch.

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

Senate Bill 84

Relating to the Wisconsin code of military justice, which is applicable to all members of the state military forces not in federal service and providing penalties.

By Senators Van Sistine, Moen, Andrea, Roshell, Plewa, George, Kincaid and Davis; cosponsored by Representatives Bolle, Swoboda, Holperin, Neubauer, Roberts, Hauke, Van Gorden, Porter, Musser, Tregoning, Radtke and Welch.

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

Senate Bill 85

Relating to the taxation of certain federal property.

By Senators Harsdorf, Kreul, Rude and Lasee.

To committee on Aging, Banking, Commercial Credit and Taxation.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 22

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

Concurrence:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Lee and Lorman;

Noes, 0 -- None.

LYNN ADELMAN
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 11

Declaring January 1987 to be 'Wisconsin Volunteer Blood Donor Month'.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

FRED A. RISSER
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Wisconsin Housing and
Economic Development Authority

January 30, 1987

To the Honorable the Legislature

I am pleased to transmit to you the following report:
**CREDIT RELIEF OUTREACH PROGRAM
MONTHLY REPORT**

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available upon request from the Wisconsin Housing and Economic Development Authority (WHEDA), 1 South Pinckney, Suite 500, or by calling (608) 266-7884.

Best Wishes,
ED JACKAMONIS
Executive Director

State of Wisconsin
Department of Health and Social Services

January 30, 1987

To the Honorable, the Senate:

In compliance with Section 1, 46.03(5)(c) of Act 474, the following information is provided for your consideration and review and for referral to the appropriate standing committees. The figures below cover the period from January 1, 1986, through December 31, 1986.

1. No inmates were transferred involuntarily from a prison to a mental health institute under 51.20(13)(a)4.

There were 6 inmates committed under 51.20(13)(a)4 for whom treatment was authorized on an outpatient basis in the Wisconsin Resource Center.

2. The number of inmates transferred to a mental health institute on a voluntary basis was 6, and the average length of stay was 62 days. Three other inmates were transferred involuntarily from a prison to a mental health institute under s.51.37(5).

In the Mental Health Institutes, the number of inmates being treated with psychotropic drugs on both a voluntary and involuntary basis was 8.

Types of drugs administered consisted of the following: Haldol, Thorazine, Prolixin, Atavan, Stelazine, Mellaril, Amitriptyline, Desyrel, Lithium, Navane, and Cogentin.

Three hundred and eight inmates underwent voluntary treatment with psychotropic drugs while residing in correctional facilities during November and December 1986. The system of central record keeping in the pharmacy changed from manual to computerized in

the fall of 1986, and it is difficult to capture accurate figures prior to November. What is not reported in these numbers is men who were released from a correctional facility or men who took psychotropic medication for a short time prior to November. Ninety-two different inmates underwent voluntary treatment with psychotropic drugs while residing in the Wisconsin Resource Center. This constitutes a total of 400 inmates who underwent voluntary treatment.

3. Mental health services available at Mendota Mental Health Institute, Winnebago Mental Health Institute and the Wisconsin Resource Center to inmates transferred on both a voluntary and involuntary basis, where appropriate, are as follows: chemotherapy, sheltered workshops, educational assistance, token economy, individual therapy, behaviorally oriented therapy, and group therapies consisting of occupational, recreational, industrial and family oriented approaches.

Mental health services, both psychiatric and psychological, are available at each of the adult male and female institutions. Services available are: chemotherapy, individual and group psychotherapy, social skills training, anger control groups, neuropsychological evaluations and crisis intervention. Inmates who need more intensive mental health services are transferred to either the Wisconsin Resource Center or one of the the Institutes.

Please let me know if I can be of further assistance.
Sincerely,
TIMOTHY F. CULLEN
Secretary

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

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

January 28, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RICHARD BRAUND of Elroy as Director of the Division of Emergency Government, to serve at the pleasure of the Governor.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Housing, Government Operations and Cultural Affairs.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 86-198

Relating to disconnection of utility service and law enforcement notification procedures.

Submitted by Public Service Commission.

Report received from agency, January 29, 1987.

Referred to committee on Urban Affairs, Energy, Environmental Resources and Elections, February 3, 1987.

Senate Clearinghouse Rule 86-208

Relating to updating sales and use tax rules for changes in the sales and use tax law and federal law and a Wisconsin tax appeals commission decision.

Submitted by Department of Revenue.

Report received from agency, February 2, 1987.

Referred to committee on Aging, Banking, Commercial Credit and Taxation, February 3, 1987.

Senate Clearinghouse Rule 86-209

Relating to investments of insurance companies.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, January 29, 1987.

Referred to committee on Labor, Business, Insurance, Veterans and Military Affairs, February 3, 1987.

Donald J. Schneider
Senate Chief Clerk

To the Honorable Members of the Legislature:

The following Clearinghouse Rule has been withdrawn pursuant to s. 227.14(6)(b), Wis. Stats.:

Clearinghouse Rule 83- 221

DONALD J. SCHNEIDER
Senate Chief Clerk

State of Wisconsin
Revisor of Statutes Bureau

February 1, 1987

Donald J. Schneider
Senate Chief Clerk
Dear Mr. Schneider:

The following rules have been published and are effective:

Clearinghouse Rule 84- 7 effective February 1, 1987.

Clearinghouse Rule 85- 34 effective February 1, 1987.

Clearinghouse Rule 85-213 effective February 1, 1987.

Clearinghouse Rule 86- 8 effective February 1, 1987.

Clearinghouse Rule 86- 24 effective October 1, 1989.*

Clearinghouse Rule 86- 34 effective February 1, 1987.

Clearinghouse Rule 86- 46 effective February 1, 1987.

Clearinghouse Rule 86- 66 effective February 1, 1987.

Clearinghouse Rule 86- 77 effective February 1, 1987.

Clearinghouse Rule 86- 78 effective February 1, 1987.

JOURNAL OF THE SENATE [February 3, 1987]

Clearinghouse Rule 86- 95 effective February 1, 1987.

Clearinghouse Rule 86- 99 effective February 1, 1987.

Clearinghouse Rule 86-109 effective February 1, 1987.

Clearinghouse Rule 86-121 effective February 1, 1987.

Clearinghouse Rule 86-124 effective February 1, 1987.

Clearinghouse Rule 86-126 effective February 1, 1987.

Clearinghouse Rule 86-140 effective February 1, 1987.

Clearinghouse Rule 86-144 effective February 1, 1987.

Clearinghouse Rule 86-146 effective February 1, 1987.

Clearinghouse Rule 86-147 effective February 1, 1987.

Clearinghouse Rule 86-148 effective February 1, 1987.

Clearinghouse Rule 86-154 effective February 1, 1987.

Clearinghouse Rule 86-160 effective February 1, 1987.

Clearinghouse Rule 86-180 effective February 1, 1987.

Clearinghouse Rule 86-190 effective February 1, 1987.

Clearinghouse Rule 86-195 effective February 1, 1987.

*(Chs. Ag 31, 33, 70, 71, 80)

Sincerely,
GARY L. POULSON
Assistant Revisor

Senator Norquist in the chair.

10:16 A.M.

CALENDAR OF FEBRUARY 3, 1987

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).

Read a second time.

Senator Risser moved non-concurrence.

The question was: Non-concurrence of **Assembly Joint Resolution 2?**

Senator Risser moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

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

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

Absent — None.

Absent with leave — None.

The question was: Non-concurrence of **Assembly Joint Resolution 2?**

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Chvala, Czarnezki, Feingold, Helbach, Lee, Llean, Norquist, Risser, Rude and Ulichny — 11.

Noes — Senators Andrea, Chilsen, Davis, Ellis, Engeleiter, George, Harsdorf, Jauch, Kincaid, Kreul, Lasee, Lorman, Moen, Plewa, Roshell, Stitt, Strohl, Te Winkle and Van Sistine — 19.

Absent or not voting — None.

So the motion did not prevail.

By request of Senator Strohl, with unanimous consent, the call was raised.

The question was: Shall the joint resolution be ordered to a third reading?

Senator Risser moved a Call of the Senate.

The Chair ruled there were insufficient seconds for a Call of the Senate.

Senator Risser raised the point of order that not enough time was allowed for seconds to the Call of the Senate.

The Chair ruled the point of order not well taken.

The question was: Shall the joint resolution be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 9; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Chilsen, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Moen, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine — 20.

Noes — Senators Adelman, Chvala, Czarnezki, Feingold, Lee, Llean, Lorman, Norquist and Risser — 9.

Absent or not voting — Senator Jauch — 1.

So the joint resolution was ordered to a third reading.

Senator Strohl asked unanimous consent that the rules be suspended and the joint resolution be considered for final action at this time.

Senator Risser objected.

Senator Strohl moved that the rules be suspended and the joint resolution be considered for final action at this time.

The question was: Shall the rules be suspended and the joint resolution be considered for final action at this time?

The ayes and noes were required and the vote was: ayes, 21; noes, 9; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Chilsen, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Moen, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine — 21.

Noes — Senators Adelman, Chvala, Czarnezki, Feingold, Lee, Lekan, Lorman, Norquist and Risser — 9.
Absent or not voting — None.

More than two-thirds having voted in the affirmative, the rules were suspended and the joint resolution was considered for final action at this time.

Assembly Joint Resolution 2

Read a third time.

Senator Risser asked unanimous consent that **Assembly Joint Resolution 2** be referred to committee on Senate Rules.

Senator Roshell objected.

The question was: Concurrence of **Assembly Joint Resolution 2**?

The ayes and noes were required and the vote was: ayes, 18; noes, 12; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Chilsen, Davis, Ellis, Engeleiter, George, Harsdorf, Jauch, Kincaid, Kreul, Lasee, Moen, Plewa, Roshell, Stitt, Strohl, Te Winkle and Van Sistine — 18.

Noes — Senators Adelman, Chvala, Czarnezki, Feingold, Helbach, Lee, Lekan, Lorman, Norquist, Risser, Rude and Ulichny — 12.

Absent or not voting — None.

So the joint resolution was concurred in.

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).

Read a second time.

Senator Lekan moved non-concurrence.

The question was: Non-concurrence of **Assembly Joint Resolution 3**?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Chvala, Engeleiter, Feingold, Harsdorf, Lekan, Lorman, Norquist, Risser, Stitt and Ulichny — 11.

Noes — Senators Andrea, Chilsen, Czarnezki, Davis, Ellis, George, Helbach, Jauch, Kincaid, Kreul, Lasee,

Lee, Moen, Plewa, Roshell, Rude, Strohl, Te Winkle and Van Sistine — 19.

Absent or not voting — None.

So the motion did not prevail.

The question was: Shall the joint resolution be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 10; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Chilsen, Czarnezki, Davis, Ellis, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Moen, Plewa, Roshell, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 20.

Noes — Senators Adelman, Chvala, Engeleiter, Feingold, Harsdorf, Lekan, Lorman, Norquist, Risser and Stitt — 10.

Absent or not voting — None.

So the joint resolution was ordered to a third reading.

Senator Strohl asked unanimous consent that the rules be suspended and the joint resolution be considered for final action at this time.

Senator Risser objected.

Senator Strohl moved that the rules be suspended and the joint resolution be considered for final action at this time.

The question was: Shall the rules be suspended and the joint resolution be considered for final action at this time?

The ayes and noes were required and the vote was: ayes, 20; noes, 10; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Chilsen, Czarnezki, Davis, Ellis, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Moen, Plewa, Roshell, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 20.

Noes — Senators Adelman, Chvala, Engeleiter, Feingold, Harsdorf, Lekan, Lorman, Norquist, Risser and Stitt — 10.

Absent or not voting — None.

Two-thirds having voted in the affirmative, the rules were suspended and the joint resolution was considered for final action at this time.

Assembly Joint Resolution 3

Read a third time.

The question was: Concurrence of the joint resolution?

Senator Czarnezki in the chair.

11:43 A.M.

The question was: Concurrence of **Assembly Joint Resolution 3**?

The ayes and noes were required and the vote was: ayes, 19; noes, 11; absent or not voting, 0; as follows:

JOURNAL OF THE SENATE [February 3, 1987]

Ayes — Senators Andrea, Chilsen, Czarnezki, Davis, Ellis, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Moen, Plewa, Roshell, Rude, Strohl, Te Winkle and Van Sistine — 19.

Noes — Senators Adelman, Chvala, Engeleiter, Feingold, Harsdorf, Llean, Lorman, Norquist, Risser, Stitt and Ulichny — 11.

Absent or not voting — None.

So the joint resolution was concurred in.

Senator Strohl asked unanimous consent that all action be ordered immediately messaged.

Senator Risser objected.

Senator Strohl asked unanimous consent that the rules be suspended and all action be ordered immediately messaged.

Senator Risser objected.

Senator Strohl moved that the rules be suspended and all action be ordered immediately messaged.

The question was: Shall the rules be suspended and all action be ordered immediately messaged?

The ayes and noes were required and the vote was: ayes, 21; noes, 9; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Chilsen, Czarnezki, Davis, Ellis, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Moen, Norquist, Plewa, Roshell, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 21.

Noes — Senators Adelman, Chvala, Engeleiter, Feingold, Harsdorf, Llean, Lorman, Risser and Stitt — 9.

Absent or not voting — None.

More than two-thirds having voted in the affirmative, the rules were suspended and all action was ordered immediately messaged.

By request of Senator Andrea, with unanimous consent, the senate adjourned in honor of Tom Braatz of Kenosha.

Upon motion of Senator Strohl the senate adjourned until 10:00 A.M. Thursday, February 5.

11:55 A.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Joint Resolution 7

Correctly enrolled and deposited in the office of the Secretary of State on January 30, 1987.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 59

1. Page 1, line 2: on lines 2 and 6, substitute "lake bed" for "lakebed".

2. Page 1, line 4: substitute "LAKE BED" for "LAKEBED".

3. Page 2, line 15: substitute "LAKE BED" for "LAKEBED".

4. Page 2, line 17: on lines 17, 19, 22, 23 and 25, substitute "lake bed" for "lakebed".

5. Page 2, line 21: substitute "Lake bed" for "Lakebed".

Senate Bill 72

1. Page 97, line 13: substitute "December" for "Decmeber".