

STATE OF WISCONSIN

Senate Journal

1983 October Special Session

TUESDAY, October 25, 1983

8:33 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, Czarnecki, 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 a moment of silent prayer.

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

Ayes, 14 -- Senators Kleczka, Maurer, Offner, Roshell, George, Norquist and McCallum, Representatives Munts, Metz, Wood, Becker, Jauch, Stitt and Nelsen;

Noes, 0 -- None.

Passage as amended:

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

Noes, 4 -- Senators Norquist and McCallum, Representatives Stitt and Nelsen.

GERALD D. KLE CZKA

Co-Chair

By request of the president of the senate, with unanimous consent, the minority report of the Joint Survey committee on Debt Management was entered on the record.

REPORT OF JOINT SURVEY COMMITTEE ON DEBT MANAGEMENT

Appendix to Senate Bill 1, October Special Session

Minority Report

I oppose this legislation extending the homeownership mortgage loan program for three years and increasing the borrowing authority for calendar year 1983. My reasons are as follows:

1. The program is another "entitlement program" through which the state provides benefits to individuals through its borrowing power.

2. The program's primary purpose appears to be to save money for individual citizens of the state who, through the commercial lending market, would have to pay higher interest rates. This is not a proper governmental function.

3. To the extent that persons who receive benefits under the program would also be considered to be eligible for loans from the private commercial lending institutions, the state is competing with those institutions.

4. To the extent that the program provides housing to persons who would not be able to obtain a loan through private commercial lenders, it is not a proper governmental function because:

a. It encourages persons to incur debt who should not be doing so but, rather, should be saving money in anticipation of buying a home.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 1, October Special Session

Relating to extending and increasing the amount of bonding for the homeownership mortgage loan program.

Adoption of senate amendment 2:

Ayes, 8 -- Senators Maurer, Offner, George, Norquist and McCallum, Representatives Jauch, Stitt and Nelsen;

Noes, 6 -- Senators Kleczka and Roshell, Representatives Munts, Metz, Wood and Becker.

Adoption of senate amendment 4:

Ayes, 7 -- Senators Offner, George and Norquist, Representatives Munts, Metz, Stitt and Nelsen;

Noes, 7 -- Senators Kleczka, Maurer, Roshell and McCallum, Representatives Wood, Becker and Jauch.

Adoption of senate amendment 5:

Ayes, 8 -- Senators Kleczka, Maurer, George and Norquist, Representatives Munts, Metz, Becker and Jauch;

Noes, 6 -- Senators Offner, Roshell and McCallum, Representatives Wood, Stitt and Nelsen.

Introduction and adoption of senate amendment 6:

b. It creates competition between purchasers for low-cost housing, with some persons having the advantage of a government-subsidized loan with lower interest rates, allowing them to offer a higher purchase price.

c. It creates competition for housing between persons who receive subsidized loans under this program and those who receive loans through the veterans' loan program.

5. The beneficiaries of the program are the real estate brokers; the program does not appear to be creating new jobs in the construction industry since comparatively few new homes are financed through the program.

I strongly believe that the state should not be offering subsidized loans in competition with the private sector and believe it is not a proper government role to guarantee to all citizens, regardless of their financial ability to pay, the right to purchase housing.

ESTHER LUCKHARDT  
Representative

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#### PETITIONS AND COMMUNICATIONS

United States of America  
State of Wisconsin  
Executive Department

##### *A Proclamation*

I, Anthony S. Earl, Governor of the State of Wisconsin, pursuant to Section 11 of Article IV and section 4 of Article V of the Constitution of Wisconsin, do expand the business of the special session of the Legislature convened on October 18, 1983 to include the following specific legislative business:

1. Eliminating current law permitting foreclosure of real estate mortgages by advertisement.

2. Creating an exemption from garnishment for a portion of monies owed a defendant for the sale of agricultural products grown or produced by the defendant or the defendant's minor children.

3. Specifying that refunds of milk assessments are income for income tax purposes in the year received or accruable and that those assessments are deductions in the year paid or accruable if the amount is included in gross income.

4. Requiring the Department of Transportation to place near highways and waysides signs displaying a slogan or logo promoting Wisconsin agricultural products.

5. Directing the Attorney General to intervene in or commence any legal action necessary to dissolve the consent order entered into between the federal Trade Commission and the American Dairy Association prohibiting the advertisement of milk as partially fat free.

6. Prohibiting nondairy products from being served or used in any food prepared in any building owned by a municipality or the state.

7. Requiring the Department of Development to distribute free samples of Wisconsin cheese obtained by donation or with donated funds at the Department's tourist information centers.

8. Allowing the use of the "Something Special From Wisconsin" promotional campaign for all products and commodities manufactured or produced in Wisconsin that meet the standards established by the Department of Agriculture, Trade and Consumer Protection.

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
caused the Great Seal of the State  
of Wisconsin to be affixed at the  
Capitol in Madison this day,  
October 25, 1983.

ANTHONY S. EARL  
Governor

By the Governor:  
DOUGLAS LA FOLLETTE  
Secretary of State

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#### 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 1, October Special Session**  
**Assembly Bill 2, October Special Session**  
**Assembly Bill 4, October Special Session**

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#### MESSAGE FROM THE ASSEMBLY CONSIDERED

##### **Assembly Bill 1**

Relating to exemptions from and fees for securities registration.

By Committee on Rules, by request of Governor Anthony S. Earl.

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

##### **Assembly Bill 2**

Relating to a personal property tax exemption for logging equipment.

By Committee on Rules, by request of Governor Anthony S. Earl.

Read first time and referred to committee on Tourism and Revenue.

##### **Assembly Bill 4**

Relating to consideration for small businesses in state agency rule making.

By Committee on Rules, by request of Governor Anthony S. Earl.

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

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CALENDAR OF OCTOBER 25

**Senate Bill 5, October Special Session**

Relating to formation and regulation of public utility holding companies.

Read a second time.

Senate amendment 1 offered by Senator George.

Senate substitute amendment 2 offered by Senators Offner, Hanaway, Maurer, Cullen and Kreul.

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

The question was: Adoption of senate substitute amendment 1?

Senator Chilsen raised the point of order that senate substitute amendment 1 was not germane.

By request of Senator Cullen, with unanimous consent, the senate recessed until 9:17 P.M.

8:55 P.M.

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RECESS

9:17 P.M.

The senate reconvened.

Earlier today, the Senator from the 29th District, Senator Chilsen, raised the point of order that senate substitute amendment 1 to Senate Bill 5, October Special Session, was not germane as it would accomplish the opposite of the original proposal.

The amendment would permit a holding company in one circumstance, and would prohibit the establishment of holding companies by other utilities. The chair will refer to a previous ruling and Mason's Manual. On January 31, 1978, the former senator from the 33rd District, Senator Murphy, raised a point of order that an amendment to prohibit the hunting of bear by dogs to a bill relating to the use of dogs for bear hunting was not germane. On page 1598, Journal of the 1977-78 Legislature, the chair's ruling reads in part:

"In this case the chair went to Mason's Manual, Section 402, paragraphs 3 and 6, which the chair believes has some application in this instance.

Paragraph 3 says: "To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of the motion or measure and still be germane to the subject."

Paragraph 6 says: "No independent new question can be introduced under cover of an amendment. But an amendment may be in conflict with the spirit of the original motion, and still be germane and, therefore, in order."

Senate amendment 4 does not relate to a different subject since it deals with dogs and bear hunting, as does the bill. Whether senate amendment 4 is intended to accomplish a different purpose or would require a title essentially different is questionable.

The question of germaneness has been described by past chairs as "at best a judgment call" ('73, 224). In this case it is the judgment of the chair that senate amendment 4 is germane."

The amendment relates to holding companies as does the original bill. Therefore, as stated above, it is the opinion of the chair that the amendment is germane and the point of order is not well taken.

By request of Senator Maurer, with unanimous consent, the senate recessed until 9:35 P.M.

9:21 P.M.

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RECESS

9:35 P.M.

The senate reconvened.

The question was: Adoption of senate substitute amendment 1?

Senator Kleczka moved that **Senate Bill 5, October Special Session** be laid on the table.

The question was: Shall the bill be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Czarnecki, Ellis, Feingold, George, Helbach, Kleczka, Lee, Lorge, Moen, Norquist, Opitz, Risser, Strohl, Theno, Thompson and Van Sistine -- 17.

Noes -- Senators Chilsen, Cullen, Davis, Engeleiter, Hanaway, Harsdorf, Johnston, Kincaid, Kreul, Lasee, Lorman, McCallum, Maurer, Offner, Otte and Roshell -- 16.

Absent or not voting -- None.

So the motion prevailed.

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AMENDMENTS OFFERED

Senate amendment 5 to **Senate Bill 1, October Special Session** by Senators Cullen and Lorman.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Wednesday, October 26.

9:50 P.M.