

STATE OF WISCONSIN

Senate Journal

Eighty-Sixth Regular Session

WEDNESDAY, February 16, 1983

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

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

Senators Adelman, Chilsen, Cullen, Davis, Engeleiter, Feingold, George, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 27.

Absent -- Senators Bablitch, Ellis, Hanaway and Theno -- 4.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend William Osborne Hart, formerly of the First Congregational Church of Baraboo.

By request of Senator Kreul, with unanimous consent, the prayer was spread upon the journal.

Let us pray:

O Lord God, who has given us this good land as a heritage, we pray for this our State in which we live - which we love and of which we are justifiably proud.

We rejoice and revel in the spacious beauty everywhere present about us, in our fertile fields sleeping under a blanket of newly fallen snow, in the forested places - the lakes and streams - all gifts of Thy bounty.

We give thanks for our industry and commerce that even yet in these troublous times suffice to satisfy our need if not our greed.

Help us as the governed and the governing to make this state a community in which even the least of us finds a place of dignity and respect.

Bind us together as citizens in common cause for community good and make of us a family sharing common resources of a State richly endowed.

Bring us to a remembrance that the true greatness of this State is measured by the justice of its institutions and the equitableness of shared opportunity.

Lord God of this and every land, as this new legislative day opens, be Thou a Guide to and bless this Senate session that its every action may rebound to the welfare of our people and to the hastening of the coming of a more perfect social order, and blessed by Thy Holy Name, this day and unto Ages of Ages. Amen.

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

LEAVE OF ABSENCE

By request of Senator Harsdorf, with unanimous consent, Senator Hanaway was granted a leave of absence for the balance of today's session.

By request of Senator Harsdorf, with unanimous consent, Senator Theno was granted a leave of absence until 2:00 P.M.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 14

Relating to the outstanding service of Warren Braun as a member of the Wisconsin state senate.

By Senators Norquist, Otte, Lee, Adelman, Thompson, Kleczka, Cullen, Maurer, Risser, Strohl, Feingold, Hanaway, Bablitch, Lorge, Johnston, Chilsen, George, McCallum, Van Sistine, Roshell and Opitz; cosponsored by Representatives Becker, Crawford, Munts, Loftus, M. Coggs, Medinger, Miller, D. Travis, Plewa and Czarnecki.

Read.

Considered as privileged and taken up.

Adopted.

Senate Joint Resolution 15

Commending Tom King for his service to the Wisconsin state employees union and the state.

By Senators Risser and Otte; cosponsored by Representative D. Travis.

Read and referred to committee on Senate Organization.

Senate Joint Resolution 16

Relating to the governor's authority to veto appropriation bills in part (first consideration).

By Senators Johnston and Lasee; cosponsored by Representatives Crawford, Stitt and Coleman.

Read first time and referred to committee on Urban Affairs and Government Operations.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 92

Relating to telephone service to the hearing impaired.

By Senators Maurer, Strohl, Cullen and Feingold; cosponsored by Representatives Seery, Neubauer, Andrea, Jauch and Antaramian.

To committee on Energy and Environmental Resources.

Senate Bill 93

Relating to codifying laws of 1931, chapter 275 (the Kline Law), and modifying its condemnation procedures for 1st class cities.

By Senator Lee; cosponsored by Representative Becker, by request of the City of Milwaukee.

To committee on Urban Affairs and Government Operation.

Senate Bill 94

Relating to interest on residential security deposits.

By Senators Theno and Strohl; cosponsored by Representatives D. Travis, Neubauer and M. Coggs.

To committee on Judiciary and Consumer Affairs.

Senate Bill 95

Relating to the penalty for violating a department of agriculture, trade and consumer protection pest control order.

By Senator Johnston.

To committee on Agriculture and Rural Affairs.

Senate Bill 96

Relating to restitution paid by worthless check violators.

By Senators Johnston, Lorman, Hanaway, McCallum and Lorge; cosponsored by Representatives Smith, Stitt, Huelsman, Goetsch, Prosser, Radtke, Porter, Schneiders, Wimmer, Young, Jaronitzky, Matty and Luckhardt.

To committee on Judiciary and Consumer Affairs.

Senate Bill 97

Relating to crime victim assessments and making an appropriation.

By Senators Johnston, Lorman, Hanaway, McCallum and Lorge; cosponsored by Representatives Smith, Stitt, Schneiders, Goetsch, Young, Luckhardt and Matty.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 6

Granting the use of the assembly and senate chambers on Saturday, March 5, 1983, for the 1983 Model Legislative Session of the Wisconsin Jaycees.

Concurrence:

Ayes, 5 -- Senators Cullen, Risser, Offner, Harsdorf and Engeleiter;

Noes, 0 -- None.

Assembly Joint Resolution 7

Granting the use of the legislative chambers on February 19 and 20, 1983, to the 1983 Model Legislature of the College Republicans and Young Democrats.

Concurrence:

Ayes, 5 -- Senators Cullen, Risser, Offner, Harsdorf and Engeleiter;

Noes, 0 -- None.

Senate Joint Resolution 12

Granting the use of the senate and assembly chambers to the Wisconsin Legion Auxiliary Badger Girls State in 1983 and 1984 to hold a practice legislative session.

Adoption:

Ayes, 5 -- Senators Cullen, Risser, Offner, Harsdorf and Engeleiter;

Noes, 0 -- None.

Timothy F. Cullen
Chair

By request of Senator Cullen, with unanimous consent, the rules were suspended and the Senate Organization Scheduling Report was considered the Calendar of February 16.

CALENDAR OF FEBRUARY 16

BELLMAN, HOWARD, of Madison, as Secretary of the Department of Industry, Labor and Human Relations, to succeed James Gosling, to serve at the pleasure of the Governor.

Read.

The question was: Shall the appointment be confirmed?

The ayes and noes were required and the vote was: ayes, 27; noes, 0; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Davis, Engeleiter, Feingold, George, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 27.

Noes -- None.

Absent or not voting -- Senators Bablitch, Ellis, Hanaway and Theno -- 4.

So the appointment was confirmed.

FLYNN, JAMES, of West Allis, as Secretary of the Department of Development, to succeed William Kraus, to serve at the pleasure of the Governor.

Read.

The question was: Shall the appointment be confirmed?

The ayes and noes were required and the vote was: ayes, 27; noes, 0; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Davis, Engeleiter, Feingold, George, Harsdorf, Johnston,

Kleccka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 27.

Noes -- None.

Absent or not voting -- Senators Bablitch, Ellis, Hanaway and Theno -- 4.

So the appointment was confirmed.

By request of Senator Maurer, with unanimous consent, the senate recessed until 10:28 A.M.

10:19 A.M.

RECESS

10:28 A.M.

The senate reconvened.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 82-167

AN ORDER to repeal ch. PW 65 and to create ch. HSS 85, relating to approval of nonprofit corporations to serve as guardians for adults found by courts to be mentally incompetent.

Submitted by Department of Health and Social Services.

Report received from agency, February 15, 1983.

Referred to committee on Health, Education, Corrections and Human Services, February 16, 1983.

Clearinghouse Rule 82-175

AN ORDER to repeal PW-CY 40.25; and to create HSS 55.50, relating to the expenditure of funds appropriated to provide start-up grants for newly operating day care facilities.

Submitted by Department of Health and Social Services.

Report received from agency, February 15, 1983.

Referred to committee on Health, Education, Corrections and Human Services, February 16, 1983.

Clearinghouse Rule 82-190

AN ORDER to repeal Tax 11.15 (5) (b); to amend Tax 11.15 (5) (a), 11.51 (2) (b) and 11.87 (2) (d) 3, (g) and (i), relating to the sales tax treatment of disposable items sold to retailers of prepared food, restaurant tips, meals sold to restaurant employes and yogurt sold by grocers.

Submitted by Department of Revenue.

Report received from agency, February 15, 1983.

Referred to committee on Labor, Business, Veterans Affairs and Tourism, February 16, 1983.

Clearinghouse Rule 82-213

AN ORDER to amend Tax 11.14 (7) (a) 4, 11.15 (8), 11.49 (2) (a) and (c), 11.57 (2) (a) and (4) (a), 11.67 (3) (n), 11.84 (2) (a) 2 and (3), 11.96 (4) and 11.98 (1); and to repeal and recreate Tax 11.96 (1) and (3), relating to

revising various administrative rules in ch. Tax 11 of the Wisconsin administrative code.

Submitted by Department of Revenue.

Report received from agency, February 15, 1983.

Referred to committee on Urban Affairs and Government Operation, February 16, 1983.

Clearinghouse Rule 82-219

AN ORDER to repeal Tax 12.25, 12.27 and 12.29; to renumber and amend Tax 12.28; to amend Tax 1.11 (1) (b), (2) (c), (3) (c), (4) (a) and (c) and (5) (b) and 12.23; to repeal and recreate Tax 12.21 and 12.22; and to create Tax 12.24, relating to mining net proceeds tax.

Submitted by Department of Revenue.

Report received from agency, February 15, 1983.

Referred to committee on Labor, Business, Veterans Affairs and Tourism, February 16, 1983.

CALENDAR OF FEBRUARY 16

Senate Joint Resolution 12

Granting the use of the senate and assembly chambers to the Wisconsin Legion Auxiliary Badger Girls State in 1983 and 1984 to hold a practice legislative session.

Read.

Adopted.

Senate Bill 66

Relating to private counsel and investigator reimbursement and making an appropriation.

Read a second time.

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

Senate amendment 2 offered by Senator Harsdorf.

Senate amendment 1 to senate amendment 2 offered by Senators George and Harsdorf.

The question was: Adoption of senate amendment 1 to senate amendment 2?

Adopted.

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

Ordered to a third reading.

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

Senate Bill 66

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 3; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Davis, Engeleiter, Feingold, George, Harsdorf, Johnston, Kleccka, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 24.

Noes -- Senators Kreul, Lasee and Opitz -- 3.
Absent or not voting -- Senators Bablitch, Ellis,
Hanaway and Theno -- 4.

So the bill passed.

Assembly Joint Resolution 6

Granting the use of the assembly and senate chambers on Saturday, March 5, 1983, for the 1983 Model Legislative Session of the Wisconsin Jaycees.

Read.

Concurred in.

Assembly Joint Resolution 7

Granting the use of the legislative chambers on February 19 and 20, 1983, to the 1983 Model Legislature of the College Republicans and Young Democrats.

Read.

Concurred in.

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

By request of Senator Cullen, with unanimous consent, the Senate returned to the third and eighth orders of business.

INTRODUCTION OF BILLS.

Read first time and referred:

Senate Bill 98

Relating to restrictions of the sale of certain products containing phosphates and creating a penalty.

By Senators Strohl, Lorman, Adelman, Lee, Feingold, Moen, Risser, Davis, Norquist, George, Otte, Ellis, Bablitch, Engeleiter and Johnston; cosponsored by Representatives Neubauer, Nelson, Czarnezki, Jaronitzky, Bell, Jauch, M. Coggs, Stower, Bolle, Gilson, Moyer, Chvala, Miller, Schultz, Antaramian, Medinger, Walling, Brist, Rogers, Seery, Munts, Rooney, Johnson, Potter, Roberts, Loftus, Turba, Plous, Metz, Helbach, S. Coggs, Gerlach, Kunicki, Gronemus, Becker, Holperin, Meaux, Crawford, Sell, D. Travis, Wineke, Clarenbach, Looby, Rutkowski, Ulichny, Hasenohrl, Tesmer and Rude.

To committee on Energy and Environmental Resources.

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

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

Assembly Bill 104

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 104

Relating to state cash flow, authorization to incur financial obligations and issue operating notes, reallocation of state moneys, delayed state payments to local governments, state claim proration and payment schedules and making appropriations.

By Representatives Loftus, Johnson and Munts, co-sponsored by Senators Cullen, Kleczka, Offner and Risser, by request of Governor Anthony S. Earl.

Read first time and referred to committee on Senate Organization.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, February 17.

10:49 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 78

1. Page 1, line 1: delete "20.490 (3) and".
2. Page 2, line 19: delete lines 19 to 22.
3. Page 2, line 23: substitute "SECTION 2" for "SECTION 3".
4. Page 5, line 8: substitute "SECTION 3" for "SECTION 4".

NOTE: The drafting record indicates that the creation of s. 20.490 (3) should not have been included in Senate Bill 78.