

JOURNAL OF THE SENATE

Eighty-Fourth Regular Session

TUESDAY, December 11, 1979.

The chief clerk makes the following entries under the above date.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 474

Relating to establishing a system of marital partnership property shared by husband and wife.

By Senators Flynn, Bablitch, Adelman, Radosevich, Roshell, Risser, Cullen, Berger, Goyke, Thompson, Moody, Harnisch, Braun, Bear and Strohl; cosponsored by Representatives Munts, Ulichny, Stitt, Rutkowski, Tesmer, Shoemaker, Schmidt, Everson, Byers, Roberts, Swoboda, Wahner, Prosser, Harsdorf, Hasenohrl, Miller, Medinger, Laatsch, Lallensack, Potter, Quackenbush, Smith, Barry, Behnke, Dorff, Gerlach, Fischer, Ferrall, Andrea, Becker, Lec, Soucie, D. Travis, Wagner, Radtke, R. Travis, Vanderperren, Broydrick, Clarenbach, Flintrop, Harer, Helbach, Johnson, Kedrowski, Leopold, Loftus, Lingren, McClain, Menos, Conradt, Metz, Cogg, Jackamonis, Kincaid and Duren.

To Joint Survey committee on Tax Exemptions.

Senate Bill 475

Relating to the transportation of loads of coal within 5 miles of the Michigan-Wisconsin border.

By Senator Krueger.

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

Senate Bill 476

Relating to reports to law enforcement officials concerning certain injuries and providing a penalty.

By Senator Frank.

To committee on Judiciary and Consumer Affairs.

Senate Bill 477

Relating to permitting mutual savings banks to establish checking services and increasing their required reserve.

By Senators Cullen and Roshell; cosponsored by Representatives Johnson, Murray and Leopold, by request of the Mutual Savings Banks.

JOURNAL OF THE SENATE

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

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends for introduction:

Senate Bill 478

Relating to requiring inclusion of a conspicuous statement and warning on documents furnished by brokers or salespersons for use as listing contracts or offers to purchase, requiring real estate brokers and salespersons to use forms approved by the real estate examining board, requiring the real estate examining board to approve only forms which are written in plain language and legible, prohibiting discrimination by real estate brokers or salespersons and granting rule-making authority.

By request of Department of Regulation and Licensing and Real Estate Examining Board.

Introduction:

Ayes, 4 -- Senators Adelman, Bear, Harnisch and Braun;

Noes, 1 -- Senator Murphy.

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

LYNN S. ADELMAN
Chair

The committee on Human Services reports and recommends:

GREGORY, ROBERT E., of Colfax, as a member of the Nursing Home Administrator Examining Board, to succeed Joan Dongarra, to serve for the term ending July 1, 1982.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

FROELICK, ROBERT, of Marinette, as a member of the Chiropractic Examining Board, to succeed Sister Mary Grace Micke, to serve for the term ending July 1, 1985.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

JOURNAL OF THE SENATE

KUCK, JACQUELINE, of Merrill, as a member of the Funeral Directors and Embalmers Examining Board, to succeed Steven Barney, to serve for the term ending July 1, 1982.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

JOHN, HELEN K., R.N., of Marinette, as a member of the Cosmetology Examining Board, to succeed Mary Green Loving, to serve for the term ending July 1, 1982.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

PIPPIN, THOMAS, of Madison, as a member of the Hearing Aid Dealers and Fitters Examining Board, to succeed Duane Tremmel, to serve for the term ending July 1, 1983.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

O'BEE, ERNESTINE, of Milwaukee, as a member of the Funeral Directors and Embalmers Examining Board, to succeed Clarence Novitzke, to serve for the term ending July 1, 1981.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

WEBSTER, DR. CARL, of Whitehall, as a member of the Chiropractic Examining Board, to succeed Henry Zastrow, to serve for the term ending July 1, 1985.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

HEYDEN, DR. DONALD, of Kenosha, as a member of the Optometry Examining Board, to succeed Randall Ahlstrom, to serve for the term ending July 1, 1984.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

JOURNAL OF THE SENATE

BOETTCHER, ELVIN E., of Green Bay, as a member of the Barbers Examining Board, to succeed Eva M. Zimmerman, to serve for the term ending July 1, 1982.

Confirmation:

Ayes, 3 -- Senators Thompson, Strohl and Opitz;

Noes, 0 -- None.

CARL W. WHOMPSON

Chair

The joint committee on Finance reports and recommends:

Senate Bill 249

Relating to the procedure for determining paternity.

Adoption of senate amendment 2 to senate substitute amendment 2:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

Adoption of senate amendment 3 to senate substitute amendment 2:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

Adoption of senate substitute amendment 2 as amended:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

Passage as amended:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

JOURNAL OF THE SENATE

Senate Bill 339

Relating to commitment and treatment of persons convicted of sex crimes.

Adoption of senate substitute amendment 1:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

Passage as amended:

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

Senate Bill 344

Relating to various changes in crime victims compensation.

Introduction and adoption of senate amendment 2:

Ayes, 11 -- Senators Kleczka, Flynn, Offner, Braun and Radosevich, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 2 -- Senators Maurer and Chilsen.

Introduction and adoption of senate amendment 3:

Ayes, 13 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

Passage as amended:

Ayes, 11 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts and Lingren;

Noes, 2 -- Representatives Norquist and Ellis.

Senate Bill 345

Relating to crime victims compensation, creating a crime victims compensation board and making appropriations.

Introduction and adoption of senate amendment 1 to senate substitute amendment 3:

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

Adoption of senate substitute amendment 3 as amended:

JOURNAL OF THE SENATE

Ayes, 12 -- Senators Kleczka, Maurer, Flynn, Braun, Radosevich and Chilsen, Representatives Johnson, Otte, Roberts, Lingren, Norquist and Ellis;

Noes, 0 -- None.

Passage as amended:

Ayes, 11 -- Senators Kleczka, Maurer, Flynn, Offner, Braun, Radosevich and Chilsen. Representatives Johnson, Otte, Roberts and Lingren;

Noes, 1 -- Representative Ellis.

GERALD D. KLECZKA
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

December 4, 1979.

To the Honorable, the Senate

Senators:

I have the honor to transmit to you pursuant to s. 13.67 (2), the names of the registered lobbyists for the period beginning on November 28, 1979, and ending on December 4, 1979.

Yours very truly,
VEL PHILLIPS
Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number; the code numbers indicating areas of Legislative action; the code numbers indicating areas of administrative action.

Kuehn, Ronald W., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; Aetna Life and Casualty Co., 151 Farmington Ave., Hartford, CT 06156 (203) 273-7715; 14; 138; Allstate Life Insurance Co, Allstate Plaza, Northbrook, ILL 60092 (312) 291-5775; 14, 138.

Dexter, Calvin R., 330 E. Lakeside St., Madison, WI 53715 (608) 257-6781; State Medical Society of Wisconsin, 330 E. Lakeside St., Madison, WI 53715 (608) 257-6781; 3, 5, 7, 8-14, 17-20, 22; 101, 129, 138, 143, 150, 155, 161, 163, 164, 166, 174, 180.

JOURNAL OF THE SENATE

Rothe, Victor E., 2303 E. Thomas Rd., Phoenix, AZ 85016 (602) 955-9670; Hamilton Test Systems, Inc., Windsor Locks, CT 06096 (203) 623-1621, Ext. 2175; 3, 11, 13, 18, 23; 129, 136, 144, 176, 184.

Carr, Bradley D., 733 N. Van Buren St., Milwaukee, WI 53202 (414) 271-5200; Pabst Brewing Co., 917 W. Juneau, Milwaukee, WI 53201 (414) 271-5200; 1, 3, 9, 10, 13, 15, 17, 21, 22, 26; 109, 116, 140, 150, 170, 174, 175.

Kunes, Thomas P., Residuals Management Technology, Inc., Suite 122, 1406 E. Washington Ave., Madison, WI 53703 (608) 255-2134; Exxon Minerals Co, USA (an operating division of Exxon Co., U.S.A. a division of Exxon Corporation), P.O. Box 2180; Houston, TX 77001 (713) 656-2511; 116, 140, 144.

Nichols, David G., Residuals Management Technology, Inc., Suite 122, 1406 E. Washington Ave., Madison, WI 53703 (608) 255-2134; Exxon Minerals Co. USA, (an operating division of Exxon Co, U.S.A., a division of Exxon Corp.) P.O. Box 2180, Houston TX (713) 656-2511; 116, 140, 144.

NOTE: Address change

Hough, James E., lobbyist for Electrofert, Inc., (608) 238-7688, 3240 University Ave., Suite 208, Madison, WI 53705.

Sheffergen, Thomas R., lobbyist for Wisconsin Society of Professional Engineers, 1045 E. Dayton St., Madison, WI 53703.

NOTE: Termination

Bevan, Murray E., State Medical Society of Wisconsin, effective November 30, 1979.

The chart of code numbers can be found on pages 99 and 100 of the Senate Journal of February 6, 1979.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

December 5, 1979.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

JOURNAL OF THE SENATE

Senate Bill	Chapter No.	Date Approved
146 -----	102 -----	December 5, 1979
212 -----	103 -----	December 5, 1979

Sincerely,
LEE SHERMAN DREYFUS
 Governor

State of Wisconsin
 Office of the Governor
 Madison, Wisconsin

December 7, 1979.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Chapter No.	Date Approved
44 -----	108 -----	December 7, 1979

Sincerely,
LEE SHERMAN DREYFUS
 Governor

State of Wisconsin
 Office of the Governor
 Madison, Wisconsin

December 5, 1979.

To the Honorable, the Senate:

I am returning **Senate Bill 99** without my approval.

The Wisconsin Housing Finance Authority and the chair of the Senate Insurance and Utilities Committee have requested that this bill be sent back to the Legislature for reconsideration.

They have identified in Section 6 of the bill a potential technical breach of the state's covenant in Section 234.19 of the Statutes not to "limit or alter . . . or in any way impair the rights and remedies" of Wisconsin Housing Finance bond or note holders. Prompt legislative reconsideration of this bill will insure maximum marketability of WHFA debt and in turn the state's instrumentalities.

Sincerely,
LEE SHERMAN DREYFUS
 Governor

JOURNAL OF THE SENATE

State of Wisconsin
Office of the Governor
Madison, Wisconsin

December 5, 1979.

To the Honorable, the Senate:

I am returning **Senate Bill 144** without my approval.

This bill is almost a classic case of government getting into regulation and licensing without a need being clearly shown.

This bill would accomplish two things I not only campaigned against, but have instructed my own administration to guard against, namely unnecessary regulation and the proliferation of advisory boards and councils.

The bill's requirement that all claims adjusters be licensed is clearly not a reaction to any current pattern of consumer abuse on the part of the insurance adjusters. The Insurance Commissioner indicates that there is no apparent problem. Even the Legislative Council admits that the licensing requirement was introduced just in case a need to regulate adjusters arose in the future. I do not support increased government regulation "just in case"; the problem must be real and even then review is required to determine if state involvement is the better approach.

The bill also creates a Claims Adjustment Advisory Council and requires that no administrative rules regarding claims adjustment could be promulgated without prior consultation with the council. The administrative rule review procedure recently established over my veto is complicated enough without adding another layer of bureaucracy to contribute delay and additional confusion.

For these reasons, I have vetoed this bill.

Sincerely,
LEE SHERMAN DREYFUS
Governor

State of Wisconsin
Office of the Governor
Madison, Wisconsin

December 5, 1979.

To the Honorable, the Senate:

I am returning **Senate Bill 23** without my approval

Although this bill does provide for some positive and desirable changes in insurance company liquidation procedures, it also creates

JOURNAL OF THE SENATE

an elaborate superstructure to administer a rather small program and excludes a significant portion of the insurance market from coverage under the bill. The bill would set up a security fund board without clearly defining the limits of the board's authority and without imposing appropriate controls on the board's budget. The bill would also establish a separate administrative rule procedure applicable only to rules proposed by the Board. I see no rationale for removing such rule-making authority from the Insurance Commissioner and I strongly oppose any measure which would make more complex the already complicated administrative rules procedure which was passed over my veto. Finally, this bill, by excluding surety bonds from coverage by the fund, appears to run counter to the stated purpose of the Wisconsin Insurance Security Fund to continue coverage for all insurance losses due to liquidation.

The Legislative Council, which introduced and sponsored the bill, also recognizes the bill's failure to adequately address this area of insurance law -- their preliminary note to the bill states that "no effort has been made to produce a bill that now can be regarded as a final solution," and the "development of such a law at this point would have unduly extended the life" of the Insurance Laws Revision Committee. I urge further consideration and study of this area so that a final solution can be achieved.

Sincerely,
LEE SHERMAN DREYFUS
Governor

INTRODUCTION OF CLEARINGHOUSE RULES

Clearinghouse Rule 79-55

A rule to create Chs. PC1 to 6, relating to rules of the Personnel Commission.

Submitted by Personnel Commission.

Referred to committee on Governmental and Veterans' Affairs.

Clearinghouse Rule 79-56

A rule to create Ch. Ag 32, relating to retail food establishments.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Referred to committee on Human Services.

JOURNAL OF THE SENATE

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 323** by Senator Risser.

Senate substitute amendment 1 to **Assembly Bill 849** by Senator Thompson.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Joint Resolution 30

Correctly enrolled and deposited in the Office of the Secretary of State on December 11, 1979.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 112

1. On page 15, line 23, after "chairman", insert "shall be nominated by the committee and approved by the county boards establishing it."

Senate Bill 261

1. On line 10, substitute a period for the colon.

Senate Bill 292

1. On line 12, substitute a period for the colon.

Senate Bill 395

1. On page 6, delete the text beginning with "insurance" on line 9 and ending with the plain "the" on line 12.

Senate Bill 444

1. On page 5, line 15, substitute "767.081" for "765.081".

Senate Bill 466

1. On page 1, line 10, delete "subject to legislative review".