

JOURNAL OF THE SENATE [October 28, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

WEDNESDAY, October 28, 1981.

9:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

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

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- Senator Roshell -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Roger Ganzel, pastor of Peace Lutheran Church of Waunakee.

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution 13

Relating to scheduling 1981 Assembly Bill 45 for public hearing, executive action and as a special order of business.

By Senators Opitz, Harsdorf, Chilsen and Kreul.

Read and referred to committee on Senate Organization.

Senator Opitz asked unanimous consent that **Senate Resolution 13** be considered at this time.

Senator Flynn objected.

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Senator Chilsen raised the point of order that **Senate Resolution 13** was a privileged resolution and should be considered at this time.

The chair took the point of order under advisement.

Senate Joint Resolution 44

Relating to directing the legislative council to study victimization of the elderly.

By Senators Adelman, George, Thompson, Flynn, Braun, Risser and Chilsen; cosponsored by Representatives Rutkowski, D. Travis and Ulichny.

To committee on Judiciary and Consumer Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 641

Relating to oaths of jury commissioners.

By Senator Adelman; cosponsored by Representatives Rutkowski and D. Travis.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Human Services reports and recommends for introduction:

Senate Bill 642

Relating to authorizing a special death benefit under worker's compensation for national or state guard members on state active duty.

Introduction:

Ayes, 4 -- Senators Thompson, Strohl, Theno and Offner;

Noes, 0 -- None.

Read first time and referred to committee on Labor, Government, Veterans Affairs and Tourism.

CARL W. THOMPSON

Chair

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-144

AN ORDER to repeal Ind 41.20 (5) Notes; to amend Ind 41.72 (2) Table 3, 41.78 (4), 41.79 (2), 41.99 (3), 42.01 (5) Form SB-190, 42.15 (2) and 42.32; to repeal and recreate 41.05 (1), 41.10 (1) Table 41.10-A and 42.33; and to create 41.03 (1) to (3) (Titles) and (4), 41.05 (1) Form DILHR SBD-6314, 41.10 (2) (c), 41.20 (6) and (7) and 41.22 Note, relating to boilers and pressure vessels.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, October 26, 1981.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, October 28, 1981.

Clearinghouse Rule 81-158

AN ORDER to amend Ind 69.09 (2) and (3) (d); to repeal and recreate Ind 69.09 (1) (c), (d) and (f), (3) (c) and (7) and 69.15; and to create Ind 69.09 (1) (k) and 69.19 (3), relating to fees.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, October 27, 1981.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, October 28, 1981.

Clearinghouse Rule 81-163

AN ORDER to repeal and recreate Tax 11.53, relating to interpretation of the sales and use tax law applicable to persons holding temporary events or making taxable sales at changing locations.

Submitted by Department of Revenue.

Report received from agency, October 26, 1981.

Referred to committee on State and Local Affairs and Taxation, October 28, 1981.

The committee on Labor, Government, Veterans Affairs and Tourism reports and recommends:

Clearinghouse Rule 81-16

AN ORDER to repeal Ret 2.31, relating to the requirement that the Wisconsin retirement fund board approve the cancellation of notices of termination of employment.

No action taken.

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Clearinghouse Rule 81-17

AN ORDER to repeal TR 3.06, relating to an election to participate in the variable annuity division.

No action taken.

Clearinghouse Rule 81-25

AN ORDER to repeal Ret 5.01 (1) and (3), relating to the monthly schedule and processing of benefit applications received by the Department of Employee Trust Funds.

No action taken.

Clearinghouse Rule 81-26

AN ORDER to repeal Ret 6.52; and to create ETF 6.04, relating to disability annuitant certification in the Wisconsin retirement fund.

No action taken.

JEROME VAN SISTINE
Chair

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

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

Assembly Bill 62
Assembly Bill 70
Assembly Bill 211
Assembly Bill 800

Concurred in:

Senate Bill 128, senate amendment 1 to assembly amendment 1
Assembly Bill 616, senate amendments 2 and 6

Concurred in as amended:

Senate Bill 558, assembly amendments 2, 3, 5, assembly amendment 1 to 6, 6, 9, 11, 16, 18, 19, 20, 23, 25 and 29

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 62

Relating to renewable energy resources and increasing an appropriation.

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By Representatives Metz, Munts, Gerlach, Laatsch, Hasenohrl, Flintrop, Dilweg, Rutkowski, Loftus, Ulichny, Radtke, Becker, Wagner, Everson, Plewa, Crawford, Williams, Leopold, Medinger, Potter, Plous, Roberts, Miller, Shoemaker, Kunicki, Duren, Kirby and Ladwig, co-sponsored by Senators Adelman, Risser, Strohl, Theno, Moody, McCallum, Berger, Flynn, Cullen, Braun and Goyke.

Read first time and referred to committee on Energy.

Assembly Bill 70

Relating to prohibiting discrimination based upon sexual orientation.

By Representatives Clarenbach, Leopold, Coggs, Ulichny and Becker.

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

Assembly Bill 211

Relating to membership and powers of credit unions and other miscellaneous changes affecting credit unions.

By Representatives Potter, Otte, Vanderperren, Shoemaker, Behnke, Matty and Looby, co-sponsored by Senators Cullen, Berger and Moody.

Read first time and referred to committee on Aging, Business and Financial Institutions and Transportation.

Assembly Bill 800

Relating to the net proceeds tax on mining of metallic minerals, the membership of the investment and local impact fund board and the environmental effects of mining, making appropriations, granting rule-making authority and providing a penalty.

By Committee on Revenue.

Read first time and referred to joint committee on Finance.

CALENDAR OF OCTOBER 28

Senate Bill 213

Relating to community advisory committees for child welfare agencies, group homes and community-based residential facilities.

Read.

The question was: Concurrence of assembly amendment 1?
Concurred in.

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Rosehill was granted a leave of absence for the morning session.

Senate Bill 257

Relating to budgetary procedure in populous counties.
Read.

The question was: Concurrence of assembly amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 257** was placed after **Senate Bill 588**.

Senate Bill 66

Relating to awarding attorneys fees in employment discrimination hearings before the personnel commission.
Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Senator Kleczka, with unanimous consent, **Senate Bill 66** was referred to the joint committee on Finance.

By request of Senator Senator Kleczka, with unanimous consent, **Senate Bill 66** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

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

Adopted.

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

Ordered to a third reading.

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

Senate Bill 66

Read a third time and passed.

Senate Bill 79

Relating to governmental practices regarding personal information.

Read a second time.

The question was: Adoption of senate amendment 1?

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By request of Senator Kleczka, with unanimous consent, **Senate Bill 79** was referred to joint committee on Finance.

Senate Bill 174

Relating to the weight per axle or axles of a vehicle equipped with a selfcompactor and transporting garbage or refuse.

Read a second time.

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

Ordered to a third reading.

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

Senate Bill 174

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Strohl, Theno, Thompson and Van Sistine -- 31.

Noes -- Senator Risser -- 1.

Absent or not voting -- Senator Roshell -- 1.

So the bill passed.

Senate Bill 314

Relating to filing and recording corporate and cooperative documents.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Senator Kleczka, with unanimous consent, **Senate Bill 314** was referred to the joint committee on Finance.

By request of Senator Senator Kleczka, with unanimous consent, **Senate Bill 314** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

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

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By request of Senator Opitz, with unanimous consent, **Senate Bill 314** was placed after **Senate Bill 257**.

Senate Bill 417

Relating to abolishing the public records board, creating a forms control and records management board, granting rule-making authority and making an appropriation.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 417** was referred to joint committee on Finance.

Senate Bill 522

Relating to adoption of administrative rules on expenditures, purchasing and printing.

Read a second time.

By request of Senator Berger, with unanimous consent, **Senate Bill 522** was placed after **Senate Bill 551**.

Senate Bill 523

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

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 523** was referred to joint committee on Finance.

Senate Bill 524

Relating to requiring employe disclosure of improper activities in governmental units and prohibiting retaliation because of such disclosure, granting rule-making authority and making an appropriation.

Read a second time.

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

By request of Senator Kleczka, with unanimous consent, **Senate Bills 524** and **525** were referred to joint committee on Finance.

Senate Bill 551

Relating to notice and local regulation of condominium conversions, protection of older and handicapped persons affected by condominium conversions, notice to condominium unit purchasers and condominium construction warranties.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Moody, with unanimous consent, **Senate Bill 551** was placed after **Senate Bill 588**.

Senate Bill 522

Relating to adoption of administrative rules on expenditures, purchasing and printing.

Read a second time.

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

By request of Senator Berger, with unanimous consent, senate substitute amendment 1 was laid on the table.

Senate substitute amendment 2 offered by Senator Berger.

The question was: Adoption of senate substitute amendment 2?
Adopted.

Ordered to a third reading.

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

Senate Bill 522

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Strohl, Thompson and Van Sistine -- 31.

Noes -- Senator Theno -- 1.

Absent or not voting -- Senator Roshell -- 1.

So the bill passed.

Senate Bill 581

Relating to various matters concerning the preservation and restoration of historic buildings and properties, creating a historic building code council and granting rule-making authority.

Read a second time.

By request of Senator Moody, with unanimous consent, **Senate Bill 581** was referred to committee on State and Local Affairs and Taxation.

Senate Bill 588

Relating to authorizing licensed sellers of checks to use 'bank', 'savings bank' or 'banker' on checks sold in this state.

Read a second time.

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

Ordered to a third reading.

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

Senate Bill 588

Read a third time and passed.

Senate Bill 257

Relating to budgetary procedure in populous counties.

Read.

The question was: Concurrence of assembly amendment 1?
Concurred in.

Senate Bill 314

Relating to filing and recording corporate and cooperative documents.

Read a second time.

Senate amendment 2 offered by Senator Opitz.

The question was: Adoption of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 2; as follows:

Ayes -- Senators Bidwell, Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 14.

Noes -- Senators Adelman, Berger, Braun, Cullen, Flynn, Frank, George, Goyke, Harnisch, Kleczka, Maurer, Moody, Offner, Risser, Strohl, Thompson and Van Sistine -- 17.

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Absent or not voting -- Senators Bablitch and Roshell -- 2.

So the amendment was not adopted.

Ordered to a third reading.

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

Senate Bill 314

Read a third time.

By request of Senator Adelman, with unanimous consent, **Senate Bill 314** was referred to committee on Judiciary and Consumer Affairs.

Senate Bill 551

Relating to notice and local regulation of condominium conversions, protection of older and handicapped persons affected by condominium conversions, notice to condominium unit purchasers and condominium construction warranties.

Read a second time.

The question was: Adoption of senate amendment 1?

Senate amendment 1 to senate amendment 1 offered by Senator Engeleiter.

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

Senator Berger moved indefinite postponement of the bill.

The question was: Shall **Senate Bill 551** be indefinitely postponed?

By request of Senator Berger, with unanimous consent, he withdrew his motion for indefinite postponement.

Senator Berger moved that the bill be referred to committee on Judiciary and Consumer Affairs.

The question was: Shall **Senate Bill 551** be referred to committee on Judiciary and Consumer Affairs?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Chilsen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Offner, Opitz, Theno, Thompson and Van Sistine -- 22.

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Noes -- Senators Adelman, Bidwell, Braun, Cullen, George, Kleczka, Maurer, Moody, Risser and Strohl -- 10.

Absent or not voting -- Senator Roshell -- 1.

So the motion prevailed.

Assembly Bill 25

Relating to allowing treble damages for damage caused by arson.
Read a second time.

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

Ordered to a third reading.

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

Assembly Bill 25

Read a third time and concurred in as amended.

Assembly Bill 36

Relating to authorizing the department of natural resources to distribute free trees to schools for arbor day observance and increasing an appropriation.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 36

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

Absent or not voting -- Senator Roshell -- 1.

So the bill was concurred in.

Assembly Bill 309

Relating to allowing use of municipal obligations as collateral or as an investment required by statute.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 309

Read a third time and concurred in.

Assembly Bill 353

Relating to emergency rules to allow farm vehicles to exceed weight limitations and granting rule-making authority.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 353

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Strohl, Theno, Thompson and Van Sistine -- 30.

Noes -- Senators Kleczka and Risser -- 2.

Absent or not voting -- Senator Roshell -- 1.

So the bill was concurred in.

Assembly Bill 368

Relating to failure to stop at the scene of an accident and revising the penalties.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 368

Read a third time and concurred in.

By request of Senator Maurer, with unanimous consent, the senate recessed until 11:44 A.M.

11:00 A.M.

RECESS

11:44 A.M.

The senate reconvened.

Assembly Bill 489

Relating to regulation of medicare supplement policies, required disclosures to prospective life and disability insurance buyers and granting rule-making authority.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 489

Read a third time and concurred in.

Assembly Bill 570

Relating to permitting persons over 70 years of age to obtain a school bus operators license.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 570

Read a third time and concurred in.

Assembly Bill 669

Relating to changes to the mandatory health insurance risk sharing plan and granting rule-making authority.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 669

Read a third time and concurred in.

Assembly Bill 675

Relating to inheritance and gift tax liability on transfer of property of a decedent, persons holding trust funds dealing in margins, residency of directors of bank-owned banks, state bank reserve requirements, use of 'bank', removing a penalty and granting rule-making authority.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 675

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill was concurred in.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 12:01 P.M.

11:46 A.M.

RECESS

12:01 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, the rules were suspended and **Senate Bill 558** was considered at this time.

Senate Bill 558

Relating to interest rate ceilings, prepayment of loans and finance charges.

Read.

The question was: Non-concurrence of assembly amendment 2?

Senator Cullen asked unanimous consent that the senate non-concur in assembly amendments 2, 3, 5, 6, 9, 11, 16, 18, 19, 20, 23, 25 and 29 and appoint a Committee of Conference.

Senator Offner objected.

Senator Cullen moved non-concurrence of assembly amendments 2, 3, 5, 6, 9, 11, 16, 18, 19, 20, 23, 25 and 29 to **Senate Bill 558** and asked for a Committee of Conference.

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The question was: Non-concurrence of assembly amendments 2, 3, 5, 6, 9, 11, 16, 18, 19, 20, 23, 25 and 29 and appointment of a Committee of Conference?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Bablitch, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Krueger, Lorge, Lorman, Maurer, Risser, Strohl, Theno, Thompson and Van Sistine -- 24.

Noes -- Senators Berger, George, Kreul, Lasee, McCallum, Moody, Offner, Opitz and Roshell -- 9.

Absent or not voting -- None.

So the motion prevailed.

The chair appointed as conferees on its part Senators Cullen, Kleczka and Bidwell.

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

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

AMENDMENTS OFFERED

Senate amendment 3 to **Senate Bill 551** by Senators Goyke and Engeleiter.

Senate amendment 4 to **Senate Bill 551** by Senator Goyke.

Senate amendments 5 and 6 to **Senate Bill 551** by Senator Frank.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 150** by Senators Bidwell and Kreul.

Senate amendment 1 to **Assembly Bill 246** by Senator Braun.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, October 29.

12:14 P.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 21

Senate Bill 92

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Senate Bill 93

Senate Bill 94

Senate Bill 120

Senate Bill 124

Senate Bill 567

Correctly enrolled and presented to the Governor on October 27, 1981.