

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

TUESDAY, April 28, 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 Pastor Henry Floyd Mattson of the LaCrosse Seventh Day Adventist Church, LaCrosse.

The senate remained standing and Senator Roshell 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, Buettner, Chilsen, Chvala, Cowles Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasec, Lee, Leraan, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Absent — None.

Absent with leave — None.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 223

Relating to an income and franchise tax exemption for compensation for well contamination and excluding that compensation from income in computing the homestead and farmland preservation credits.

By Senators Te Winkle and Harsdorf; cosponsored by Representative Potter.

Read first time and referred to Joint Survey Committee on Tax Exemptions.

Senate Bill 224

Relating to an income tax credit for federal retirement pay.

By Senators Plewa, Andrea, Van Sistine and Buettner; cosponsored by Representatives Hauke, Wood, Medinger, Vanderperren, Seery, Porter, Swoboda, Musser, Schultz, Black and Clarenbach.

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

COMMITTEE REPORTS

The committee on Urban Affairs, Energy, Environmental Resources and Elections reports and recommends:

Senate Bill 13

Relating to authorizing counties and towns to appoint alternate members of zoning appeals boards.

Passage:

Ayes, 5 -- Senators Lee, Chvala, Norquist, Ellis and Lasec;

Noes, 0 -- None.

Senate Bill 128

Relating to the cession of certain submerged lands in Lake Michigan to the county of Milwaukee and procedures concerning lake bed grants.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Lee, Chvala, Norquist, Ellis and Lasec;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Lee, Chvala, Norquist, Ellis and Lasec;

Noes, 0 -- None.

MORDECAI LEE
Chair

The committee on Transportation, Tourism and Conservation reports and recommends:

CLEMENTS, SYLVESTER G., of Coon Valley, as a member of the Minnesota-Wisconsin Boundary Area Commission, to serve for the term ending September 25, 1991.

Confirmation:

Ayes, 5 -- Senators Kincaid, Moen, Roshell, Andrea and Rude;

Noes, 0 -- None.

Senate Bill 103

Relating to the length of certain semitrailers operated as part of double bottom vehicle combinations.

Passage:

Ayes, 5 -- Senators Kincaid, Moen, Roshell, Andrea and Rude;

Noes, 0 -- None.

Senate Bill 105

Relating to excepting overweight vehicles transporting livestock on certain highways from a reloading or unloading requirement.

Passage:

Ayes, 6 -- Senators Kincaid, Moen, Roshell,
Andrea, Kreul and Leean;

Noes, 0 -- None.

Senate Bill 180

Relating to exempting vehicles used for rural mail delivery from certain parking and stopping restrictions.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Kincaid, Moen, Roshell,
Andrea and Rude;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Kincaid, Moen, Roshell,
Andrea and Rude;

Noes, 0 -- None.

Senate Bill 184

Relating to ex-prisoner of war registration plates.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Kincaid, Moen, Roshell,
Andrea and Rude;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Kincaid, Moen, Roshell,
Andrea and Rude;

Noes, 0 -- None.

LLOYD KINCAID
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 19

Relating to observing the week of May 3 to 9, 1987, as Suicide Awareness Week.

Concurrence:

Ayes, 4 -- Senators Risser, Strohl, Norquist and
Ellis;

Noes, 1 -- Senator Engeleiter.

Assembly Joint Resolution 21

Relating to the Federation of Jewish Men's Clubs' Annual Conference.

Concurrence:

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

Noes, 0 -- None.

Senate Joint Resolution 26

Proclaiming May 3, 1987, Trzeciego Maja Day.

Adoption:

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

Noes, 0 -- None.

FRED A. RISSER
Chair

The committee on Senate Organization reports and recommends the following nominations to committee for appointment by the Senate:

Senator Kincaid to the Council on Tourism
Senator Leean to the Council on Tourism
Senator Buettner to the committee on Aging,
Banking, Commercial Credit and Taxation
Senator Weeden to the committee on Aging,
Banking, Commercial Credit and Taxation
Senator Cowles to the committee on Economic
Development, Financial Institutions and Fiscal Policies
Senator Weeden to the committee on Economic
Development, Financial Institutions and Fiscal Policies
Senator Buettner to the committee on Housing,
Government Operations and Cultural Affairs
Senator Cowles to the committee on Housing,
Government Operations and Cultural Affairs
Senator Buettner to the committee on Judiciary and
Consumer Affairs
Senator Stitt to the committee on Judiciary and
Consumer Affairs
Senator Weeden to the committee on Transportation,
Tourism and Conservation
Senator Cowles to the joint committee for Review of
Administrative Rules
Senator Buettner to the council on Child Labor
Senator Weeden to the community Development
Finance Authority
Senator Lee to the Legislative Council
Senator Moen to the Legislative Council
Senator Czarnezki to the Legislative Council
Senator Kreul to the Legislative Council
Senator Harsdorf to the Legislative Council
FRED A. RISSER
Chair

The question was: Shall the appointments be confirmed?
Confirmed.

PETITIONS AND COMMUNICATIONS

Wisconsin State Senate

April 24, 1987

To the Honorable the Legislature

I am writing to notify you of my resignation from the committee on Economic Development, Financial Institutions and Fiscal Policies. In my place, I would like to appoint Senator Tim Weeden.

Thank you for your consideration on this matter.

Sincerely,
SUSAN S. ENGELEITER
State Senator

Wisconsin State Senate

April 24, 1987

To the Honorable the Legislature

Effective immediately, I hereby resign from the Senate committee on Transportation, Tourism and Conservation.

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I have enjoyed the participation and issues as a member of the committee. This resignation is due to new commitments on the Property Tax Commission and Tourism Council and because newly elected Republican senators are available to be appointed to the committee.

Sincerely,
JOE LEEAN
State Senator

Wisconsin State Senate

April 21, 1987

To the Honorable the Legislature

With this letter I am submitting my resignation as a member of the Senate committee on Economic Development, Financial Institutions and Fiscal Policies. My resignation is effective with the appointment of a successor by the committee on Senate Organization.

Thank you for your consideration on this matter.

Sincerely,
J. M. DAVIS
State Senator

Wisconsin State Senate

April 21, 1987

To the Honorable the Legislature

I am hereby submitting my irrevocable resignation from the Senate committee on Aging, Banking, Commercial Credit and Taxation and the Senate committee on Housing, Government Operations and Cultural Affairs effective upon the naming of replacements for those assignments.

Sincerely,
MICHAEL G. ELLIS
State Senator

State of Wisconsin
Legislative Council

April 23, 1987

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1987 Legislature on legislation introduced by the Legislative Council:

RL 87- 7 — Legislation on Crimes Against Children (Senate Bill 203)

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.

Sincerely,
BONNIE REESE
Executive Secretary

State of Wisconsin
Legislative Council

April 20, 1987

To the Honorable the Senate:

Under s. 13.93(2)(d), Stats., the Revisor of Statutes is directed to:

'...report to the law revision committee those reported opinions of the attorney general, and

those reported decision of any federal district court, or any state or federal appellate court, in which Wisconsin statutes or session laws are stated to be in conflict, ambiguous, anachronistic, unconstitutional or otherwise in need of revision.'

At its March 24, 1987, meeting, the Law Revision Committee discussed the sixteen cases and opinions which are listed below. A copy of Discussion Paper 87-3, which contains a summary of these cases and opinions, may be obtained from the Legislative Council Offices. The Law Revision Committee's disposition of these cases and opinions is described in the Summary of Proceedings of its March 24, 1987, meeting, also available from the Legislative Council Offices.

1. SUPREME COURT DECISION: State ex rel. Newspapers, Inc., v. Circuit Court for Milwaukee County, 124 Wis. 2d 499, 370 N.W. 2d 209, (1985)
2. COURT OF APPEALS DECISION: Gavus v. Maroney, 127 Wis. 2d 69, 377 N.W. 2d 200 (Ct. App. 1985)
3. SUPREME COURT DECISION: In Interest of E.C., 130 Wis. 2d 376, 387 N.W. 2d 72 (1986)
4. SUPREME COURT DECISION: State ex rel. Watts v. Combined Community Services Board of Milwaukee County, 122 Wis. 2d 65, 362 N.W. 2d 104 (1985)
5. COURT OF APPEALS DECISION: County of Racine v. Smith, 122 Wis. 2d 431, 362 N.W. 2d 439 (Ct. App. 1984)
6. COURT OF APPEALS DECISION: In Matter of M.J., 122 Wis. 2d 525, 362 N.W. 2d 190 (Ct. App. 1984)
7. COURT OF APPEALS DECISION: State ex rel. Good Samaritan Medical Center-Deaconess Hospital Campus v. Maroney, 123 Wis. 2d 89, 365 N.W. 2d 887 (1985)
8. COURT OF APPEALS DECISION: Zobel v. Fenendael, 127 Wis. 2d 382, 379 N.W. 2d 887 (Ct. App. 1985)
9. SUPREME COURT DECISION: Milwaukee Brewers Baseball Club v. Wisconsin Department of Health and Social Services, 130 Wis. 2d 79, 387 N.W. 2d 254 (1986)
10. COURT OF APPEALS DECISION: Trojan v. Board of Regents of the University of Wisconsin System, 128 Wis. 2d 270, 382 N.W. 2d 75 (Ct. App. 1985)
11. OPINION OF THE ATTORNEY GENERAL: 74 OAG 59 (1985)
12. U.S. DISTRICT COURT DECISION: Wisconsin Hospital Association v. Reivitz, 630 F. Supp. 1015 (D.C.E.D. Wis. 1986)
13. COURT OF APPEALS DECISION: Obstetrical & Gynecological Associates of Neenah v. Landig, 129 Wis. 2d 362, 384 N.W. 2d 719 (Ct. App. 1986)
14. COURT OF APPEALS DECISION: Pabst Brewing Company v. Wisconsin Department of Revenue, 130 Wis. 2d 291, 387 N.W. 2d 121 (Ct. App. 1986)

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15. U.S. SUPREME COURT DECISION: Wisconsin Department of Industry, Labor and Human Relations v. Gould Inc., 106 S. Ct. 1057 (1986)

16. U.S. DISTRICT COURT DECISION: Waukesha Engine Division v. Department of Industry, Labor and Human Relations, 619 F. Supp. 1310 (D.C.W.D. Wis. 1985)

For the information of the membership, we would appreciate your including this letter in the Journal.

FRED A. RISSER
Co-Chair
Law Revision Committee

THOMAS M. BARRETT
Co-Chair
Law Revision Committee

State of Wisconsin
Office of the Secretary of State

April 21, 1987

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(7):

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

ANDORFER, JOHN W., W333 S309 Glen Oaks Dr., Delafield, WI 53018 (414) 646-8234

1) Roundy's, Inc., Attn: Robert G. Turcott, 23000 Roundy Dr., Pewaukee, WI 53072 (414) 547-7999 (all matters relating to the food manufacturing, wholesaling and retailing business)

CHRISTIANSON, PETER C., 660 E. Mason St., Milwaukee, WI 53202 (414) 271-5900

1. Davis-Kuelthau S.C., Attn: Daniel J. Minahan, 250 E. Wisconsin Ave., Ste. 800, Milwaukee, WI 53202 (414) 276-0200 (matters affecting the judicial review of decision rendered by the tax appeals committee)

COENEN, THOMAS., P. O. Box 6, McFarland, WI 53558 (608) 838-8126

1. Wisconsin Bakers Association, Attn: Joseph Pipp, 161 W. Wisconsin Ave., Ste. 5110, Milwaukee, WI 53203 (414) 289-0669 (commerce and consumer affairs); 2. Wisconsin Assn. of Campgrounds, Attn: Jim Kollock, Rt. 1, Box 109, Bancroft, WI 54921 (715) 335-6860 (licensing, health and social services, DNR, DOD)

GOYKE, GARY R., 22 N. Carroll, Madison, WI 53703 (608) 251-5997

1. WI Assn. of Textile Services, Attn: Gary Gunderson, 41 Main St., Menasha, WI 54952 (414) 722-7733 (all areas of state regulation related to commercial laundries); 2. WI Educational Media Assn., Attn: David Graf, P.O. Box 203, Menomonie, WI 54751 (715) 232-1202 (all matters affecting K-12, VTAE, university library and media issues)

HUMPHREYS, GAIL, 22 N. Carroll, Madison, WI 53703 (608) 251-5997

1. WI Educational Media Assn., Attn: David Graf, P.O. Box 203, Menomonie, WI 54751 (715) 232-1202 (all matters affecting K-12, VTAE, university library and media issues)

LAWLESS, TIMOTHY D., 1210 N. Van Buren St., Apt. 1, Milwaukee, WI 53202 (414) 273-3827

1. Metro Milwaukee Assn. of Commerce, Attn: Timothy R. Sheehy, 756 N. Milwaukee St., Milwaukee, WI 53202 (414) 273-3000 (issues of interest to the Metro Milwaukee Business Community)

NELSON, RUTHANN, 22 N. Carroll, Madison, WI 53703 (608) 251-5997

1. WI Assn. of Textile Services, Attn: Gary Gunderson, 41 Main St., Menasha, WI 54952 (414) 722-7733 (all areas of state regulation related to commercial laundries)

NUNNERY, WILLIE J., P. O. Box 5510, 7617 Mineral Point Rd., Madison, WI 53705 (608) 833-7617

1. Seville Flexpack Corp., Walter J. Yakich, Pres., 9905 S. Ridgeview Dr., Oak Creek, WI 53154 (414) 761-2751 (Assistant with Executive and Legislative Branch in waiving DNR regulation)

TEVIK, ROBERT L., 122 W. Washington Ave., Madison, WI 53703 (608) 267-2380

1. League of WI Municipalities, 122 W. Washington Ave., Madison, WI 53703 (608) 267-2380 (actions affecting cities and villages)

TERMINATIONS:

DAVENPORT, ROBERT WHEELER, 1045 E. Dayton St., Madison, WI, termination effective April 20, 1987;

1. Engineers Legislative Alliance of Wisconsin; 2. WI Society of Professional Engineers

STATE AGENCIES

Wisconsin Housing and Economic Development Authority, 1 S. Pinckney St., Ste. 500, P.O. Box 1728, Madison, WI 53701-1728, Richard J. Longebaugh (Agriculture), Mary Anderson, March Schweitzer (housing, bonding, economic development, laws which affect the Authority)

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

April 17, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RUTH ANN STROZINSKY of Tomah to the Board of Aging and

Long-Term Care, pursuant to the statute governing, to serve a term to expire May 1, 1992.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Aging, Banking, Commercial Credit and Taxation.

State of Wisconsin
Office of the Governor

April 23, 1987

To the Honorable the Legislature:

Enclosed is an amended notice concerning the appointment of Charlotte McEssy to the Educational Communications Board. Notable are the following changes from the original version:

1. Mrs. McEssy will be succeeding Candy Kending of Bennett, not filling a vacancy as was originally designated.
2. The four-year term of the appointment concludes on July 1, 1991, not July 1, 1990.
3. The effective date of the appointment is July 1, 1987.

I hope you will feel free to contact my Appointments staff if there are any further problems or questions.

Sincerely,
TOMMY G. THOMPSON
Governor

CALENDAR OF APRIL 28, 1987

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

DELONG, DELMAR E., of Clinton, as a member of the State Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1993.
Read.

McESSY, CHARLOTTE H., of Fond du Lac, as a member of the Educational Communications Board, to serve for the term ending July 1, 1990.
Read.

NELSON, ERNEST "JACK" C., of Iron River, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1989.
Read.

PETERS, WAYNE R., of Eau Claire, as a member of the Wisconsin Housing and Economic Development Authority Board, to serve for the term ending January 1, 1991.
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, Andrea, Buettner, Chilsen, Chvala, Cowles 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, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

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

Senate Clearinghouse Rule 86-238

Relating to approval and supervision of activity groups for inmates of adult correctional institutions, discipline for unauthorized group activities and administrative confinement for gang leaders.

No action taken.

RODNEY C. MOEN
Chair

CALENDAR OF APRIL 28, 1987

Senate Bill 9

Relating to use of profits from bingo games by a licensed organization.

Read a second time.

Senate amendment 1 by Senator Lee.

The question was: Adoption of senate amendment 1?
Adopted.

Ordered to a third reading.

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

Senate Bill 9

Read a third time and passed.

Senate Bill 27

Relating to self-service storage facilities.

Read a second time.

Senate amendment 1 to senate amendment 1 by Senator Davis.

The question was: Adoption of senate amendment 1 to senate amendment 1?
Adopted.

The question was: Adoption of senate 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.

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Senate Bill 27

Read a third time and passed.

Senate Bill 68

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

Read a second time.

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 68

Read a third time and passed.

Senate Bill 116

Relating to liability for general relief emergency medical treatment and hospitalization.

Read a second time.

The question was: Adoption of senate 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 116

Read a third time and passed.

Senate Bill 166

Relating to establishing a speed limit of 65 miles per hour for rural interstate highways.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 166** was referred to joint committee on Finance.

Assembly Bill 26

Relating to location of jails.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 26

Read a third time and concurred in.

By request of Senator Roshell, with unanimous consent, the senate recessed until 11:25 A.M.

10:40 A.M.

RECESS

11:25 A.M.

The senate reconvened.

MOTIONS

By request of Senator Strohl, with unanimous consent, the rules were suspended and **Senate Joint Resolution 26** was considered at this time.

Senate Joint Resolution 26

Proclaiming May 3, 1987, Trzeciego Maja Day.

Read.

Adopted.

By request of Senator Strohl, with unanimous consent, the rules were suspended and **Assembly Joint Resolution 19** was considered at this time.

Assembly Joint Resolution 19

Relating to observing the week of May 3 to 9, 1987, as Suicide Awareness Week.

Read.

Concurred in.

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

COMMITTEE REPORTS

The committee on Senate Organization, in accordance with Senate Rule 20(1) and Senate Resolution 4, reports and recommends the following nominations to committee for appointment by the Senate:

Senators to the Senate Select Committee on the Regulation of Gambling:

Senator Van Sistine, Co-Chair

Senator Roshell, Co-Chair

Senator Plewa

Senator Jauch

Senator Risser

Senator Kreul

Senator Chilsen

Senator Harsdorf

FRED A. RISSER

Chair

The question was: Shall the appointments be confirmed?

Confirmed.

By request of Senator Lee, with unanimous consent, **Senate Bill 176** was withdrawn from the committee on Aging, Banking, Commercial Credit and Taxation 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.

Upon motion of Senator Strohl the senate adjourned until 10:00 A.M. Thursday, April 30.

11:33 A.M.