

STATE OF WISCONSIN
Senate Journal
Eighty-Seventh Regular Session

THURSDAY, October 10, 1985

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Pastor David Susan of Immanuel Lutheran Church, Madison.

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

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

Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 388

Relating to requesting consideration of consenting to an anatomical gift.

By Senators Adelman and Rude; cosponsored by Representative Robinson.

To committee on Judiciary and Consumer Affairs.

Senate Bill 389

Relating to extending the state liability insurance program to the historic sites foundation and authorizing the department of justice to represent the foundation.

By Senators Risser, Kreul, Lee, Lorman, Feingold and Rude; cosponsored by Representatives Clarenbach, Plizka, Schultz and M. Coggs.

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

Senate Bill 390

Relating to weight limitations for vehicles used primarily to transport septage.

By Senator Cullen, by request of Louis Henningfield.

To committee on Transportation.

COMMITTEE REPORTS

The committee on Transportation reports and recommends:

Senate Bill 319

Relating to costs of certain airport projects involving federal aid.

Passage:

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

Noes, 0 -- None.

Senate Bill 344

Relating to bicycle equipment.

Passage:

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

Noes, 0 -- None.

Senate Bill 370

Relating to motorcycle and automobile definitions and equipment standards.

Passage:

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

Noes, 0 -- None.

Assembly Bill 90

Relating to license plates for antique motor vehicles.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 158

Relating to identification cards issued by the department of transportation.

Concurrence:

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

Noes, 0 -- None.

CARL OTTE
Chair

The committee on Tourism, Revenue, Financial Institutions and Forestry reports and recommends:

Assembly Bill 44

Relating to the distribution of property assessment manuals.

Concurrence:

Ayes, 5 -- Senators Kincaid, Helbach, Ulichny,
Ellis and Lcean;
Noes, 0 -- None.

Assembly Bill 211

Relating to the registration of snowmobiles.

Concurrence:

Ayes, 5 -- Senators Kincaid, Helbach, Ulichny,
Ellis and Lcean;
Noes, 0 -- None.

LLOYD H. KINCAID
Chair

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

Senate Bill 376

Relating to the administration of the county sales and
use taxes and making an appropriation.

Introduction and adoption of senate substitute
amendment 1:

Ayes, 10 -- Senators Feingold, Plewa, Helbach,
Czarnecki, Kincaid, Moen, Kreul, Lorman,
Davis and Chilsen;

Noes, 0 -- None.

Introduction and adoption of senate amendment 1 to
senate substitute amendment 1:

Ayes, 10 -- Senators Feingold, Plewa, Helbach,
Czarnecki, Kincaid, Moen, Kreul, Lorman,
Davis and Chilsen;

Noes, 0 -- None.

Passage as amended:

Ayes, 10 -- Senators Feingold, Plewa, Helbach,
Czarnecki, Kincaid, Moen, Kreul, Lorman,
Davis and Chilsen;

Noes, 0 -- None.

RUSS FEINGOLD
Chair

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

Assembly Bill 471

Relating to nursing home and hospital capital
expenditure review requirements.

Concurrence:

Ayes, 7 -- Senators Moen, Otte, Feingold, Ulichny,
Harsdorf, Lorman and Rude;

Noes, 0 -- None.

RODNEY C. MOEN
Chair

The committee on Judiciary and Consumer Affairs
reports and recommends:

Assembly Bill 176

Relating to destruction of certain obsolete district
attorney records.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Adelman, Feingold, Chvala and
Hanaway;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 4 -- Senators Adelman, Feingold, Chvala and
Hanaway;
Noes, 0 -- None.

LYNN ADELMAN
Chair

The committee on Education and Government
Operations reports and recommends:

Senate Bill 311

Relating to agreements between boards of school
directors and organizations representing administrators
and supervisors in 1st class cities.

Passage:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach,
Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

Senate Bill 371

Relating to creating an inactive licensee category for
real estate brokers and salespersons, changing the
educational requirements for brokers and salespersons
and granting rule-making authority.

Introduction and adoption of senate amendment 1:

Ayes, 7 -- Senators Czarnecki, Helbach, Moen,
Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Czarnecki, Helbach, Moen,
Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

JOSEPH J. CZARNECKI
Chair

The committee on Urban Affairs, Utilities and
Elections reports and recommends:

Senate Bill 385

Relating to soil and rock spoil disposal by certain
metropolitan sewerage districts.

Introduction and adoption of senate substitute
amendment 1:

Ayes, 3 -- Senators Lee, Strohl and Van Sistine;

Noes, 2 -- Senators Lasee and Rude.

Passage as amended:

Ayes, 3 -- Senators Lee, Strohl and Van Sistine;

Noes, 2 -- Senators Lasee and Rude.

MORDECAI LEE
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
State Senator

October 8, 1985

To the Honorable the Legislature:

I hereby resign from the Wisconsin Women's
Council.

Because of my recent assignment to an additional
Senate standing committee, I find I can no longer devote
the attention to the Council that it deserves.

I am grateful to have had the opportunity to work with the Women's Council since its creation in 1983. I am proud to have shared in its accomplishments, most notably in the areas of Education, Equity and the Choices Initiatives for Adolescent Girls.

I know that whomever is appointed to the Council will contribute to its fine work.

Sincerely,
BARBARA K. LORMAN

State of Wisconsin
State Senator

October 8, 1985

To the Honorable the Legislature:

I hereby resign as a member of the Senate Judiciary and Consumer Affairs Committee and the Joint Survey Committee on Retirement Systems, effective as per my appointment to the Joint Committee on Finance.

Sincerely,
MAC DAVIS

State of Wisconsin
Legislative Council

October 8, 1985

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1985 Legislature on legislation introduced by the Legislative Council:

RL 85-16 -- Legislation on Pregnancy Options (Assembly Bill 510)

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

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 85-72

AN ORDER to amend and revise chapters Ind 90 and 92, relating to prevailing wage rates.

Submitted by Department of Industry, Labor & Human Relations.

Report received from agency, October 9, 1985.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, October 10, 1985.

Clearinghouse Rule 85-106

AN ORDER to amend NR 10.01 (2) (f), relating to modifications for the 1986 wild turkey season.

Submitted by Department of Natural Resources.

Report received from agency, October 8, 1985.

Referred to committee on Energy and Environmental Resources, October 10, 1985.

Clearinghouse Rule 85-126

AN ORDER to create chapter Adm 46, relating to the renewable energy financial incentive code.

Submitted by Department of Administration.

Report received from agency, October 9, 1985.

Referred to committee on Energy and Environmental Resources, October 10, 1985.

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 14
Assembly Bill 84
Assembly Bill 92
Assembly Bill 387
Assembly Bill 473

Concurred in:

Assembly Bill 267, senate substitute amendment 1

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 14

Relating to the distribution of fertilizer and soil and plant additives in this state, granting rule-making authority and providing penalties.

By Representatives Swoboda, Van Gorden and Clements, by request of Department of Agriculture, Trade and Consumer Protection.

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

Assembly Bill 84

Relating to minority group representation in election districts and the method of selection of the board of school directors in 1st class cities.

By Representatives D. Travis, Crawford, M. Coggs, Carpenter, Becker, Seery, Metz, Barrett and Krug, cosponsored by Senators George, Risser, Norquist and Otte.

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

Assembly Bill 92

Relating to political party committees.

By Representatives Crawford and Radtke, cosponsored by Senator Rude, by request of Tom Cullerton.

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

Assembly Bill 387

Relating to product liability insurance reports.

By Representatives Hauke and T. Thompson, cosponsored by Senators Feingold and Hanaway.

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

Assembly Bill 473

Relating to civil liability for furnishing alcohol beverages.

By Representatives Hephner, Vanderperren, Shoemaker, Loftus, Goetsch, Swoboda, Hasenohrl, Fergus, Ladwig, Grobschmidt, Looby, Barca, Vergeront, Plizka, R. Thompson, Porter, Clements, Gronemus, Kasten, Bradley, Magnuson, Welch, Paulson, Ourada, Williams, Holschbach, Buettner, Volk, Van Gorden, D. Travis, Zeuske, Wineke, Prosser and McEssy, cosponsored by Senators Van Sistine, Andrea, Kreul, Kincaid, Lcean, Feingold and Lasee.

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

By request of Senator Cullen, with unanimous consent, **Assembly Bill 473** was withdrawn from committee on Labor, Business, Veterans Affairs and Insurance and referred to committee on Senate Organization.

CALENDAR OF OCTOBER 10

Senate Bill 96

Relating to overtaking and passing a stopped motor bus and providing a penalty.

Read.

The question was: Concurrence of assembly amendment 1?

By request of Senator Czarnecki, with unanimous consent, **Senate Bill 96** was placed at the foot of the calendar.

Assembly Bill 53

Relating to student membership on the board of regents of the university of Wisconsin system.

Read.

The question was: Shall the senate adhere to its position?

Senator Cullen moved that the senate recede from its position.

The question was: Shall the senate recede from its position?

The motion prevailed.

Senate Bill 32

Relating to eliminating the boards of natural resources, of agriculture, trade and consumer protection and of veterans affairs and changing the departments of natural resources, of agriculture, trade and consumer protection and of veterans affairs to a cabinet form of government headed by a secretary, changing the method of removal of state officers, and creating councils.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Harsdorf, with unanimous consent, senate amendment 1 was laid on the table.

The question was: Adoption of senate amendment 2?

By request of Senator Engeleiter, with unanimous consent, she was made a co-author of **Senate Bill 32**.

The question was: Adoption of senate amendment 2?

Senator Engeleiter moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 21; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Chvala, Cullen, Czarnecki, Davis, Engeleiter, Lee, Lcean, McCallum, Risser and Theno -- 12.

Noes -- Senators Andrea, Ellis, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lorman, Moen, Norquist, Otte, Plewa, Roshell, Rude, Stitt, Strohl, Ulichny and Van Sistine -- 21.

Absent or not voting -- None.

So the motion did not prevail.

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

The question was: Adoption of senate amendment 3?

Senator Kincaid raised the point of order that senate amendment 3 was not germane.

The chair ruled the point of order not well taken.

Senator Kincaid moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3? The motion did not prevail.

The question was: Adoption of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Chvala, Czarnecki, Davis, Engeleiter, Feingold, Hanaway, Lasee, Lee, Lcean, Lorman, McCallum, Moen, Norquist, Otte, Risser, Rude, Stitt and Theno -- 19.

Noes -- Senators Andrea, Cullen, Ellis, George, Harsdorf, Helbach, Kincaid, Kreul, Plewa, Roshell, Strohl, Ulichny and Van Sistine -- 13.

Absent or not voting -- Senator Chilsen -- 1.

So the amendment was 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 32

Read a third time and passed.

Senate Bill 43

Relating to issuance of picnic beer licenses.

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 43

Read a third time and passed.

Senate Bill 115

Relating to employment relations in higher education and making appropriations.

Read a second time.

Ordered to a third reading.

By request of Senator George, with unanimous consent, **Senate Bill 115** was referred to joint committee on Finance.

Senate Bill 170

Relating to employment relations for members of the university of Wisconsin academic staff and making appropriations.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 170** was referred to joint committee on Finance.

Senate Bill 269

Relating to fee-splitting among persons licensed to engage in real estate practice; advertising for patrons by cosmetology schools; exempting charitable organizations from certain registration requirements; requirements for refilling prescriptions for prescription drugs; renewals of licenses for private detectives; and dividing bingo prizes among multiple winners (suggested as remedial legislation by the department of regulation and licensing).

Read a second time.

Senate amendment 1 offered by Senator Lee.

By request of Senator George, with unanimous consent, **Senate Bill 269** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 269** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate amendment 1? 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 269

Read a third time and passed.

Senate Bill 270

Relating to approval of clauses limiting payments in disability insurance policies and to termination and reinstatement of disability insurance policies (suggested as remedial legislation by the office of the commissioner of insurance).

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 270

Read a third time and passed.

Senate Bill 274

Relating to disclosure requirements for sales of condominium units and conversion condominium units, creation and operation of small residential condominiums, master condominium associations, uncompleted condominiums, voting requirements to amend a condominium declaration and merger or consolidation of condominiums.

Read a second time.

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

Senate amendment 2 offered by Senator Theno.

The question was: Adoption of senate amendment 2?

Senator Czarnecki moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Lee, Norquist, Otte, Plewa, Risser, Strohl and Ulichny -- 14.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leman, Lorman, McCallum, Moen, Roshell, Rude, Stitt, Theno and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 2?

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

Ayes -- Senators Chilsen, Davis, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leman, Lorman, McCallum, Moen, Roshell, Rude, Stitt, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Ellis, Engeleiter, Feingold, George, Lee, Norquist, Otte, Plewa, Risser, Strohl and Ulichny -- 16.

Absent or not voting -- None.

So the amendment was 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 274

Read a third time and passed.

Senate Bill 277

Relating to benefits and aid to veterans which are not assignable and exempt from garnishment and execution; reimbursement to veterans for the cost of correspondence courses and part-time classroom study; the definition of an institution of higher education; and grants to veterans organizations under a contract with the department of veterans affairs (suggested as remedial legislation by the department of veterans affairs).

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 277

Read a third time and passed.

Senate Bill 279

Relating to homicide and lesser included offenses, criminal recklessness, criminal negligence and providing penalties.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 279** was referred to joint committee on Finance.

Senate Bill 280

Relating to retention of an attorney by the board of school directors in charge of the public schools of a 1st class city.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

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 280

Read a third time and passed.

Senate Bill 295

Relating to: provision of care for children in group homes under the aid to families with dependent children program; licensing foster homes; foster home licenses for certain guardians; payment by a parent for child day care services; supplementing child day care services; liability for certain state care, maintenance, service and supplies; liability of minors for alcohol and other drug abuse treatment services; recovery of costs of county institutional maintenance in populous counties; certification of supervising public health nurses in public health agencies; creation of town sanitary districts; audits and estimates of expenditures of state correctional and

related institutions; and making an appropriation (suggested as remedial legislation by the department of health and social services).

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 295

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 296

Relating to the speed limit in a school zone.

Read a second time.

Senate substitute amendment 1 offered by Senators Andrea and Davis.

The question was: Adoption of senate substitute amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 296** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 296** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

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 296

Read a third time and passed.

Senate Bill 301

Relating to permits to capture or destroy deer causing damage to land.

Read a second time.

The question was: Shall the bill be indefinitely postponed?

JOURNAL OF THE SENATE [October 10, 1985]

By request of Senator Plewa, with unanimous consent, **Senate Bill 301** was referred to committee on Senate Organization.

Assembly Bill 7

Relating to trust fund loans for town sanitary districts.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

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 7

Read a third time and concurred in as amended.

Senate Bill 96

Relating to overtaking and passing a stopped motor bus and providing a penalty.

Read.

The question was: Concurrence of assembly amendment 1?

Senator Norquist moved non-concurrence of assembly amendment 1.

The question was: Non-concurrence of assembly amendment 1?

Non-concurred in.

The question was: Concurrence of assembly amendment 2?

Senator Norquist moved non-concurrence of assembly amendment 2.

The question was: Non-concurrence of assembly amendment 2?

Non-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 recessed until 12:15 P.M.

11:40 P.M.

RECESS

12:15 P.M.

The senate reconvened.

By request of Senator Norquist, with unanimous consent, **Senate Bill 17** was withdrawn from the committee on Senate Organization and returned to the author.

By request of Senator Cullen, with unanimous consent, **Senate Bill 385** was withdrawn from the committee on Senate Organization and referred to the committee on Urban Affairs, Utilities and Elections.

By request of Senator Cullen, with unanimous consent, **Assembly Bill 473** was withdrawn from the committee on Senate Organization and referred to the committee on Labor, Business, Veterans Affairs and Insurance.

AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 361** by Senators Strohl and Moen.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Tuesday, October 15.

12:19 A.M.