

JOURNAL OF THE SENATE

Eighty-Fourth Regular Session

WEDNESDAY, January 16, 1980.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 514

Relating to voting by persons owning property within public inland lake protection and rehabilitation districts and providing for a referendum.

By Senator Opitz.

To committee on Natural Resources and Tourism.

Senate Bill 515

Relating to eliminating the boards of natural resources, agriculture, trade and consumer protection and veterans affairs and changing the departments of natural resources, agriculture, trade and consumer protection and veterans affairs to a cabinet form of government headed by a secretary, changing the method of appointment of the secretary of regulation and licensing, changing the method of removal of state officers, and creating councils.

By Senators McCallum, Bablitch, Flynn, Risser, Hanaway and Braun; cosponsored by Representatives Wahner, Prosser and Ellis, by request of Governor Lee S. Dreyfus.

To committee on Governmental and Veterans' Affairs.

Senate Bill 516

Relating to retirement pay for members of the national guard, granting rule-making authority and making an appropriation.

By Senator Thompson, by request of the Wisconsin National Guard.

To Joint Survey committee on Retirement Systems.

Senate Bill 517

Relating to hunting from airplanes and using airplanes for hunting and increasing penalties.

By Senator Lorge; cosponsored by Representative Conradt.

To committee on Natural Resources and Tourism.

JOURNAL OF THE SENATE

Senate Bill 518

Relating to fermented malt beverage and intoxicating liquor licenses for veterans' organizations.

By Senators Swan, Lorge, Krueger, Hanaway and Thompson; cosponsored by Representative Lallensack.

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

Senate Bill 519

Relating to permitting county boards to publicize the names of child support defaulters.

By Senator Kleczka; cosponsored by Representatives Hauke, Klicka, Behnke, Broydrick, Pabst and Tuczynski, by request of Milwaukee County.

To committee on Governmental and Veterans' Affairs.

Senate Bill 520

Relating to expanding the area of operation of housing authorities of 1st class cities to include the county in which a majority of the city's population resides plus adjacent counties.

By Senators Berger, Braun and Moody.

To committee on Governmental and Veterans' Affairs.

Senate Bill 521

An act to appropriate \$2,895.38 from the general fund for payment of a claim made by Gerald Pippin against the state.

By Senator Thompspon, by request of Mr. Gerald Pippin of Middleton.

To joint committee on Finance.

Senate Bill 522

Relating to attendance of the incompetent at protective placement and guardianship hearings.

By Senators Flynn and Adelman, by request of Attorney Stephen Hayes.

To committee on Judiciary and Consumer Affairs.

Senate Bill 523

Relating to labeling requirements for ice cream.

By Senators Roshell, Bidwell and Maurer; cosponsored by Representative Shoemaker.

To committee on Agriculture, Labor and Local Affairs.

JOURNAL OF THE SENATE

Senate Bill 524

Relating to transferring the authority of the county auditor to the director of the county department of administration concerning preparation of the county budget, and to removing the definition of surplus funds as applied to budgetary determinations in counties with population of 500,000 or more.

By Senators Swan, Frank and Johnston; cosponsored by Representatives Becker, Broydrick and Pabst, by request of Milwaukee County.

To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

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.

Passage:

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

Noes, 0 -- None.

Assembly Bill 8

Relating to battery to persons 62 years of age or older and providing a penalty.

Introduction and adoption of senate substitute amendment 1:

Ayes, 3 -- Senators Adelman, Braun and Harnisch;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 3 -- Senators Adelman, Braun and Harnisch;

Noes, 0 -- None.

Assembly Bill 169

Relating to domestic abuse, creating a council on domestic abuse, creating an appropriation and providing penalties.

Concurrence:

JOURNAL OF THE SENATE

Ayes, 3 -- Senators Adelman, Harnisch and Braun;
Noes, 0 -- None.

Assembly Bill 313

Relating to reimbursement for clothing for crime victims.

Introduction and adoption of senate amendment 1:

Ayes, 3 -- Senators Adelman, Harnisch and Braun;
Noes, 0 -- None.

Concurrence as amended:

Ayes, 3 -- Senators Adelman, Braun and Harnisch;
Noes, 0 -- None.

Assembly Bill 326

Relating to claim procedures against government entities and employees, and statutes of limitation.

Introduction of senate amendment 1:

Ayes, 3 -- Senators Adelman, Harnisch and Braun;
Noes, 0 -- None.

Rejection of senate amendment 1:

Ayes, 3 -- Senators Adelman, Harnisch and Braun;
Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 3 -- Senators Adelman, Harnisch and Braun;
Noes, 0 -- None.

Concurrence as amended:

Ayes, 3 -- Senators Adelman, Harnisch and Braun;
Noes, 0 -- None.

Assembly Bill 588

Relating to establishing a 2-year statute of limitations for actions by a secured party to recover or for damages for certain sales of livestock and establishing a presumption of intent to defraud if secured livestock is transferred.

Concurrence:

Ayes, 3 -- Senators Adelman, Harnisch and Braun;
Noes, 0 -- None.

LYNN S. ADELMAN
Chair

JOURNAL OF THE SENATE

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

RESCH, RICHARD J., of Green Bay, as a member of the Banking Review Board, to succeed Lester B. McAllister, to serve for the term ending May 1, 1984.

Confirmation:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Senate Bill 257

Relating to the unfair sales act, providing a penalty and making an appropriation.

Passage:

Ayes, 4 -- Senators Thompson, Roshell, Bidwell and Cullen;

Noes, 1 -- Senator Moody.

Senate Bill 422

Relating to municipal industrial revenue bonding for cable television facilities.

Passage:

Ayes, 4 -- Senators Thompson, Roshell, Bidwell and Cullen;

Noes, 1 -- Senator Moody.

Assembly Bill 577

Relating to the display of a red flag on a towed truck.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Assembly Bill 612

Relating to equipment standards for motor-driven cycles and providing a penalty.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Assembly Bill 972

Relating to shielding a strobe light on a school bus.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

JOURNAL OF THE SENATE

Assembly Bill 456

Relating to authorization of the department of industry, labor and human relations to make inspections regarding gasohol.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Assembly Bill 447

Relating to the age for application for an identification card.

Concurrence:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

TIM CULLEN

Chair

The joint committee for Review of Administrative Rules reports and recommends:

Senate Bill 460

Relating to special consideration for individuals, small businesses and small organizations in agency rule-making, and granting rule-making authority.

Introduction and adoption of senate amendment 1:

Ayes, 10 -- Senators Berger, Bear, Swan, Moody and Murphy, Representatives Rogers, Clarenbach, McClain, Wagner and Thompson;

Noes, 0 -- None.

Passage as amended:

Ayes, 10 -- Senators Berger, Bear, Swan, Moody and Murphy, Representatives Rogers, Clarenbach, McClain, Wagner and Thompson;

Noes, 0 -- None.

DAVID G. BERGER

Co-Chair

WILLIAM J. ROGERS

Co-Chair

JOURNAL OF THE SENATE

**REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS**

Appendix to Senate Bill 500

Public Policy Involved

There are two tax exemptions affected by this bill. The first, the repeal of the sales tax exemption for government-provided parking facilities, is good public policy. The second, a ride-sharing credit, is found to be poor public policy. Although the Committee appreciates the purpose of this provision, administrative concerns and tax complexity outweigh the marginal benefits.

MICHELE G. RADOSEVICH

Co-chair

DAVID E. CLARENBACH

Co-chair

Read and referred to Senate Select committee on Energy.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

January 9, 1980.

To the Honorable, the Senate:

I have the honor to report to you, pursuant to Article V, Section 6 of the Wisconsin Constitution, that of the 19 petitions for Executive Clemency in which I rendered decisions in the calendar year of 1979, the following five individuals were granted clemency in the form of a pardon or a commutation of sentence.

Sincerely,

LEE SHERMAN DREYFUS

Governor

1. **Ronald L. Drew** was convicted in Columbia County Court on June 11, 1965, of criminal damage to property and two counts of burglary. He was sentenced to a two year term and a three year term to be served consecutively and a two year term to be served concurrently. He was granted an absolute pardon because he has taken an active role in the affairs of his community, he has held

JOURNAL OF THE SENATE

gainful employment as a carpenter and because he seeks executive clemency for vocational purposes.

2. Edward G. Faust was convicted in Marinette County Court on October 19, 1954, of breaking and entering and was sentenced to three years probation. He was granted an absolute pardon because he has no other convictions, because he has held gainful employment with the Eagle River Police Department since July, 1978, because he has excelled in community leadership and involvement, and because he seeks executive clemency to progress in the law enforcement field.

3. James Lee Jensen was convicted on January 24, 1964, in Rock County of 12 counts of forgery and was sentenced to three years probation on each count to be served concurrently. On March 9, 1964, he was convicted of 6 counts of breaking and entering and was placed on three years probation, and four counts of larceny and was sentenced to six months under the Huber Law in Rock County Jail on each count to be served concurrently. He was granted an absolute pardon because he has held gainful employment as a Poyette police officer and their Chief of Police since his conviction, he has donated 3,500 hours of his own time over a 4 year period for patrol duty, he has sought and completed training in first aid, boat control, fire control, riot control, and criminal investigation, and because he seeks executive clemency to progress in the law enforcement field.

4. Robert A. Mercer was convicted on January 23, 1967, in Jefferson County Circuit Court of sexual intercourse with a child and was sentenced to three years probation. He was granted an absolute pardon because it was the opinion of the prosecuting attorney that there were mitigating circumstances surrounding the conviction, he received an early discharge on August 27, 1968, he has proven to be an exemplary citizen, he has prior to and since his release from probation held gainful employment as a self-employed businessman.

5. Terry Stomski was convicted on December 10, 1965, in Marathon County Court of sexual intercourse with a child and was sentenced to a four year term. He was granted an absolute pardon because he has held gainful employment at the Minnesota State Prison since April 13, 1977, and is presently on the security squad, because he is seeking further education at Lakewood Community College and is performing admirably, because he seeks executive clemency to progress in the law enforcement field.

JOURNAL OF THE SENATE

SENATE CLEARINGHOUSE RULES

Clearinghouse Rule 79-51

A rule to create Trans 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08 and 6.09, relating to the rural public transportation assistance program.

Submitted by Department of Transportation.

Report received from Agency, January 11, 1980.

Referred to committee on Aging, Business and Financial Institutions and Transportation.

Clearinghouse Rule 80-6

A rule to make diverse changes in Chs. NR 10, NR 11 and NR 15, relating to 1980 hunting regulations.

Submitted by Department of Natural Resources.

Report received from Agency, January 11, 1980.

Referred to committee on Natural Resources and Tourism.

The committee on Human Services reports and recommends:

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.

No action taken, January 10, 1980

Clearinghouse Rule 79-75

A rule to create H 32.055(5), relating to public access requirements for nursing homes.

Submitted by Department of Health and Social Services.

Modifications requested, January 10, 1980

CARL W. THOMPSON

Chair

The committee on Governmental and Veterans Affairs reports and recommends:

Clearinghouse Rule 79-55

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

Submitted by Personnel Commission.

No action taken, January 9, 1980

MONROE SWAN

Chair

JOURNAL OF THE SENATE

The committee on Insurance and Utilities reports and recommends:

Clearinghouse Rule 79-9

A rule to amend Ins. 6.59 (3) and (7), relating to revising certain fees for insurance intermediaries.

Submitted by Office of the Commissioner of Insurance.

No action taken, January 16, 1980

Clearinghouse Rule 79-27

A rule to create Ins. 17.27, relating to filing financial statements for the patients compensation fund.

Submitted by Office of the Commissioner of Insurance.

No action taken, January 16, 1980

KURT A. FRANK
Chair

State of Wisconsin
Office of the Commissioner of Banking

January 8, 1980

Donald J. Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Schneider:

I have been advised by the Legislative Council that the proposed rules of this Office to repeal and recreate Bkg Ch. 76 have been logged into the legislative oversight review process by two separate numbers namely 79-35 and 79-48.

In order to eliminate any confusion regarding this matter, I would appreciate it if your respective offices would withdraw number 79-48 and, for purposes of accounting for this particular set of rules, maintain them solely under number 79-35.

Sincerely,
ROBERT A. PATRICK
Attorney

AMENDMENTS OFFERED

Senate amendment 4 to Senate Bill 344 by Senator Hanaway.

JOURNAL OF THE SENATE

Senate substitute amendment 1 to Senate Bill 353 by Senator Braun.

Senate amendment 1 to Senate Bill 500 by Senators Offner, Kleczka and Radosovich.

Senate amendment 2 to Senate Bill 500 by Senator Offner.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 339, Senate substitute amendment 1

1. On page 5, line 2, substitute "975.09" for "976.09".