

Eighty-Sixth Regular Session

WEDNESDAY, November 16, 1983

The chief clerk makes the following entries under the above date.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 46

Memorializing congress to provide the public sector with reasonable access to satellite telecommunications technology.

By Senators Harsdorf and Lorman.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 482

Relating to habitual traffic offenders, alcohol beverages in or upon motor vehicles, revocation and suspension of driver instructor licenses, penalties for operating an unsafe motor vehicle, elimination of metropolitan transit authorities, quarterly registration of vehicles transporting liquid dairy products, credits for fee overpayments under the international registration plan, state-owned gravel pits, private motor carrier leases filed with the department of transportation, lists of registered mobile amateur radio stations, the age of operators of motor vehicles used to transport children to extracurricular activities and handicapped adults to rehabilitation centers and of persons accompanying holders of instructional permits, granting rule-making authority and making an appropriation.

By Senator Otte; cosponsored by Representative Vanderperren.

To committee on Transportation.

Senate Bill 483

Relating to exempting financial disclosure statements and lists of persons who bid for contracts let by a redevelopment authority from disclosure as public records.

By Senator Johnston, by request of City of Milwaukee.

To committee on Urban Affairs and Government Operations.

Senate Bill 484

Relating to restoring the personal needs allowance of medical assistance recipients.

By Senator Helbach; cosponsored by Representative Schneider.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 485

Relating to health maintenance organizations.

By Legislative Council.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 486

Relating to insurance coverage for owner of residential tenant building.

By Senator Norquist; cosponsored by Representative Becker.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 487

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

By Senators Adelman, Lee, Feingold, Kleczka, Offner, Cullen, Strohl, Hanaway, Van Sistine, Risser, Maurer, Theno, Otte, Lorman and Helbach; cosponsored by Representatives Roberts, Brist, Loftus, Vanderperren, Johnson, Radtke, T. Thompson, Stower, Crawford, Metz, Potter, Plewa, Schneider, D. Travis, Andrea, Rogers, Hauke, Chvala, Manske and Gilson, by request of Secretary of State, Douglas LaFollette.

To committee on Judiciary and Consumer Affairs.

Senate Bill 488

Relating to prohibiting the exhibition or sale of obscene materials in a grocery store and creating a penalty.

By Senator Norquist.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 489

Relating to prohibiting the use of state funds to reimburse the costs of transsexual surgery under the state dependents program.

By Senator Harsdorf; cosponsored by Representatives Van Gorden and Young.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 490

Relating to notice to nonresidents who owe real property taxes.

By Senator Harsdorf and Lorge; cosponsored by Representatives Van Gorden and Buettner.

To committee on Tourism and Revenue.

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PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

November 8, 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.

Beatty, Fred K., Ste. 310, 14 W. Mifflin St., Madison, WI 53703 (608) 258-8555; Wisconsin Credit Union League, 10025 W. Greenfield Ave., Milwaukee, WI 53214 (800) 242-0833; 1-25; 101-185.

Derouin, James G., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; Scott Paper Co., Scott Plaza, Philadelphia, PA 19113 (215) 521-5000;

Hasler, Joseph J., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; Scott Paper Co., Scott Plaza, Philadelphia, PA 19113 (215) 521-5000; 1-25; 101-185.

Hough, James E., One South Pinckney St., Ste. 313, Madison, WI 53703 (608) 255-2180; Printing Industries of Wisconsin, 13105 W. Bluemound Rd., P.O. Box 127, Elm Grove, WI 53122 (414) 785-9090; 3, 13, 20-22; 101, 136, 140, 144, 149, 170, 174.

Klauser, James R., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891; Scott Paper Co., Scott Plaza, Philadelphia, PA 19113 (215) 521-5000; 1-25; 101-185.

Kwapisz, John D., 7215 Aetna Ct., Wauwatosa, WI 53213 (414) 774-6308; The Vollrath Co, Inc., 1236 N. 18th St., Sheboygan, WI 53081 (414) 457-4851; 12, 13, 16, 21, 22.

Massing, Beverly M., 7 N. Pinckney St., Madison, WI 53703 (608) 255-5550; Wisconsin Assn. for Marriage & Family Therapy, 330 Broadway, Wausau, WI 54401 (715) 842-3913; 18, 20; 101-129.

Sicula, Paul E., 212 W. Wisconsin Ave., Milwaukee, WI 53203 (414) 271-8100; Alpine Valley Music Theatre, Inc., P.O. Box 307, East Troy, WI 53120 (414) 642-3945; 18, 20.

Vaughan, Michael R., Murphy, Stolper, Brewster & Desmond, S.C., 150 E. Gilman St., P.O. Box 2038, Madison, WI 53701 (608) 257-7181; Printing Industries of Wisconsin, 13105 W. Bluemound Rd., P.O. Box 127, Elm Grove, WI 53122 (414) 785-9090; 3, 13, 20-22; 101, 136, 140, 144, 149, 170, 174.

Wagner-Malloy, Mary, Rt. 1, Box 591, Salem, WI 53168 (414) 654-3004; Motion Picture Assn. of America,

522 -5th Ave., New York, NY 10036 (212) 840-6161; 3, 20-22; 101, 140, 170, 174.

Lobbyist Termination:

Day, Warren J., for Badger State Cemetery Assn., effective November 2, 1983.

State of Wisconsin
Legislative Council

November 11, 1983

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1983 Legislature on legislation introduced by the Legislative Council:

RL 83-30 -- Legislation Relating to Severed Mineral Rights (Senate Bill 480)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,
BONNIE REESE
Executive Secretary

State of Wisconsin
Claims Board

November 10, 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 October 17, 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

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STATE OF WISCONSIN
CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on October 17, 1983, upon the following claim:

Claimant	Amount
Baraboo Sysco Food Services, Inc.	\$84,886.24

THE BOARD FINDS:

Baraboo Sysco Food Services, Inc., claims \$84,886.24 for a refund of sales tax collected from its customers from January 1, 1978 through June 30, 1981. Claimant sells a number of disposable items used in food service to restaurant operators. Prior to January 29, 1982, the Department of Revenue took the position that the sales of these items were subject to sales tax because they were not resold by the restaurant operators. On January 29, 1982, the Tax Appeals Commission overruled that position and held that the sales of these items to restaurant operators were not subject to sales tax because they were resold by restaurants with their food items. After this decision most wholesale suppliers of restaurants obtained refunds of sales taxes and rebated these refunds to their customers. However, the claimant was unable to obtain a refund for the period in question because they had been field audited and they had not filed a petition with the Department of Revenue for a redetermination as provided for in s. 77.59, Stats. The Claims Board finds equitable principles that this claim should be paid directly to the restaurant operator customers of the claimant because the taxes were actually paid by the restaurant operators. The Claims Board recommends that the legislature authorize the Department of Administration to make a total maximum payment of \$84,886.24 to restaurant operator customers of the claimant who paid sales taxes to the claimant on disposable items for the period in question. Further, it is recommended that the restaurant operators be required, within six months, to make a detailed claim to the Department of Administration for a refund and that the Department of Administration be authorized to make payment, without interest, upon audit and certification of the correct amount to be refunded by the Department of Revenue. The Department of Revenue shall at the close of the six month claim period audit all claims filed. Baraboo Sysco Food Services, Inc., and the restaurant operators shall make their books and records available upon request of the Department of Revenue. It is also recommended that any funds not claimed within the six month period after the effective date of the legislation and not paid after completion of audit should lapse to the general fund.

Dated at Madison, Wisconsin, this 9th day of November, 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

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

November 10, 1983

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
218-----	76	--- November 10, 1983
305-----	77	--- November 10, 1983
321-----	78	--- November 10, 1983
459-----	79	--- November 10, 1983
410-----	93	--- November 10, 1983

Respectfully,
ANTHONY S. EARL
Governor

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-96

AN ORDER to repeal Trans 107.02 (1); to renumber Trans 107.02 (2) to (9) and 107.03 (1) (a) to (c) and (e) to (i); to renumber and amend Trans 107.03 (1) (d); to amend Trans 107.04 (1) (b), 107.06 (title) and (3) (intro.) and (a), 107.08 (1) (b) and (h) to (j), 107.09 (5) and 107.11 (3); to repeal and recreate Trans 107.06 (1); and to create Trans 107.02 (9) and 107.06 (3) (f), relating to driver licensing of persons with chemical abuse or dependency problems.

Submitted by Department of Transportation.

Report received from agency, November 15, 1983.

Referred to committee on Transportation, November 16, 1983.

Clearinghouse Rule 83-124

AN ORDER to repeal PSC 135-192.455 (f) (3); to amend PSC 135-192.227 (c) (1) and (2), 192.283 (b) (5), 192.455 (f) (2), 192.706 (b), 192.721 (b), 192.723 (b) (1), 192.731

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(c), 192.739 (intro.), 192.743 (a), 192.745, 192.747, 192.749 (a), appendix A subd. I-F and II-B (21), appendix B subd. I, 193.2313 (b), 193.2623 (intro.), 193.2629 (a) (2) (ii), 193.2917 (a) and part 193-appendix A subd. I-F; to repeal and recreate PSC 135-192.614, 192.619 (a) (2) (ii) (intro.), 192.705 (b) (table) and 192.707 (b) (2) (ii); and to create PSC 135-192.614, relating to the construction, operation and maintenance of facilities for the production, transmission, distribution and utilization of gas.

Submitted by Public Service Commission.

Report received from agency, November 11, 1983.

Referred to committee on Energy and Environmental Resources, November 16, 1983.

The committee on Transportation reports and recommends:

Clearinghouse Rule 83-155

AN ORDER to repeal Trans 1.03 (2) (i); to amend Trans 1.03 (2) (g) and (h), 1.05 (1), 1.06 (3) and (4) and 1.07 (1); to repeal and recreate Trans 1.05 (2); and to create Trans 1.03 (4), 1.05 (5), 1.08 (2) (c) and 1.09, relating to the specialized transportation assistance program for counties.

No action taken.

CARL OTTE
Chair

The committee on Energy and Environmental Resources reports and recommends:

Clearinghouse Rule 83-160

AN ORDER to create ch. Adm 45, relating to a renewable energy financial incentive code.

Review period waived.

JOE STROHL
Chair

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 197** by Senators Otte and Norquist.

Senate amendment 1 to **Assembly Bill 597** by Senator Otte.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 459

Correctly enrolled and presented to the Governor on November 10, 1983.

- Senate Bill 218**
- Senate Bill 305**
- Senate Bill 321**
- Senate Bill 410**

Correctly enrolled and presented to the Governor on November 9, 1983.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 200, assembly amendment 11 to assembly substitute amendment 1

1. Page 1, line 12: substitute "861.215" for "861.015".
2. Page 2, line 5: substitute "861.215" for "861.015".
3. Page 2, line 23: substitute "861.215" for "861.015".
4. Page 2, line 24: substitute "861.215" for "861.015".
5. Page 4, line 23: substitute "861.05" for "861.015".
6. Page 5, line 2: substitute "861.215" for "861.015".
7. Page 6, line 13: substitute "861.215" for "861.015".
8. Page 6, line 14: substitute "861.215" for "861.015".
9. Page 6, line 27: substitute "861.215" for "861.015".
10. Page 6, line 28: substitute "861.215" for "861.015".
11. Page 7, line 2: substitute "861.215" for "861.015"; and move this reference to the appropriate numerical sequence in SECTION 92(6) of assembly substitute amendment 1 to Assembly Bill 200.

Senate Bill 444

1. Page 2, line 2: substitute "appropriation" for "appropriation".