

STATE OF WISCONSIN
Senate Journal
Eighty-Seventh Regular Session

THURSDAY, May 30, 1985

9:30 A.M.

The senate met.

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

By request of the president of the senate, with unanimous consent, the calling of the roll was dispensed with.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 236

Relating to court commissioners.

By Senator Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 237

Relating to powers of court commissioners in county ordinance cases.

By Senator Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 238

Relating to summary judgment.

By Senator Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 239

Relating to deer damage, deer damage control permits, deer damage control designee permits, restrictions on carrying and using guns in or from automobiles or vehicles, deer shining and restrictions on deer hunting.

By Senators Kincaid, Rude, Otte, Lasec, Harsdorf, Van Sistine, Leean, Theno, Moen and Kreul; cosponsored by Representatives Volk, T. Thompson, Swoboda and Vanderperren.

To committee on Energy and Environmental Resources.

Senate Bill 240

Relating to the collection of delinquent payments for public utility service supplied by a city, village or town and granting rule-making authority.

By Senators Kreul, Lorman, Leean and Lasec; cosponsored by Representatives Manske, Matty, Goetsch and Berndt.

To committee on Urban Affairs, Utilities and Elections.

Senate Bill 241

Relating to notice to landowners of unpaid city, town and village utility bills.

By Senator Kreul; cosponsored by Representatives Goetsch, Weeden and Walling.

To committee on Urban Affairs, Utilities and Elections.

Senate Bill 242

Relating to battery to a spouse and providing penalties.

By Senators Kreul, Roshell, Ulichny, Leean, Lasec and Moen; cosponsored by Representative Goetsch.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Aging, Banking, Credit and Taxation reports and recommends:

Senate Bill 243

Relating to technical and minor policy changes in respect to the income and franchise taxes.

By request of the Department of Revenue.

Ayes, 8 -- Senators Feingold, Plewa, Czarnecki, Kincaid, Helbach, Kreul, Lorman and Davis;

Noes, 0 -- None.

Read first time and referred to Joint Survey committee on Tax Exemptions.

Senate Bill 244

Relating to technical and minor policy items in regard to the sales and use taxes.

By request of the Department of Revenue.

Ayes, 8 -- Senators Feingold, Plewa, Czarnecki, Kincaid, Helbach, Kreul, Lorman and Davis;

Noes, 0 -- None.

Read first time and referred to Joint Survey committee on Tax Exemptions.

Senate Bill 80

Relating to an income tax credit for charitable contributions of art by artists.

Passage:

Ayes, 5 -- Senators Feingold, Kincaid, Czarnecki, Plewa and Kreul;

Noes, 3 -- Senators Helbach, Davis and Lorman.

RUSS FEINGOLD
Chair

The committee on Agriculture, Health and Human Services reports and recommends for confirmation:

THOMPSON, GEORGE R., III, of Glendale, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 1990.
Ayes, 8 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Harsdorf, Lorman and Rude;
Noes, 0 -- None.

EVERSON, HARLAND E., of Edgerton, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1991.
Ayes, 8 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Harsdorf, Lorman and Rude;
Noes, 0 -- None.

ZIEMER, PAUL D., of Green Bay, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 1991.
Ayes, 8 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Harsdorf, Lorman and Rude;
Noes, 0 -- None.

KETTUNEN, ARTHUR, of Superior, as a member of the Barbers Examining Board, to serve for the term ending July 1, 1988.
Ayes, 8 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Harsdorf, Lorman and Rude;
Noes, 0 -- None.

MORK, DR. ROBERT J., of Janesville, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1989.
Ayes, 8 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Harsdorf, Lorman and Rude;
Noes, 0 -- None.

LINDQUIST, KENNETH, of Highbridge, as a member of the Board of Agriculture, Trade and Consumer Protection to serve for the term ending May 1, 1991.
Ayes, 5 -- Senators Moen, Otte, Norquist, Feingold and Ulichny;
Noes, 3 -- Senators Harsdorf, Lorman and Rude.

Senate Bill 5

Relating to exemptions from execution for farm equipment, livestock and farming supplies.

Introduction and adoption of senate substitute amendment 1:

Ayes, 8 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Harsdorf, Lorman and Rude;

Noes, 0 -- None.

Passage as amended:

Ayes, 8 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Harsdorf, Lorman and Rude;

Noes, 0 -- None.

Senate Bill 227

Relating to waiver of good time or right to mandatory release and providing rule-making authority.

Passage:

Ayes, 8 -- Senators Moen, Otte, Norquist, Feingold, Ulichny, Harsdorf, Lorman and Rude;

Noes, 0 -- None.

RODNEY C. MOEN

Chair

The committee on Transportation reports and recommends:

Senate Bill 145

Relating to registration plates for former prisoners of war.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Otte, Roshell, Moen, Andrea, Kreul and Theno;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Otte, Roshell, Moen, Andrea, Kreul and Theno;

Noes, 0 -- None.

CARL OTTE

Chair

The committee on Education and Government Operations reports and recommends:

Senate Joint Resolution 9

Relating to abolishing the offices of secretary of state and state treasurer (first consideration).

Passage:

Ayes, 4 -- Senators Czarnecki, Davis, Harsdorf and Lorman;

Noes, 4 -- Senators Adelman, Helbach, Moen and Otte.

Without recommendation

JOSEPH J. CZARNECKI

Chair

The committee on Aging, Banking, Commercial Credit and Taxation reports and recommends:

Senate Bill 229

Relating to regulating the maximum finance charge.

Passage:

Ayes, 2 -- Senators Feingold and Kincaid;

Noes, 6 -- Senators Plewa, Czarnecki, Helbach, Kreul, Lorman and Davis.

Indefinite postponement:

Ayes, 6 -- Senators Plewa, Czarnecki, Helbach, Kreul, Lorman and Davis;

Noes, 2 -- Senators Feingold and Kincaid.

Senate Bill 231

Relating to continuing the regulation of maximum finance charges on open-end consumer credit transactions.

Passage:

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Ayes, 5 -- Senators Feingold, Plewa, Helbach,
Kincaid and Kreul;
Noes, 3 -- Senators Czarnezki, Lorman and Davis.
RUSS FEINGOLD
Chair

REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS

Appendix to Senate Bill 81

Public Policy Involved

Deferred compensation plans were first authorized for Wisconsin public employers and employees during the 1981 session -- Chapter 187, Laws of 1981. This Act charged the DETF Board with establishing and overseeing a 457 plan for state employees, and the DETF selected the Public Employees Benefit Service Corporation (PEBSCO) to be the administrator of the state's deferred compensation plan. The DETF has also authorized nine specific investment vehicles which public employees may choose for their deferred wages. Present enrollment is now approaching 20% of all non-U.W. state employees, and this high degree of acceptance reflects the strengths of the DETF plan.

On the other hand, 457 D.C. plans reflect several disadvantages including the following:

Legal ownership of the deferred wages are with the employer until actual payments are made to the employee participant.

Withdrawal of deferred wages during employment is limited to cases of "unforeseen emergencies".

Distributions from 457 plans are taxed as ordinary income and are not subject to rollovers into other tax-sheltered plans.

The new type of deferred compensation plans which are governed by Section 401 (k) of the Federal IRC overcomes most of the disadvantages associated with 457 plans. Under 401 (k) plans, maximum deferrals are set at 20% of wages to a maximum of \$30,000; there is no required offset in the maximum deferral amount because of other tax-sheltered programs; the ownership of the funds are held by qualified trusts in the name of the employee participant; and distributions are subject to 10-year averaging or rollover into other tax-sheltered plans. To date, the states of Mississippi, South Carolina, Texas, Utah, Tennessee, and North Carolina have adopted 401 (k) plans for their public employees.

Deferred compensation programs encourage public employees to save towards their retirement. Individual savings reflect the third source of retirement income planning along with social security and the employer retirement system. These plans encourage savings by allowing current tax reductions at the state and Federal level reflecting lower net salary income. The Retirement Research Committee (RRC) recommended the establishment of the 457 D.C. plan in 1981. The RRC also recommends the enactment of Senate Bill 81 which authorizes 401 (k) deferred compensation plans that are superior in many ways.

JOSEPH ANDREA JOHN VOLK
Co-chair Co-chair
Read and referred to committee on Education and
Government Operations.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEO MORTENSEN of Brookfield to the Savings and Loan Review Board pursuant to the statute governing, to serve a term to expire May 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

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

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM D. KARY of Green Bay to the Savings and Loan Review Board pursuant to the statute governing, to serve a term to expire May 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

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

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PATRICIA M. HEIM of LaCrosse to the Savings and Loan Review Board pursuant to the statute governing, to serve a term to expire May 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

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

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MICHAEL T. CROWLEY, JR. of Mequon to the Savings and Loan

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Review Board pursuant to the statute governing, to serve a term to expire May 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

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

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MICHELLE SERTO of Kenosha to the Accounting Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

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

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARCH SCHULTZ of Watertown to the Accounting Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

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

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EARL G. KNITT, JR. of Reedsville to the Accounting Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

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

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM R. TISDALE of Milwaukee to the Real Estate Board

pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Education and Government Operations.

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ESTHER M. ASPENSON of Ferryville to the Real Estate Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Education and Government Operations.

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RITA LOHRENGEL of Green Bay to the Cosmetology Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RANDALL COOLEY of Grafton to the Cosmetology Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CLAUDIA BERRY MIRAN of Madison to the Cosmetology Examining

Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor

May 24, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GAIL E. WARNECKE of Sheboygan to the Cosmetology Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Agriculture, Health and Human Services.

SENATE CLEARINGHOUSE ORDERS

The committee on Agriculture, Health and Human Services reports and recommends:

Clearinghouse Rule 84-80

AN ORDER to create ch. HSS 58, relating to the provision of services to youths who have been found delinquent by courts and are being supervised in communities as an alternative to incarceration or following incarceration.

Submitted by Department of Health and Social Services.

No action taken.

RODNEY C. MOEN
Chair

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

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

Assembly Joint Resolution 30

Passed and asks concurrence in:

Assembly Bill 274

Assembly Bill 291

Concurred in:

Assembly Bill 53, senate amendments 2 and 4

Nonconcurrent in:

Assembly Bill 53, senate amendment 1

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 30

Memorializing congress to proclaim July 2 "U.S. Merchant Marine Day".

By Representatives Medinger, Carpenter, Clements, Hubler, Grobschmidt, Turba, Kasten, Manske, Schober, Johnsrud, Schneiders, Weeden, R. Thompson, Menos, Loftus, Seery, Magnuson, Plizka and Gruszynski, cosponsored by Senators Van Sistine, Moen, Andrea, Kincaid and Lorman, by request of William Gautsch and others.

Read and referred to committee on Senate Organization.

Assembly Bill 274

Relating to allowing a computer literacy course required for high school graduation to be taken in grades kindergarten to 12.

By Representatives Radtke, Potter, Magnuson, York, Weeden, Grobschmidt, Margaret Lewis, R. Young, Turba and Gruszynski.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 291

Relating to creating the Bradley center sports and entertainment corporation and granting a property tax exemption.

By committee on State Affairs, by request of Governor Anthony S. Earl.

Read first time and referred to committee on Urban Affairs, Utilities and Elections.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 12** by Senators Van Sistine and Otte.

Upon motion of Senator Kreul the senate adjourned until 10:00 A.M. Tuesday, June 4.

9:31 A.M.