

JOURNAL OF THE SENATE [February 9, 1982]

STATE OF WISCONSIN

# Senate Journal

Eighty-Fifth Regular Session

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TUESDAY, February 9, 1982.

10:00 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, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- Senator McCallum -- 1.

The senate stood for the prayer which was offered by Father Thomas Coyle of St. Francis Xavier Catholic Church, Cross Plains.

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

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## INTRODUCTION OF RESOLUTIONS

### **Senate Resolution 20**

Relating to requesting the attorney general to appear on behalf of this state in certain actions and proceedings related to the Alaska natural gas pipeline.

By Senators Strohl, Moody and Braun.

Read and referred to committee on Energy.

### **Senate Joint Resolution 56**

Relating to supporting a federal crude oil allocation authority for farmer-owned refineries.

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By Senator Strohl.

Read and referred to committee on Energy.

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### INTRODUCTION OF BILLS

Read first time and referred:

#### **Senate Bill 763**

Relating to extending the 2nd opinion program in medical assistance and affecting an appropriation.

By Senator Offner; cosponsored by Representative Becker.

To committee on Human Services.

#### **Senate Bill 764**

Relating to compulsory motor vehicle insurance, granting rule-making authority and providing a penalty.

By Senator Cullen.

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

#### **Senate Bill 765**

Relating to various changes in the regulation of lobbying, providing penalties and making an appropriation.

By Senator Adelman, by request of Secretary of State, Vel Phillips.

To committee on Judiciary and Consumer Affairs.

#### **Senate Bill 766**

Relating to eliminating certain record-keeping requirements of clerks of court and registers in probate.

By Senator Lorge.

To committee on State and Local Affairs and Taxation.

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### COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

#### **Senate Joint Resolution 54**

Granting the use of the senate and assembly chambers on April 23 and 24, 1982, to Wisconsin Y.M.C.A. for its Youth in Government program for the purpose of holding a practice legislative session.

Adoption:

Ayes, 4 -- Senators Risser, Bablitch, Chilsen and Hanaway;

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Noes, 0 -- None.

FRED A. RISSER  
Chair

The committee on Insurance and Utilities reports and recommends:

**Senate Bill 381**

Relating to disability insurance policy coverage of health care services provided outside this state.

Passage:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

**Assembly Bill 442**

Relating to allowing telephone cooperatives to elect to be excepted from rate regulation.

Concurrence:

Ayes, 4 -- Senators Frank, Berger, Van Sistine and Lorge;

Noes, 0 -- None.

KURT A. FRANK  
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

**Senate Bill 741**

Relating to miscellaneous corrections and revisions to the laws relating to operating a motor vehicle while under the influence of an intoxicant or a controlled substance, or a combination thereof, or while having a blood alcohol concentration of 0.1 % or more.

Passage:

Ayes, 4 -- Senators Adelman, Braun, George and Johnston;

Noes, 0 -- None.

LYNN S. ADELMAN  
Chair

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

**Senate Resolution 17**

Relating to requesting the Wisconsin delegation to prepare, introduce and support legislation authorizing the collection of tolls on the national interstate system of highways.

Adoption:

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Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

**Senate Bill 165**

Relating to authorizing credit unions as depositories for federal, state and local public funds and making the Wisconsin higher education corporation a public depositor.

Indefinite postponement:

Ayes, 4 -- Senators Roshell, Goyke, Bidwell and Engeleiter;

Noes, 3 -- Senators Moody, Maurer and Cullen.

**Senate Bill 202**

Relating to transient merchant licenses and providing a mechanism for the revocation of such licenses.

Passage:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

**Senate Bill 711**

Relating to exempting rail property held by the state from special assessments and the filing requirement for tax exemption status.

Passage:

Ayes, 6 -- Senators Roshell, Moody, Maurer, Goyke, Engeleiter and Cullen;

Noes, 1 -- Senator Bidwell.

**Senate Bill 732**

Relating to staggering the terms of members of the board on aging and long-term care.

Passage:

Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;

Noes, 0 -- None.

**Assembly Bill 211**

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

Concurrence:

Ayes, 5 -- Senators Roshell, Moody, Maurer, Goyke and Cullen;

Noes, 2 -- Senators Bidwell and Engeleiter.

**Assembly Bill 527**

Relating to free lunches and free malt beverages and liquor.

Introduction and adoption of senate substitute amendment 1:

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**Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;**

**Noes, 0 -- None.**

**Concurrence:**

**Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;**

**Noes, 0 -- None.**

**Assembly Bill 561**

**Relating to issuance of temporary operation plates for motor vehicles.**

**Introduction and adoption of senate amendment 2:**

**Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;**

**Noes, 0 -- None.**

**Concurrence:**

**Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;**

**Noes, 0 -- None.**

**Assembly Bill 562**

**Relating to certificate of title transfers by motor vehicle dealers.**

**Concurrence:**

**Ayes, 7 -- Senators Roshell, Moody, Maurer, Goyke, Bidwell, Engeleiter and Cullen;**

**Noes, 0 -- None.**

**TIM CULLEN**

**Chair**

**1440**

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**REPORT OF JOINT SURVEY COMMITTEE ON**

**RETIREMENT SYSTEMS**

**Appendix to Senate Bill 190**

**Public Policy Involved**

The Wisconsin Retirement Research Committee has studied the retirement program for protectives under the WRS, and the committee essentially recommended the formula factor adjustments that are found in this legislation. The purpose of this legislation is to restore the original legislative intent relative to establishing an earlier normal retirement age for protectives and also a higher formula factor to compensate for the assumed earlier retirement. The amount of reduction is such that if a protective with social security coverage remained in protective service until age 65, that such participant would have the same formula factor applied to all years of service that a general employee has -- 1.3% for each year of service. This legislation would have an indeterminate effect, if any, on the contribution rates for the protective retirement program.

Similar legislation was introduced during the 1979 session, and the JSCRS did give a favorable recommendation to Senate Bill 206 (1979). However, one amendment was often discussed relative to that legislation concerning the age at which the prorata reduction would first start. Under both the 1979 bill and Senate Bill 190 (1981), the prorata reduction would commence following the quarter calendar year of reaching age 55. It has been suggested that this prorata reduction should start only after the end of the calendar year in which the protective reached the normal retirement age of 55.

**LYNN S. ADELMAN**

**Co-Chair**

**JOSEPH ANDREA**

**Co-Chair**

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

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PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Claims Board

February 1, 1982.

Don Schneider  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on January 25, 1982.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,  
EDWARD D. MAIN  
Secretary

State of Wisconsin  
Claims Board

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin, on January 25, 1982, upon the following claims:

Claimant	Amount
Darlington Dairy Supply Co., Inc.	\$1,228.39
Fred Paul	4,500.00

In addition, the following claims were considered and decided without hearings:

Richard Nissen	\$120.00
Robert Goerlinger	477.88

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Gary Paulowske	88.92
Robert Brown	24.95
Marla DeHart	204.95
Robert Kingery	93.06
General Casualty Co.	320.86
Heritage Mutual Insurance Co.	64.48
Helen Geoffrey	44.98
William Raabe, Jr.	95.00
David Thomas	9,282.47
Wisconsin Telephone Co.	612.88
Rose Trebat	2,564.70
Rosella Chandler	342.25

### The Board finds:

1. Darlington Dairy Supply Company, Inc. of Darlington claims \$1,228.39 for sales tax plus interest allegedly assessed claimant and its customers, as a result of a state sales and use tax audit for the period of August 1, 1974 through August 31, 1978. As a result of a closing agreement dated May 23, 1980, claimant paid sales and use taxes, penalty and interest to May 17, 1980, totaling \$4,044.45. Claimant alleges that some of their customers, specifically, Universal Foods, Anderson Clayton Foods, Geiger Dairy Supply and Stauffer & Sons, Inc., also underwent the sales and use tax field audits and were assessed tax and interest for purchases made from claimant; thus the sales tax plus interest was collected from both claimant and their customers. If a field audit is conducted on a customer of claimant, that does not necessarily mean that the sales were taxed to such customer. The Department of Revenue's policy in sales and use tax field audits is that they will generally not assess use tax on purchases when a certificate of exemption has not been given and the purchase was made from a Wisconsin located supplier. The Board concludes that there has been an insufficient showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

2. Fred Paul of Middleton claims \$4,500.00 he incurred for attorney fees, costs and disbursements in the prosecution of an appeal to the Personnel Commission regarding a promotional exam decision made by the Department of Health and Social Services, Division of Vocational Rehabilitation in 1979. Claimant wrote an examination for the position of Facilities Supervisor, after which he and four other candidates were certified for consideration by an interview panel. Claimant was not selected for the position and filed an appeal to the Personnel Commission. The Commission's findings of fact

determined that the Department of Health and Social Services had abused its discretion in not appointing claimant to the position. On appeal to the Dane County Circuit Court, the court found that the appointing authority had the right to choose any of the persons certified for the position and concluded that the order of the Personnel Commission should be set aside. The Board finds this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

3. Richard Nissen of Madison claims \$120.00 for the loss of personal items at Mendota Mental Health Institute, while he was a patient at the Institute in 1980. On August 8, 1980, when claimant checked on his property in the Institute's storage area, he alleges that his clock radio, pool cue and case, stereo speaker, wires and antenna were missing. The Institution, however, had no knowledge or record of the property in question having ever been at the Institution. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents, or employees, and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

4. Robert Goerlinger of Green Bay claims \$477.88 for expenses he incurred to move from Clintonville to Waupun, to begin employment as a Correctional Officer at the Waupun Correctional Institution. On February 6, 1981, claimant interviewed for the position of Correctional Officer and was advised to begin work on February 23, 1981. Shortly after, claimant received a letter from Personnel Manager Glen Weeks, confirming his appointment. Claimant established residence in the Waupun area on February 12 and on February 15, 1981, moved to Waupun. On February 18, 1981, Mr. Weeks verbally informed claimant that he should not report to work because it had become necessary to reduce the work force at Waupun and they could no longer offer him a position. The Board concludes that based on equitable principles the state in good conscience should assume and pay this claim in the reduced amount of \$371.48, for travel expenses in the amount of \$56, trailer rental in the amount of \$90.48, and one month's rent in the amount of \$225. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Health & Social Services appropriation s. 20.435(3) (a), Stats.

5. Gary Paulowske of Lake Mills claims \$88.92 for damages to his automobile on September 25, 1981, when a light fixture fell in the parking lot at the Mendota Mental Health Institute, where claimant's car was parked. The Board concludes that on equitable principles the state should in good conscience assume and pay this

claim. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Health & Social Services appropriation s. 20.435(2)(gk), Stats.

6. Robert Brown of Milwaukee claims \$24.95 for the loss of his jacket on August 7, 1981, which was stolen by a client he was escorting to the Milwaukee County House of Corrections as part of his duties as an employe of the Department of Health & Social Services. The client escaped from O'Hare airport taking claimant's jacket while claimant was obtaining a flight confirmation, necessitated by the air traffic controller's strike. The Board concludes that this claim should be paid, based on equitable principles. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

7. Marla DeHart of Kenosha claims \$204.95 for damages to her property allegedly caused by a resident of the Southern Wisconsin Center who was vacationing with and under the control of claimant's mother from July 3 to July 5, 1981. On July 5, 1981, the resident, apparently in a hurry, went through a door without first turning the handle, thereby allegedly causing the damages. Upon returning the resident to the Institution, claimant's mother mentioned nothing about any property damage. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

8. Robert Kingery of Union Grove claims \$93.06 for automobile damages allegedly occurring on October 18, 1981, when his car hit a pole on Pine Road at the Southern Wisconsin Center. The Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

9. General Casualty Company of Wisconsin claims \$320.86 subrogation damages. its insured, Patricia Jewell, submitted a claim to the insurance company for damages to her automobile on June 5, 1981, which the company paid. The damage was allegedly caused by a patient from the Center for the Developmentally Disabled, while Ms. Jewell's automobile was parked in the Center's lot. Consistent with a long-standing policy of this Board concerning subrogation claims, the Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

10. Heritage Mutual Insurance Company of West Allis claims \$64.48 subrogation damages. Its insured, Kendal Christiansen, submitted a claim to the insurance company for damages to her automobile which occurred on July 6, 1981, which the company paid. The damage was allegedly caused by a patient from Southern Wisconsin Center, while the automobile was legally parked at the Center. Consistent with a long-standing policy of this Board concerning subrogation claims, the Board concludes this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

11. Helen Geoffrey of Mosinee claims \$44.98 for damages allegedly resulting from a fall in the parking lot at the Dodge County Correctional Institution, when going to visit her son on November 25, 1979. Claimant fell on her right knee, shoulder and face, breaking her top denture plate and tearing her slacks. The staff on duty at the Institute could not recall claimant or any other visitor being injured or even reporting an injury to them on the date of this incident. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

12. William Raabe, Jr. of Wauwatosa claims \$95.00 for the replacement of a cassette radio allegedly stolen from his office at Room 412, Bolton Hall, University of Wisconsin-Milwaukee, between August 19-25, 1981. During that period of time, a private contractor was painting claimant's office and other rooms on the same floor, leaving the offices open from 8:00 a.m. to 4:00 p.m. The Board concludes there is an insufficient showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

13. David Thomas of Janesville claims \$9,282.47 for expenses incurred in the settlement of the Estate of Chester P. Thomas, for which claimant was appointed Personal Representative. When claimant's attorney filed the Wisconsin Inheritance Tax return, it included a social security check for \$402.50 that had to be returned. Also, the appraised value of the deceased's house and property was used for tax purposes. Thus, the heirs to the estate received considerably less than the appraised value. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

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14. Wisconsin Telephone Company claims \$612.88 for damages to an underground telephone cable on August 6, 1981, located on CTH F, west of Highway 41, Town of Byron. The Department of Transportation was drilling a hole for placement of a road sign when the truck-mounted auger damaged the cable. The Board concludes the claim should be paid, based on equitable principles. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the Department of Transportation appropriation s. 20.395(3) (hq), Stats.

15. Rose Trebat of Park Ridge, Illinois, claims \$2,564.70 for damages relating to an injury she sustained on August 13, 1978, at the Wisconsin State Fair Park. While walking around the grounds claimant allegedly fell over an electrical cable which was laying across an asphalt walkway. As a result of the fall, claimant sustained a broken bone in her foot, incurring \$164.70 in medical expenses and \$2,400 in wage loss. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents, or employes, and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

16. Rosella Chandler of Wauwatosa claims \$342.25 for damages relating to an injury she allegedly sustained on December 24, 1980, at the Wisconsin State Fair Park. Claimant was employed in the Dairy Building on the fairgrounds and was walking towards that building when she slipped and fell on snow-covered ice, sustaining a fracture to her right arm. The State Fair Park police first aid report indicates the area where claimant fell was snow-covered and icy. The Board concludes that the amount of claimant's unreimbursed medical expenses, \$342.25, should be paid, based on equitable principles. The Board further concludes that under the authority of s. 16.007(6m), Stats., payment of this claim shall be made from the State Fair Park appropriation s. 20.115(5) (h), Stats.

The Board Concludes:

1. The claims of the following claimants should be denied:  
Darlinton Dairy Supply Co., Inc.  
Fred Paul  
Richard Nissen  
Marla DeHart  
Robert Kingery  
General Casualty Co.  
Heritage Mutual Ins. Co.  
Helen Geoffrey  
William Raabe, Jr.

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David Thomas  
Rose Trebat

2. Payment of the following amounts to the following claimants is justified under s.16.007, Stats.:

Robert Goerlinger	\$371.48
Gary Paulowske	88.92
Robert Brown	24.95
Wisconsin Telephone Co.	612.88
Rosella Chandler	342.25

Dated at Madison, Wisconsin, this 1st day of February, 1982.

VIRGIL D. ROBERTS  
Assembly Finance Committee

EDWARD D. MAIN  
Representative of Secretary of  
Administration

WILLIAM H. WILKER  
Representative of Attorney  
General

State of Wisconsin  
Department of State

February 1, 1982

To the Honorable, the Senate:

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

Yours very truly,  
VEL PHILLIPS  
Secretary of State

*Lobbyist's name, address, telephone number; principal's name, address, telephone number.*

Heider, Robert R., Box 190, 910 Elm Grove Rd., Elm Grove, WI 53122 (608) 274-3920; Northwest Orient Airlines, c/o Brent Baskfield, Minneapolis-St. Paul International Airport, St. Paul, MN 55111 (612) 726-2346; 1-26; 101-186.

Peterson, Richard E., Rt. 1, Box 67, Weyauwega, WI 54983 (414) 867-3513; Wisconsin Amusement and Music Operators, Inc., 6045 Monona Dr., Madison, WI 53716 (608) 221-0400; 3, 13, 18, 21, 22; 101, 109, 136, 140, 170, 174.

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Schroeder, Robert W., 212 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 272-4060; Wisconsin Amusement and Music Operators, Inc., 6045 Monona Dr., Madison, WI 53216 (608) 221-0400; 3, 13, 18, 21, 22; 101, 109, 136, 140, 170, 174.

**Registration Amendments:**

Associated Milk Producers, Inc.: change address to: 2520 Rimrock Rd., Madison, WI 53713.

Laszewski, Harry: change address to: 2520 Rimrock Rd., Madison, WI 53713.

Flambeau Mining Corporation, a Division of Kennecott Corporation: add legislative area 11 and administrative areas 101, 129, 171, 180.

Wisconsin Gift Cheese Assn. added legislative area 23. t 1  
**Lobbyist Terminations:**

Conta, Dennis J., for Department of Psychiatry and Mental Health Sciences, Medical College of Wisconsin, effective February 1, 1982.

Peterson, Richard E., for Wisconsin Music Merchants Assn., effective January 28, 1982.

Schroeder, Robert W., for Wisconsin Music Merchants Assn., effective January 28, 1982.

State of Wisconsin  
The University of Wisconsin System

February 3, 1982

**To the Honorable the Senate:**

Chapter 333, Laws of 1973, amended section 20.923(5), Wis. Stats., to require that the Board of Regents of the University of Wisconsin System assign specified titled positions to University of Wisconsin System salary ranges in whatever manner the Board determined. The Board is required under the subsection to file a report annually with the Governor and the Legislature.

In June, 1978 the Board of Regents adopted Resolution #1678 which requires that all positions referenced in s. 20.923(5) be assigned to either a State Executive Salary Group 1-5 or to a UW System Administrative Salary Range. The resolution established the following assignment criteria.

1. Positions subject to State Executive Salary Group assignment:
  - A. All positions referenced in s. 20.923(5) which carry the following titles regardless of annual salary:  
Associate Vice Presidents

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**Assistant Vice Presidents**

**Associate Chancellors**

**Vice Chancellors not designated in ss. 20.923(4)(8)**

**Associate Vice Chancellors**

**Assistant Vice Chancellors**

**Assistant Chancellors**

**B. All positions carrying the titles of Assistant to the Chancellor or directors or associate directors with over 50 percent of their activities coded as physical plant, general operations and services, and auxiliary enterprises whose fiscal year annual salary rate exceeds the maximum of pay range 1-17 (FY 1981-82 maximum is \$38,406) of the general non-represented pay schedule #1.**

**II. Positions subject to UWS Administrative Salary Range Assignment:**

**All Assistants to the Chancellor and directors or associate directors with over 50 percent of their position assigned to an enumerated activity code in the statute whose annual salary does not exceed the maximum of pay range 1-17.**

**Part A of the attached report designates those positions assigned to State Executive Salary Groups 1-5 and Part B provides the minimum and maximum for those positions assigned to a UWS Administrative Salary Range. The report is dated January 1, 1982 and serves to fulfill this calendar year's reporting requirements.**

**Sincerely yours,**

**ROBERT W. WINTER, JR.**

**Vice President for General Services**

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**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor  
Madison, Wisconsin**

**February 4, 1982**

**To the Honorable, the Senate:**

**I am pleased to nominate and with the advice and consent of the Senate, do reappoint James R. Nelsen of Shorewood, as a member of**

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the Investment Board, pursuant to the statutes governing, to serve a six year term to expire on May 1, 1987.

Sincerely,  
**LEE SHERMAN DREYFUS**  
Governor

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

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

February 4, 1982

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint David Ross Miller of Stevens Point, as a member of the Investment Board, to succeed John Powles of Wausau whose term expired on May 1, 1981, pursuant to the statutes governing, to serve six year term to expire on May 1, 1987.

Sincerely,  
**LEE SHERMAN DREYFUS**  
Governor

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

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**CALENDAR OF FEBRUARY 9**

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

**HARPER, NAILA E.**, of Madison, as a member of the Personnel Board, to succeed Eunice Gibson, to serve for the term ending May 1, 1986.

Read.

**McCALLUM, LAURIE RIACH**, of Fond du Lac, as member of the Personnel Commission, to succeed Gordon Brehm, to serve for the term ending March 1, 1984.

Read.

**ONKKA, PASTOR ROBERT A.**, of Baldwin, as member of the Judicial Commission, to succeed Francis Hurst, to serve for the term ending August 1, 1984.

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Read.

PHILLIPS, JAMES W., of Madison, as a member of the Personnel Commission, to succeed Charlotte Higbee, to serve for the term ending March 1, 1983.

Read.

The question was: Shall the appointments be confirmed?

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, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

So the appointments were confirmed.

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SENATE CLEARINGHOUSE ORDERS

**Clearinghouse Rule 81-214**

AN ORDER to repeal and recreate HSS 309.39, relating to living quarters at adult correctional institutions and defining housing emergency.

Submitted by Department of Health and Social Services.

Report received from agency, February 5, 1982.

Referred to committee on Human Services, February 9, 1982.

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

**Clearinghouse Rule 81-218**

AN ORDER to create ch. Trans 503, relating to a motorcycle safety program.

Review period waived.

TIM CULLEN

Chair

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

**Clearinghouse Rule 81-250**

AN ORDER to repeal Adm 30.05 (6) to (8), (10) (a) 3 and 5 and (14), 30.06 (4) (a), (c) and (e) and 30.08 (3); to amend Adm 30.02 (1) and (2) and 30.05 (2), (3) and (5); and to repeal and recreate Adm 30.06 (3), relating to payroll deductions for charitable purposes.

No action taken.

JEROME VAN SISTINE

Chair

The committee on Insurance and Utilities reports and recommends:

**Clearinghouse Rule 81-165**

AN ORDER to repeal and recreate Ins 6.73, relating to reinsurance.

No action taken.

KURT A. FRANK

Chair

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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 205**

**Assembly Bill 303**

**Assembly Bill 359**

**Assembly Bill 482**

**Assembly Bill 493**

**Assembly Bill 584**

**Assembly Bill 606**

**Assembly Bill 741**

Concurred in:

**Senate Bill 290**

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MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 205**

Relating to establishing pupil minimum competency examinations in public schools.

By Representatives Loftus, Jackamonis, Thompson, Vanderperren, Ulichny, Broydrick, Becker, Wagner, Dilweg, Luckhardt, Shoemaker, Menos and Ladwig, co-sponsored by Senators Offner, Kleczka, Johnston, Berger, Moody, Hanaway, McCallum, Adelman, Harnisch, Cullen, Theno, Braun, Strohl, Maurer, Kreul, Chilsen and Frank.

Read first time and referred to committee on Education and State Institutions.

**Assembly Bill 303**

Relating to voluntary designation on income tax returns for the protection and acquisition of endangered resources and making an appropriation.

By Representatives Schmidt, Fischer, Porter and Dilweg.

Read first time and referred to committee on Agriculture and Natural Resources.

**Assembly Bill 359**

Relating to publication of notice to cut noxious weeds.

By Representatives Conradt, McEssy, Bradley, Matty, Porter, Lewison, Goodrich, Ladwig, Laatsch, Berndt, Paulson, Hopkins, Tregoning, DeLong, Schmidt, Jaronitzky, Donoghue, Robertson, Klicka, Merkt, Luckhardt, McEwen, Thompson, Shabaz and Young.

Read first time and referred to committee on State and Local Affairs and Taxation.

**Assembly Bill 482**

Relating to amending the powers and duties of 1st class cities to conform to the powers and duties of other cities.

By Representatives Lee and Czarnezki, co-sponsored by Senators Berger and Johnston, by request of city of Milwaukee.

Read first time and referred to committee on State and Local Affairs and Taxation.

**Assembly Bill 493**

Relating to authorizing county registers of deeds to keep a parcel identifier index system.

By Representatives DeLong, R. Travis, Porter, McEwen and Wagner, co-sponsored by Senators Chilsen and Goyke.

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Read first time and referred to committee on State and Local Affairs and Taxation.

### **Assembly Bill 584**

Relating to miscellaneous town mutual insurance law changes.

By Representatives Shoemaker, Berndt and Harer, co-sponsored by Senators Roshell and Harsdorf.

Read first time and referred to committee on Insurance and Utilities.

### **Assembly Bill 606**

Relating to forfeiture of property derived from or associated with crime.

By Representatives Plous, Andrea, Tuczynski, Lee, Neubauer, Crawford, Medinger, Ladwig, Jackamonis and McEssy, co-sponsored by Senators Moody, Roshell and Braun.

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

### **Assembly Bill 741**

Relating to restructuring the board of public welfare in populous counties.

By Representatives Becker, Hauke, Kirby, Kunicki, Norquist, Czarnezki and Behnke, co-sponsored by Senators Braun, Kleczka, Frank, Flynn, Johnston and George, by request of Milwaukee County.

Read first time and referred to committee on State and Local Affairs and Taxation.

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## CALENDAR OF FEBRUARY 9

### **Senate Joint Resolution 54**

Granting the use of the senate and assembly chambers on April 23 and 24, 1982, to Wisconsin Y.M.C.A. for its Youth in Government program for the purpose of holding a practice legislative session.

Read.

Adopted.

### **Senate Bill 3**

Relating to conveying certain submerged lands to the city of Sheboygan.

Read a second time.

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Senate amendment 1 to senate substitute amendment 1 offered by Senator Opitz.

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

### **Senate Bill 3**

Read a third time and passed.

### **Senate Bill 72**

Relating to abolishing the board of soil and water conservation districts and transferring its functions to the department of agriculture, trade and consumer protection, abolishing the agricultural lands preservation board and transferring its functions to the land conservation board, creating a land conservation board, abolishing soil and water conservation districts, creating county land conservation committees and programs, granting rule-making authority and making appropriations.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 72** was referred to joint committee on Finance.

### **Senate Bill 123**

Relating to scientific collectors permits, to trespass on fox or mink farms and to transfer of the ownership of land on which a dam exists (suggested as remedial legislation by the department of natural resources).

Read a second time.

The question was: Adoption of senate 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 123**

Read a third time and passed.

**Senate Bill 323**

Relating to granting public employees who are protective occupation participants retirement credit for prior service in that category.

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 323**

Read a third time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 323** was referred to joint committee on Finance.

**Senate Bill 414**

Relating to removal of wharves, piers, structures and obstructions in navigable waters.

Read a second time.

The question was: Adoption of senate 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 414**

Read a third time and passed.

**Senate Bill 497**

Relating to allowing counties to contract with municipalities for on-site sewage disposal inspections.

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.

**Senate Bill 497**

Read a third time and passed.

**Senate Bill 622**

Relating to presentence investigations.

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Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Senate Bill 622** was referred to joint committee on Finance.

**Senate Bill 630**

Relating to the definition of sexual intercourse.

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.

**Senate Bill 630**

Read a third time and passed.

**Senate Bill 681**

Relating to conservation easements.

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.

**Senate Bill 681**

Read a third time and passed.

**Assembly Bill 22**

Relating to agricultural statistics.

Read a second time.

The question was: Adoption of senate 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.

**Assembly Bill 22**

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, Maurer, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- None.

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

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So the bill was concurred in as amended.

**Assembly Bill 26**

Relating to permitting payment of rent for premises used in connection with the conduct of bingo.

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 26**

Read a third time and concurred in.

**Assembly Bill 32**

Relating to special state awards and making an appropriation.

Read a second time.

Senator Frank in the chair.

10:35 A.M.

Senator Van Sistine asked unanimous consent that **Assembly Bill 32** be referred to committee on Labor, Government, Veterans Affairs and Tourism.

Senator Lorge objected.

By request of Senator Flynn, with unanimous consent, **Assembly Bill 32** was referred to committee on Labor, Government, Veterans Affairs and Tourism.

**Assembly Bill 242**

Relating to providing penalties for use of a dangerous weapon.

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.

**Assembly Bill 242**

Read a third time and concurred in as amended.

**Assembly Bill 581**

Relating to notification of proposed town highway changes.

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.

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**Assembly Bill 581**

Read a third time and concurred in.

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MOTIONS

By request of Senator Cullen, with unanimous consent, **Senate Bill 764** was withdrawn from committee on Aging, Business and Financial Institutions and Transportation and referred to committee on Insurance and Utilities.

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

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AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 554** by Senator Braun.

Senate amendments 1 and 2 to senate substitute amendment 1 to **Senate Bill 437** by Senator Goyke.

Senate substitute amendment 1 to **Senate Bill 397** by Senator Johnston.

Senate amendment 1 to **Senate Bill 396** by Senator Johnston.

Senate substitute amendment 1 to **Senate Bill 254** by Senator Johnston.

Senate substitute amendment 1 to **Senate Bill 664** by Senator Johnston.

Senate substitute amendment 1 to **Senate Bill 30** by Senator Johnston.

Senate substitute amendment 1 to **Senate Bill 331** by Senators Theno and Goyke.

Upon motion of Senator Bablitch the senate adjourned until 9:00 A.M. Thursday, February 11.

10:52 A.M.