

STATE OF WISCONSIN  
**Senate Journal**  
Eighty-Sixth Regular Session

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WEDNESDAY, October 19, 1983  
2:00 P.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:

Present -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Harold L. Senkbeil of the Lutheran Church of the Living Christ, Madison.

The senate remained standing and Senator Chilsen 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 14**

Favoring the approval of the application of the Grand Trunk Western Railroad Co. to acquire the Milwaukee Road.

By Senator Otte.

Read and referred to committee on Transportation.

By request of Senator Otte, with unanimous consent, **Senate Resolution 14** was withdrawn from committee on Transportation and referred to committee on Senate Organization.

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INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 468**

Relating to state responsibility for certain discharges of hazardous substances and making an appropriation.

By Senators Kincaid and Hanaway; cosponsored by Representatives Volk and Zeuske.

To committee on Energy and Environmental Resources.

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COMMITTEE REPORTS

The committee on Health, Education, Corrections and Human Services reports and recommends:

**Senate Bill 365**

Relating to the use of drug product equivalents in filling prescriptions and directing the medical examining board to publish a pamphlet explaining the drug product equivalent law.

Introduction and adoption of senate substitute amendment 1:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Moen, Davis and Lorman;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Moen, Davis and Lorman;

Noes, 0 -- None.

**Assembly Bill 147**

Relating to creating a child abuse and neglect prevention board and a children's trust fund, and making an appropriation.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Moen, Davis and Lorman;

Noes, 0 -- None.

**Assembly Bill 234**

Relating to mental health commitments for inmates of state prisons.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Moen, Davis and Lorman;

Noes, 0 -- None.

**Assembly Bill 235**

Relating to county correctional facilities.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Moen, Davis and Lorman;

Noes, 0 -- None.

**Assembly Bill 397**

Relating to the employment of school district administrators, school district business managers and school principals.

Concurrence:

Ayes, 5 -- Senators Thompson, Strohl, Moen, Davis and Lorman;

Noes, 1 -- Senator Norquist.

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**Assembly Bill 556**

Relating to bookkeeping and audit requirements for group homes.

Concurrence:

Ayes, 6 -- Senators Thompson, Strohl, Norquist, Moen, Davis and Lorman;

Noes, 0 -- None.

CARL THOMPSON  
Chair

The joint committee on Finance reports and recommends:

**Senate Bill 1**

Relating to changing the legal age for drinking and obtaining alcohol beverage licenses and permits and providing penalties.

Adoption of senate amendment 1:

Ayes, 13 -- Senators Kleczka, Maurer, Offner, Roshell, George, Norquist and McCallum, Representatives Munts, Metz, Becker, Jauch, Stitt and Nelsen;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 13 -- Senators Kleczka, Maurer, Offner, Roshell, George, Norquist and McCallum, Representatives Munts, Metz, Becker, Jauch, Stitt and Nelsen;

Noes, 0 -- None.

Introduction and adoption of senate amendment 3:

Ayes, 10 -- Senators Kleczka, Maurer, Offner, Roshell and Norquist, Representatives Munts, Metz, Wood, Jauch and Nelsen;

Noes, 4 -- Senators George and McCallum, Representatives Becker and Stitt.

Passage as amended:

Ayes, 9 -- Senators Kleczka, Maurer, Roshell, Norquist and McCallum, Representatives Munts, Metz, Wood and Stitt;

Noes, 4 -- Senators Offner and George, Representatives Becker and Jauch.

**Senate Bill 118**

Relating to retention of information under the employes' right-to-know law, providing a hearing procedure for violations of that law, extending information requirements relating to pesticides and granting rule-making authority.

Adoption of senate amendment 2:

Ayes, 13 -- Senators Kleczka, Maurer, Offner, Roshell, George, Norquist and McCallum, Representatives Munts, Metz, Becker, Jauch, Stitt and Nelsen;

Noes, 0 -- None.

Passage as amended:

Ayes, 12 -- Senators Kleczka, Maurer, Offner, Roshell, George, Norquist and McCallum, Representatives Munts, Metz, Wood, Becker and Jauch;

Noes, 1 -- Representative Stitt.

**Senate Bill 275**

Relating to the fee on liming materials sold in the state and making an appropriation.

Passage:

Ayes, 12 -- Senators Kleczka, Maurer, Offner, Roshell, George and Norquist, Representatives Munts, Metz, Wood, Becker, Jauch and Stitt;

Noes, 0 -- None.

GERALD D. KLECZKA  
Chair

PETITIONS AND COMMUNICATIONS

**Senate Petition 26**

A petition by 174 eighth grade students of Washington Junior High School in New London in support of passage of Assembly Bill 86 designating the American Water Spaniel as the State Dog.

By Senator Lorge.

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

State of Wisconsin  
Department of State

October 18, 1983

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(8):

Sincerely,  
DOUGLAS LAFOLLETTE  
Secretary of State

*Lobbyist's name, address, telephone number; principal's name, address, telephone number; the code numbers indicating Areas of Legislative Action; the code numbers indicating Areas of Administrative Action.*

Hough, James E., One South Pinckney St., Ste. 313, Madison, WI 53703 (608) 255-2180; Wisconsin Dairy Products Assn., Inc., 2805 E. Washington Ave., Madison, WI 53704 (608) 241-4973; 1, 10, 11, 18; 109, 129, 144.

Kraus, Eugene, Jr., 415 E. Washington, Madison, WI 53703 (608) 251-5546; Independent Business Assn. of Wisconsin, Inc., 415 E. Washington, Madison, WI 53703 (608) 251-5546; 2, 13-15, 18, 20, 21, 26; 116.

Wood, James B., 1016 Lincoln St., Madison, WI 53711 (608) 257-2543; Wisconsin League of Financial Institutions, Ltd., 312 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 271-7303; 1-8, 13-25; 101, 109, 113, 116, 117, 119, 121, 129, 136, 139, 140, 142, 150, 170, 172, 174, 183.

Registration Amendments:

Pharmaceutical Manufacturers Assn., added Legislative Action Area, 9.

Savings League of Wisconsin, Ltd: Change name to: Wisconsin League of Financial Institutions, Ltd.

JOURNAL OF THE SENATE [October 19, 1983]

State of Wisconsin  
Claims Board

October 18, 1983

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 September 19, 1983.

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 September 19, 1983 upon the following claims:

Claimant	Amount
Judge Robert Cannon	\$3,487.59
Judge Leander Foley, Jr.	3,597.59
Judge Hugh O'Connell	3,597.59
Judge Robert Landry	3,477.59
Judge John Decker	3,597.59
Judge Robert Curley	3,597.59

THE BOARD FINDS:

1. The above claimants make claims for attorneys fees and expenses incurred for legal representation in litigation to challenge the constitutionality of Chapter 38, Laws of 1979. Prior to 1979, the State of Wisconsin appropriated deferred compensation benefits earned by Judges under the Milwaukee County Employees Retirement System. Sums equivalent to the deferred compensation benefits were deducted from the Judges' salaries as sitting appeals court judges from January, 1980 to August, 1981, pursuant to Chapter 38, Laws of 1979. The Judges commenced an action in Dane County Circuit Court and The Honorable W. L. Jackman, declared Chapter 38, Laws of 1979 as unconstitutional. The State appealed and the decision was reversed. The

Judges sought review in Supreme Court which found Chapter 38, Laws of 1979, unconstitutional. The Board recommends that the claims be paid in the reduced amount of \$2,943.86 for each claimant, representing a reduction in the attorney fees to a maximum of \$50 per hour, based on equitable principles.

THE BOARD RECOMMENDS:

Payment of \$2,943.86 be made to each of the following claimants for reimbursement of attorney fees at the maximum rate of \$50 per hour plus expenses, incurred for representation in litigation to determine the constitutionality of Chapter 38, Laws of 1979.

Judge Robert Cannon  
Judge Leander Foley, Jr.  
Judge Hugh O'Connell  
Judge Robert Landry  
Judge John Decker  
Judge Robert Curley

Dated at Madison, Wisconsin this 17th day of October, 1983.

GERALD D. KLECZKA  
Senate Finance Committee  
MARLIN D. SCHNEIDER  
Assembly Finance Committee  
DANAE DAVIS GORDON  
Representative of Governor  
EDWARD D. MAIN  
Representative of Secretary of Administration  
WILLIAM H. WILKER  
Representative of Attorney General

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-121

AN ORDER to repeal Tax 12.04, relating to limitation on property tax levies of towns, villages, cities and counties.

Submitted by Department of Revenue.

Report received from agency, October 19, 1983.

Referred to committee on Tourism and Revenue, October 19, 1983.

The committee on Transportation reports and recommends:

Clearinghouse Rule 83-109

AN ORDER to repeal and recreate ch. Hy 35, relating to local transportation aids and the functional classification of public highways, streets and roads.

No action taken.

CARL OTTE  
Chair

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 158**  
**Assembly Bill 342**  
**Assembly Bill 377**  
**Assembly Bill 380**  
**Assembly Bill 434**  
**Assembly Bill 440**  
**Assembly Bill 453**  
**Assembly Bill 532**  
**Assembly Bill 549**  
**Assembly Bill 629**

Adopted and asks concurrence in:

**Assembly Joint Resolution 69**

Concurred in:

**Senate Bill 280**  
**Senate Bill 418**

**Assembly Joint Resolution 30**, senate amendment 1

Nonconcurrent in:

**Assembly Bill 26**, senate substitute amendment 1

MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Bill 380**

Relating to eligibility for aid to families with dependent children.

By Representatives Smith, Metz, M. Coggs, Gilson, Seery, Stower and Neubauer, co-sponsored by Senators Kincaid and Hanaway.

Read first time and referred to committee on Health, Education, Corrections and Human Services.

**Assembly Bill 434**

Relating to day care services and funds, granting rule-making authority and making an appropriation.

By Legislative Council.

Read first time and referred to committee on Health, Education, Corrections and Human Services.

**Assembly Joint Resolution 69**

Relating to the life and public service of Milton F. Burmaster.

By Representative Young and All Members of the Assembly, co-sponsored by Senator Engeleiter.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

**Assembly Bill 158**

Relating to summary probate procedures.

By Representative Potter.

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

**Assembly Bill 342**

Relating to car pools.

By Representatives Ulichny and Metz, co-sponsored by Senators Strohl, Lee and Norquist.

Read first time and referred to committee on Transportation.

**Assembly Bill 377**

Relating to deer tags and consumption of deer.

By Committee on Tourism and Recreation.

Read first time and referred to committee on Energy and Environmental Resources.

**Assembly Bill 440**

Relating to requiring family court commissioners to preside over hearings in certain divorce actions.

By Representatives Hauke and Ulichny.

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

**Assembly Bill 532**

Relating to motor vehicle dealers sharing facilities or adding a franchise.

By Representatives Hasenohrl, Williams, Shoemaker, Prosser, Hauke, Helbach, Rogers, Holschbach, Schultz, Schneider, Johnson and Roberts, co-sponsored by Senators Kincaid, Roshell, Van Sistine and McCallum.

Read first time and referred to committee on Labor, Business, Veterans Affairs and Insurance.

**Assembly Bill 453**

Relating to a control and indemnification program for swine pseudorabies, granting rule-making authority and making an appropriation.

By Representatives Swoboda, Vanderperren, R. Travis, Hephner, Porter, Schultz, Turba, Rude, Jaronitzky, Merkt, Lewis, Wineke, Radtke, Van Gorden, Stower, Smith, Williams, Shoemaker, Tregoning, Gilson, Luckhardt, Roberts, Matty, Moyer, Bolle, Byers and Coleman, co-sponsored by Senators Moen, Thompson, Cullen, Lorman, Theno, Kreul, Lasee and Kincaid, by request of Wisconsin Pork Producers.

Read first time and referred to committee on Agriculture and Rural Affairs.

**Assembly Bill 549**

Relating to payment of fees to register in probate.

By Representatives Manske, Vanderperren, Donoghue, Panzer and Goetsch, co-sponsored by Senators Davis and Lorman.

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

**Assembly Bill 629**

Relating to notarial acts.

By Representative Crawford.

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

CALENDAR OF OCTOBER 19

**Senate Bill 121**

Relating to miscellaneous changes to the limited partnership, securities, corporate take-over and franchise investment laws.

Read a second time.

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

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

The question was: Adoption of senate amendment 3? 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 121**

Read a third time and passed.

**Senate Bill 318**

Relating to establishing a branch bank at an airport operated by a county having at least 500,000 population.

Read a second time.

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

Ordered to a third reading.

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

**Senate Bill 318**

Read a third time and passed.

**Senate Bill 347**

Relating to notice of interest rate changes under variable rate loans (suggested as remedial legislation by the commissioner of savings and loan).

Read a second time.

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 347**

Read a third time and passed.

**Senate Bill 372**

Relating to miscellaneous changes affecting banking regulation.

Read a second time.

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 372**

Read a third time and passed.

**Assembly Bill 470**

Relating to regulating the transportation and use of firearms and determining if a muzzle-loading firearm is unloaded.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 470**

Read a third time and concurred in.

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

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, October 20.

2:25 P.M.