

STATE OF WISCONSIN

Senate Journal

Eighty-Seventh Regular Session

WEDNESDAY, October 16, 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 Reverend William R. Berg of Messiah Lutheran Church, Madison.

The senate remained standing and Senator Ulichny 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 RESOLUTIONS

Senate Joint Resolution 55

Relating to the life and public service of David F. Nelson.

By Senators George and Ulichny.

Read and referred to committee on Senate Organization.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 67

Relating to interest on late state order and contract payments and notification of improperly completed invoices to state agencies.

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

Ayes, 14 -- Senators George, Roshell, Strohl, Helbach, Chvala, Stitt and Davis, Representatives Schneider, Jauch, Travis, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2 to senate substitute amendment 1:

Ayes, 12 -- Senators George, Roshell, Strohl, Norquist, Helbach, Stitt and Davis, Representatives Schneider, Jauch, Nelsen, Panzer and Prosser;

Noes, 3 -- Senator Chvala, Representatives Travis and Kunicki.

Passage as amended:

Ayes, 14 -- Senators George, Roshell, Strohl, Norquist, Helbach, Chvala, Stitt and Davis, Representatives Schneider, Jauch, Kunicki, Nelsen, Panzer and Prosser;

Noes, 1 -- Representative Travis.

Senate Bill 118

Relating to penalties for persons who violate the alcohol beverage laws, to dealings between brewers, wholesalers and retailers, to technical and minor policy changes in regard to alcohol beverages, and alcohol beverage, tobacco, cigarette and fuel taxes, and providing a penalty.

Adoption of senate amendment 1:

Ayes, 16 -- Senators George, Roshell, Strohl, Norquist, Helbach, Chvala, Stitt and Davis, Representatives Schneider, Metz, Jauch, Travis, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Adoption of senate amendment 2:

Ayes, 15 -- Senators George, Roshell, Strohl, Norquist, Helbach, Chvala, Stitt and Davis, Representatives Schneider, Metz, Jauch, Travis, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Passage as amended:

Ayes, 14 -- Senators George, Roshell, Strohl, Norquist, Helbach, Chvala, Stitt and Davis, Representatives Schneider, Metz, Travis, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Senate Bill 145

Relating to registration plates for former prisoners of war.

Adoption of senate amendment 1:

Ayes, 12 -- Senators George, Roshell, Norquist, Stitt and Davis, Representatives Schneider, Metz, Travis, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 13 -- Senators George, Roshell, Norquist, Strohl, Stitt and Davis, Representatives

Schneider, Metz, Travis, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Passage as amended:

Ayes, 12 -- Senators George, Roshell, Strohl, Helbach, Stitt and Davis, Representatives Schneider, Metz, Kunicki, Nelsen, Panzer and Prosser;

Noes, 2 -- Senator Norquist and Representative Travis.

Senate Bill 52

Relating to job impact requirements applied to certain private activity bonds issued by the Wisconsin housing and economic development authority and cities, villages and towns and granting rule-making authority.

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

Ayes, 14 -- Senators George, Roshell, Strohl, Norquist, Chvala, Stitt and Davis, Representatives Schneider, Jauch, Travis, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2 to senate substitute amendment 1:

Ayes, 15 -- Senators George, Roshell, Strohl, Norquist, Helbach, Chvala, Stitt and Davis, Representatives Schneider, Jauch, Travis, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Introduction and adoption of senate amendment 3 to senate substitute amendment 1:

Ayes, 10 -- Senators George, Roshell, Strohl, Stitt and Davis, Representatives Schneider, Jauch, Nelsen, Panzer and Prosser;

Noes, 5 -- Senators Norquist, Helbach and Chvala, Representatives Travis and Kunicki.

Adoption of senate substitute amendment 1 as amended:

Ayes, 10 -- Senators George, Roshell, Strohl, Norquist, Helbach and Chvala, Representatives Schneider, Jauch, Travis and Kunicki;

Noes, 5 -- Senators Stitt and Davis, Representatives Nelsen, Panzer and Prosser.

Passage as amended:

Ayes, 10 -- Senators George, Roshell, Strohl, Norquist, Helbach and Chvala, Representatives Schneider, Jauch, Travis and Kunicki;

Noes, 5 -- Senators Stitt and Davis, Representatives Nelsen, Panzer and Prosser.

Senate Bill 205

Relating to intoxicated boating, implied consent, samples and tests related to intoxicants, granting rule-making authority and providing and revising penalties.

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

Ayes, 9 -- Senators George, Roshell, Strohl, Helbach and Davis, Representatives Kunicki, Nelsen, Panzer and Prosser;

Noes, 3 -- Senator Chvala, Representatives Schneider and Metz.

Introduction and adoption of senate amendment 2 to senate substitute amendment 1:

Ayes, 13 -- Senators George, Roshell, Strohl, Helbach, Chvala and Davis, Representatives Schneider, Metz, Jauch, Kunicki, Nelsen, Panzer and Prosser;

Noes, 0 -- None.

Adoption of senate substitute amendment 1 as amended:

Ayes, 9 -- Senators George, Strohl, Chvala and Davis, Representatives Schneider, Metz, Nelsen, Panzer and Prosser;

Noes, 4 -- Senators Roshell and Helbach, Representatives Jauch and Kunicki.

Passage as amended:

Ayes, 9 -- Senators George, Strohl, Chvala and Davis, Representatives Schneider, Metz, Nelsen, Panzer and Prosser;

Noes, 4 -- Senators Roshell and Helbach, Representatives Jauch and Kunicki.

GARY R. GEORGE
Chair

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

Senate Bill 281

Relating to establishing a birth and developmental outcome monitoring program, granting rule-making authority and making an appropriation.

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

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

Noes, 0 -- None.

Adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

CHRISTENSEN, DONALD E., of Brooklyn, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 1989.

Confirmation:

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

Noes, 0 -- None.

GROSSMAN, THOMAS, W., M.D., of Mequon, as a member of the Hearing Aid Dealers and Fitters Examining Board, to serve for the term ending July 1, 1989.

Confirmation:

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Ayes, 8 -- Senators Moen, Otte, Feingold, Ulichny,
Harsdorf, Lorman, Rude and Chilsen;
Noes, 0 -- None.

ARNOTT, DONNA, of Racine, as a member of the
Barbers Examining Board, to serve for the term
ending July 1, 1989.

Confirmation:

Ayes, 8 -- Senators Moen, Otte, Feingold, Ulichny,
Harsdorf, Lorman, Rude and Chilsen;
Noes, 0 -- None.

Assembly Bill 487

Relating to restricting the use of a test for an
antibody to the virus that causes acquired
immunodeficiency syndrome, providing penalties and
making an appropriation.

Concurrence:

Ayes, 9 -- Senators Moen, Otte, Feingold, Ulichny,
Norquist, Harsdorf, Lorman, Rude and
Chilsen;
Noes, 0 -- None.

Senate Bill 282

Relating to establishing a pregnancy exposure
project, granting rule-making authority and making an
appropriation.

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

Ayes, 8 -- Senators Moen, Otte, Feingold, Ulichny,
Harsdorf, Lorman, Rude and Chilsen;
Noes, 0 -- None.

Adoption of senate substitute amendment 1:

Ayes, 6 -- Senators Moen, Otte, Feingold, Ulichny,
Rude and Chilsen;
Noes, 2 -- Senators Harsdorf and Lorman.

Passage as amended:

Ayes, 6 -- Senators Moen, Otte, Feingold, Ulichny,
Rude and Chilsen;
Noes, 2 -- Senators Harsdorf and Lorman.

RODNEY C. MOEN
Chair

The committee on Labor, Business, Veterans Affairs
and Insurance reports and recommends:

Senate Bill 386

Relating to issuance of liquor bar licenses by a town.
Passage:

Ayes, 6 -- Senators Van Sistine, Roshell, Otte,
Plewa, Kreul and Leean;
Noes, 0 -- None.

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.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Van Sistine, Roshell, Otte,
Plewa, Kreul and Leean;
Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Van Sistine, Roshell, Otte,
Plewa, Kreul and Leean;
Noes, 0 -- None.

Assembly Bill 473

Relating to civil liability for furnishing alcohol
beverages.

Concurrence:

Ayes, 6 -- Senators Van Sistine, Roshell, Otte,
Plewa, Kreul and Leean;
Noes, 0 -- None.

JEROME VAN SISTINE
Chair

The committee on Education and Government
Operations reports and recommends:

Assembly Bill 55

Relating to coverage of teaching, project and
program assistants employed by the university of
Wisconsin system under the state employment labor
relations act and making appropriations.

Concurrence:

Ayes, 5 -- Senators Czarnezki, Adelman, Helbach,
Moen, Otte;
Noes, 3 -- Senators Davis, Harsdorf and Lorman.

JOSEPH J. CZARNEZKI
Chair

The committee on Transportation reports and
recommends:

Assembly Bill 499

Relating to flood damage aids and making an
appropriation.

Concurrence:

Ayes, 6 -- Senators Otte, Roshell, Moen, Andrea,
Kreul and Theno;
Noes, 0 -- None.

CARL OTTE
Chair

The committee on Judiciary and Consumer Affairs
reports and recommends:

Senate Bill 136

Relating to misappropriation of trade secrets.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala,
Hanaway and Lorman;
Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Adelman, Feingold, Chvala,
Hanaway and Lorman;
Noes, 0 -- None.

Senate Bill 299

Relating to dismissal of proceedings for improperly
refusing to submit to a test for intoxication, prosecution
of certain repeat offenders, suspension and revocation of
operating privileges, failure to stop and render aid or
provide information under certain circumstances,
municipal court authority to suspend operating
privileges for failing to respond to a citation for violating

a traffic ordinance and providing penalties for offenses concerning alcohol beverages in motor vehicles.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Assembly Bill 138

Relating to decertification of law enforcement and jail officers.

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.

Assembly Bill 139

Relating to increasing the penalty for personating a peace officer.

Concurrence:

Ayes, 3 -- Senators Adelman, Chvala and Hanaway;

Noes, 2 -- Senators Feingold and Lorman.

Assembly Bill 359

Relating to battery.

Introduction and adoption of senate substitute amendment 1:

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

Noes, 1 -- Senator Lorman.

Concurrence as amended:

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

Noes, 1 -- Senator Lorman.

LYNN ADELMAN

Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Administration

October 7, 1985

To the Honorable the Legislature

Under the requirements of s. 16.705(8) of the statutes, the Department of Administration is to report on or before October 15 concerning the number, value and nature of contractual service procurements authorized for each office during the preceding year. Enclosed is the report for fiscal year 1984-85.

If you have any questions regarding the content of this report, contact Larry Eisenberg, Director of the State Bureau of Procurement, at 266-0974.

Sincerely,
DORIS J. HANSON
Secretary

State of Wisconsin
Department of Health and Social Services

October 8, 1985

To the Honorable the Legislature

A copy of A Research Study of Services to the Blind in Wisconsin, prepared by the American Foundation for the Blind (AFB), is attached. The Department contracted with AFB to conduct this study in response to a directive in 1983 Wisconsin Act 435.

A Department response to the recommendations will follow shortly.

Sincerely,
LINDA REIVITZ
Secretary

By request of Senator Roshell, with unanimous consent, the senate recessed until 11:08 A.M.

10:22 A.M.

RECESS

11:08 A.M.

The senate reconvened.

CALENDAR OF OCTOBER 16

Assembly Bill 85

Relating to state finances and appropriations, constituting the executive budget bill of the 1985 legislature, and making appropriations.

Read.

The question was: Shall the vetoed portion of the bill, Item 2-G, pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 25; noes, 6; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Davis, Engeleiter, Feingold, George, Harsdorf, Kincaid, Lee, Lekan, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 25.

Noes -- Senators Chilsen, Ellis, Helbach, Kreul, Lasee and McCallum -- 6.

Absent or not voting -- Senators Hanaway and Lorman -- 2.

More than two-thirds having voted in the affirmative, the vetoed part of the bill passed notwithstanding the objections of the Governor.

The question was: Shall the vetoed portion of the bill, Item 4-U, pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarneski, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Kincaid, Kreul, Lasee, Lee, Leraan, Lorman, McCallum, Moen, Norquist, Plewa, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 30.

Noes -- Senators Helbach, Otte and Risser -- 3.
Absent or not voting -- None.

More than two-thirds having voted in the affirmative, the vetoed part of the bill passed notwithstanding the objections of the Governor.

By request of Senator Lorman, with unanimous consent, the journal showed that she would have voted "no" for Item 2-G.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 85-119

AN ORDER to create Tax 11.71, relating to the sales and use tax status of purchases and sales made by persons in the computer industry.

Submitted by Department of Revenue.

Report received from agency, October 15, 1985.

Referred to committee on Aging, Banking, Commercial Credit and Taxation, October 16, 1985.

Clearinghouse Rule 85-134

AN ORDER to renumber and amend TA 1.55 (3); to amend TA 1.55 (1); to repeal and recreate TA 1.55 (2); and to create TA 1.55 (3) and 1.63, relating to frivolous appeals.

Submitted by Tax Appeals Commission.

Report received from agency, October 15, 1985.

Referred to committee on Judiciary and Consumer Affairs, October 16, 1985.

Clearinghouse Rule 85-141

AN ORDER to amend Ins 18.07 (5) (b) 1, relating to premiums for the health insurance risk-sharing plan.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, October 15, 1985.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, October 16, 1985.

CALENDAR OF OCTOBER 16

Senate Bill 150

Relating to implementation of the marital property act and granting rule-making authority.
Read.

The question was: Shall the Committee of Conference report be concurred in?

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

Ayes -- Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarneski, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leraan, 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 Committee of Conference report was concurred in.

Assembly Joint Resolution 21

Relating to review of appropriate legislation by joint standing committees on public debt and tax exemptions.
Read.

By request of Senator Harsdorf, with unanimous consent, **Assembly Joint Resolution 21** was placed after **Assembly Bill 160**.

Assembly Bill 160

Relating to discontinuance of the joint survey committees on debt management and tax exemptions and voting and reports of the joint survey committee on retirement systems.

Read a second time.

Senator Harsdorf moved that **Assembly Bill 160** be non-concurred in.

The question was: Shall **Assembly Bill 160** be non-concurred in?

Non-concurred in.

By request of Senator Cullen, with unanimous consent, he introduced Buddy Melges of Zendo who will skipper the Heart of America for the America's Cup trophy.

Assembly Joint Resolution 21

Relating to review of appropriate legislation by joint standing committees on public debt and tax exemptions.
Read.

By request of Senator Czarneski, with unanimous consent, **Assembly Joint Resolution 21** was referred to committee on Senate Organization.

Senator Czarneski moved reconsideration of the vote by which **Assembly Bill 160** was non-concurred in.

Senator Norquist in the chair.

11:40 A.M.

The question was: Reconsideration of the vote by which **Assembly Bill 160** was non-concurred in?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnezki, George, Helbach, Kincaid, Lee, Moen, Norquist, Otte, Plewa, Risser, Roshell, Strohl, Theno and Van Sistine -- 18.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Feingold, Hanaway, Harsdorf, Kreul, Lasee, Lcean, Lorman, McCallum, Rude and Ulichny -- 14.

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

So the motion prevailed.

By request of Senator Risser, with unanimous consent, **Assembly Bill 160** was referred to committee on Senate Organization.

Assembly Bill 487

Relating to restricting the use of a test for an antibody to the virus that causes acquired immunodeficiency syndrome, providing penalties and making an appropriation.

Read a second time.

The president of the senate in the chair.

11:59 A.M.

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 487

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lcean, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Strohl, Theno, Ulichny and Van Sistine -- 32.

Noes -- None.

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

So the bill was concurred in.

By request of Senator Cullen, with unanimous consent, the senate recessed until 4:25 P.M.

12:03 P.M.

RECESS

4:25 P.M.

The senate reconvened.

By request of the president of the senate, with unanimous consent, the Senate returned to the third order of business.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 397

Relating to the exemption from the tax on telephone companies of a share of revenue from reselling telecommunications services.

By Senators Rude and Helbach; cosponsored by Representatives Clements, Medinger, Johnsrud and Schneider.

To Joint Survey committee on Tax Exemptions.

Senate Bill 398

Relating to membership in the legislative council.

By Senators Cullen, Engeleiter and Risser; cosponsored by Representatives Loftus.

To committee on Senate Organization.

By request of Senator Cullen, with unanimous consent, the rules were suspended and **Senate Bill 398** was withdrawn from committee on Senate Organization and taken up at this time.

Senate Bill 398

Relating to membership in the legislative council.

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 398

Read a third time and passed.

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

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 160** by Senator Czarnezki.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, October 17.

4:32 P.M.