

# STATE OF WISCONSIN

## Senate Journal

### Eighty-Seventh Regular Session

TUESDAY, January 28, 1986

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 Jon S. Enslin of St. Stephen's Lutheran Church in Monona.

The senate remained standing and Senator Andrea 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, Czarnecki, Davis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 32.

Absent -- Senator Ellis -- 1.

Absent with leave -- None.

#### LEAVE OF ABSENCE

By request of Senator Engeleiter, with unanimous consent, Senator Ellis was granted a leave of absence until 1:00 P.M.

#### INTRODUCTION OF RESOLUTIONS

##### Senate Joint Resolution 61

Memorializing the congress, the President, the U.S. department of energy and the U.S. nuclear regulatory commission to grant Wisconsin final decision-making authority on the siting of a radioactive waste repository in this state, and to ensure that all actions taken by the U.S. department of energy with regard to siting a radioactive waste repository in this state will be done in an open fashion with full access by representation of state and local government and members of the public, and in full conformance with the provisions of the federal nuclear waste policy act of 1982.

By Senators Kincaid, Chilsen, Helbach, Leean, Strohl, Otte, Roshell, Strohl, Risser, Theno and Moen; cosponsored by Representatives Volk, Zeuske, Gruszynski, Ourada, Hubler, Kasten, Holperin, Plizka, R. Thompson, Clarenbach, Vergeront, Metz, Crawford, Hasenohrl, Shoemaker, Cowles, Coggs and Byers.

Read and referred to committee on Energy and Environmental Resources.

#### INTRODUCTION OF BILLS

Read first time and referred:

##### Senate Bill 489

Relating to a sales and use tax exemption for contractors in regard to materials used to construct containers used in farming.

By Senator Moen; cosponsored by Representatives Swoboda and Coleman.

To Joint Survey committee on Tax Exemptions.

##### Senate Bill 490

Relating to emergency slaughter, definition of diseased animal and granting rule-making authority.

By Senator Moen; cosponsored by Representatives Hephner, Vanderperren, Holschbach and Gronemus.

To committee on Agriculture, Health and Human Services.

##### Senate Bill 491

Relating to notification to be provided local units of government prior to suspension of travel on a state trunk highway.

By Senators Moen, Otte and Van Sistine; cosponsored by Representatives Neubauer, Bolle, Tregoning, Barrett, Musser and Coggs, by request of Jean Roesler.

To committee on Transportation.

##### Senate Bill 492

Relating to educational and character requirements for licensing nursing home administrators.

By Senators Moen and Otte; cosponsored by Representative Volk, by request of Mike Kittleson of Blair, WI.

To committee on Agriculture, Health and Human Services.

##### Senate Bill 493

Relating to the building and maintenance of fences and farm crossing by railroads.

By Senator Ulichny.

To committee on Transportation.

##### Senate Bill 494

Relating to payment of claims against the department of employe trust funds resulting from employe errors and authorization and direction of expenditure of \$15,000

from the general fund for payment of a claim against the state made by Robert Radcliffe.

By Senator George; cosponsored by Representative Schneider, by request of State Claims Board.

To joint committee on Finance.

**Senate Bill 495**

An act to authorize and direct expenditure of \$52,192.85 from the general fund for payment of a claim against the state made by Wallace O'Neill.

By Senator George; cosponsored by Representative Schneider, by request of State Claims Board.

To joint committee on Finance.

**Senate Bill 496**

Relating to department of revenue certification of the tax incremental base of a tax incremental district in the village of Union Grove.

By Senator Strohl; cosponsored by Representative Ladwig.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

**Senate Bill 497**

Relating to the licensing and regulation of food processing plants by the department of agriculture, trade and consumer protection, granting rule-making authority and providing penalties.

By Senators Moen, Andrea and Rude; cosponsored by Representatives Swoboda, York, Turba, Volk, Hubler, Paulson, Manske, Clements and Holperin.

To committee on Agriculture, Health and Human Services.

**Senate Bill 498**

Relating to allowing counties to create the position of welfare fraud investigator.

By Senators Roshell, Andrea, Kincaid, Moen, Van Sistine, Chilsen, Rude, Davis, Kreul and Lasec; cosponsored by Representatives Matty, Vergeront, Swoboda, Volk, Plizka, Schneiders, Manske, Musser, Zeuske, Hasenohrl, Schober, Coleman, Lepak, Welch, Buettner, Tregoning, Cowles and Prosser.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 499**

Relating to creating a crime prevention program for juvenile offenders and making an appropriation.

By Senator Adelman; cosponsored by Representatives D. Travis, Tesmer, Magnuson, R. Young, Notestein and Carpenter.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 500**

Relating to private nuisance actions concerning industrial uses and practices.

By Senator Otte; cosponsored by Representatives Potter and Turba.

To committee on Energy and Environmental Resources.

**Senate Bill 501**

Relating to restrictions on construction liens against owner-occupied residences.

By Senators Lee, Chilsen, Otte and Czarnecki; cosponsored by Representatives Barrett, Magnuson, Zeuske, Bolle, Vergeront, Holschbach, Plizka, Carpenter, Musser, Lepak, Seery, Grobschmidt, M. Cogg, Crawford and Bell.

To committee on Judiciary and Consumer Affairs.

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**COMMITTEE REPORTS**

The committee on Senate Organization reports and recommends the following nominations to committees for appointment by the Senate:

To Joint Survey committee on Retirement Systems, pursuant to sec. 13.50(1), WI Stats., Senator Engeleiter.

To Women's Council, pursuant to sec. 15.107(10), WI Stats., Senator Chilsen.

To Legislative Council, pursuant to sec. 13.81, WI Stats., Senators McCallum, Harsdorf, Norquist and Strohl.

The question was: Shall the committee report be adopted?

Adopted.

TIMOTHY F. CULLEN

Chair

**REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS**

Appendix to **Senate Bill 434**, senate substitute amendment 1

Public Policy Involved

Section 40.07 of the statutes governing the WRS restricts the disclosure of participant records maintained by the DETF. This section specifically prohibits the DETF from furnishing lists of participants, annuitants or beneficiaries to any person or organization except as may be required for the proper administration by the Department.

Accordingly, organizations representing retired participants may find it very difficult to organize and provide information to potential members of the retirement organization. This legislation will allow retirement organizations to provide information to existing and potential members under a process which maintains the confidentiality of records and requires full reimbursement of any additional administrative costs.

The original bill defined retirement organizations as a "non-profit corporation". The senate substitute amendment would change that reference to a "non-profit organization". The substitute amendment also contains additional changes purely of a technical nature.

Read and referred to committee on Judiciary and Consumer Affairs.

JOSEPH F. ANDREA  
Co-Chair

JOHN VOLK  
Co-Chair

REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS

Appendix to Senate Bill 349

Public Policy Involved

The provisions in this legislation relating to benefit programs for employees who are transferred from county employment to state employment are similar to those found in the 1977 legislation which provided for state trial court reorganization. Most affected employees are presently participants of the WRS, and hence, the retirement program would not be greatly affected by the transfer. On the other hand, county employees transferring to state employment would have access to other benefit programs administered by the DETF for state employees including sick leave and sick leave conversion, life insurance, income continuation insurance, and health insurance. These benefit programs may or may not be similar to the benefit programs now in effect for county employees so transferred.

The bill also grants Milwaukee county employees an election to retain coverage under the Milwaukee County retirement Plan in a manner similar to that provided county judges during the 1977 court reorganization legislation. However, if a Milwaukee county employee elects coverage under the WRS, said employee is prevented by this legislation from receiving benefits under the county system as long as state employment continues.

The following points should perhaps be raised concerning the provisions of this bill relating to employee benefit programs:

1. 978.12(3) of this bill provides for the transfer of sick leave that had been accumulated under a county plan to the state's sick leave program, but not to exceed the amount that could have been granted under the state plan. This represents new liabilities for the state's ASLCC program which pays for health insurance premiums after retirement under specified conditions. This state program is projected to have a cost of at least 1.6% of covered payroll per year of service. Because this bill does not provide for a transfer of assets from the counties relative to the liabilities transferred, it might be more equitable to limit the recognition of sick leave for sick leave purposes only and not for conversion credit under the ASLCC program.

2. 978.12(5)(a) as created by this bill requires the use of separate WRS contribution rates for elected officials vs. other employees in determining state payments to the Milwaukee County Plan for those electing continued coverage under the county retirement plan. To be equitable, separate contribution rates should be used for

both the WRS and the Milwaukee County Plan if such calculations are actuarially available.

3. 978.12(5)(c)2. provides that the state shall pay 50% of any difference in the costs between the Milwaukee County Plan and the state plan if the Milwaukee County Plan contribution rates are higher. Presently, the employer contribution rates for general employees under the WRS are higher than similar contribution rates under the Milwaukee County Plan. It would seem illogical to require the state to transfer monies to the Milwaukee County Plan at the state contribution rate if the Milwaukee plan is less expensive. Also, there seems to be little reason why the state should subsidize the Milwaukee County Plan if in the future it becomes more expensive than the state plan. Therefore, it may be more equitable to require the state to pay to the county treasurer the amount required for payments to the WRS, but not to exceed the actuarially determined contribution rates to the Milwaukee County Plan.

4. 978.12(5)(b) makes a general reference that "district attorneys and employees of the office of the district attorney" shall be included within the provisions of the WRS. This legislation requires the counties to continue to provide any required support staff for the district attorney and his or her assistants and deputies, and it is not entirely clear that such support staff are excluded from the term "employees of the office of district attorneys". To make sure that support staff are not also transferred to state employee status, this legislation should perhaps clearly define the term "employees of the office of district attorneys".

Senate amendment #LR Ba2359/1 addresses all of the points of concern noted on page 4 of this report. This amendment provides that accumulated sick leave transferred to the state sick leave program shall not be used for conversion purposes at the time of retirement. The amendment also clarifies how contribution rates shall be determined under the state and county retirement systems, and also the obligations of the state as an employer to the Milwaukee County Plan for those employees electing continued coverage thereunder. Lastly, the amendment clarifies which employees of the Office of the District Attorney shall be included within the provisions of the WRS.

Read and referred to committee on Aging, Banking, Commercial Credit and Taxation.

JOSEPH F. ANDREA  
Co-Chair

JOHN VOLK  
Co-Chair

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

**Senate Resolution 7**

Urging that the statue entitled 'Nurse' be placed near the Vietnam Veterans Memorial.

Adoption:

Ayes. 6 -- Senators Van Sistine, Roshell, Otte,  
Plewa, Kreul and Leean;

Noes. 0 -- None.

**Senate Bill 300**

Relating to abolishing the requirement that stamps be used as evidence that the liquor tax has been paid.

Passage:

Ayes, 6 -- Senators Van Sistine, Roshell, Otte, Plewa, Kreul and Leean;

Noes, 0 -- None.

**Senate Bill 309**

Relating to changes in the laws governing town mutuals.

Passage:

Ayes, 5 -- Senators Van Sistine, Roshell, Otte, Kreul and Leean;

Noes, 1 -- Senator Plewa.

**Senate Bill 325**

Relating to the issuance of intoxicating liquor licenses to restaurants with museums.

Introduction and adoption of senate amendment 1:

Ayes, 5 -- Senators Van Sistine, Roshell, Otte, Kreul and Leean;

Noes, 1 -- Senator Plewa.

Passage as amended:

Ayes, 4 -- Senators Van Sistine, Otte, Kreul and Leean;

Noes, 2 -- Senators Roshell and Plewa.

**Senate Bill 328**

Relating to revisions in the laws governing the patients compensation fund and panels, medical malpractice and health care provider professional discipline, providing for a study and making appropriations.

Introduction and adoption of senate substitute 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.

**Senate Bill 336**

Relating to licensing 'closing-out sales' in cities, villages and towns.

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.

**Senate Bill 430**

Relating to hours during which bars may remain open.

Introduction and adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Van Sistine, Roshell, Otte and Leean;

Noes, 2 -- Senators Plewa and Kreul.

Passage as amended:

Ayes, 4 -- Senators Van Sistine, Roshell, Otte and Leean;

Noes, 2 -- Senators Plewa and Kreul.

**Assembly Joint Resolution 45**

Relating to excepting pari-mutuel betting on horse racing from the prohibition against legislative authorization of lotteries (first consideration).

Concurrence:

Ayes, 4 -- Senators Van Sistine, Roshell, Plewa, and Kreul;

Noes, 2 -- Senators Otte and Leean.

JEROME VAN SISTINE

Chair

The committee on Energy and Environmental Resources reports and recommends:

**Assembly Bill 421**

Relating to jurisdiction in actions for damages caused by environmental pollution.

Concurrence:

Ayes, 5 -- Senators Strohl, Chvala, Lee, Hanaway and Theno;

Noes, 0 -- None.

**Senate Bill 387**

Relating to the regulation of the placement and use of moorings and the establishment of designated mooring areas and providing penalties.

Adoption of senate amendment 1:

Ayes, 5 -- Senators Strohl, Chvala, Lee, Hanaway and Theno;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 5 -- Senators Strohl, Chvala, Lee, Hanaway and Theno;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Strohl, Chvala, Lee, Hanaway and Theno;

Noes, 0 -- None.

JOE STROHL

Chair

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

**Senate Bill 444**

Relating to raising the limit on the value of utility property within counties which is eligible for shared revenue payments.

Passage:

Ayes, 4 -- Senators Kincaid, Helbach, Ellis and Leean;

Noes, 1 -- Senator Ulichny.

**Senate Bill 437**

Relating to the information on equalized values that the department of revenue is required to provide.

Passage:

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

LLOYD H. KINCAID  
Chair

PETITIONS AND COMMUNICATIONS

**Senate Petition 21**

A petition by 17 members of the Neville Public Museum Geology Club of Green Bay in support of Senate Bill 16, designating the trilobite as Wisconsin's state fossil.

By Senator Czarnezki.

Read and referred to committee on Education and Government Operations.

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

January 21, 1986

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MATHEW G. MARTY of Madison to the Personnel Board, as the designee of Assembly Speaker Tom Loftus, pursuant to the statute governing, to serve a term to expire July 1, 1988.

Respectfully,  
ANTHONY S. EARL  
Governor

Read and referred to committee on Education and Government Operations.

SENATE CLEARINGHOUSE ORDERS

The committee on Education and Government Operations reports and recommends:

**Clearinghouse Rule 85-157**

AN ORDER to create chapter PI 22, relating to the criteria for the review and approval of applications for minority group precollege scholarships.

Submitted by Department of Public Instruction.  
No action taken.

JOSEPH J. CZARNEZKI  
Chair

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

**Senate Joint Resolution 62**

Expressing support for the efforts of the Governor's bipartisan American Motors Task Force.

By Senators Strohl, Andrea, Ulichny, George, Cullen, Kincaid, Engleiter and Plewa; cosponsored by Representatives Neubauer, Antaramian, Fergus, Barca, Porter and Kunicki.

Read and referred to committee on Economic Development.

By request of Senator Cullen, with unanimous consent, the senate recessed until 5:50 P.M.

10:25 A.M.

RECESS

5:50 P.M.

The senate reconvened.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 263** by Senator Leean.

Senate amendment 1 to **Senate Bill 349** by Senator Andrea.

Senate substitute amendment 1 to **Senate Bill 434** by Senator Andrea.

Senate substitute amendment 1 to **Senate Bill 447** by Senator Chvala.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 447** by Senator Chvala.

Senate substitute amendment 1 to **Senate Bill 456** by Senator Rude.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Wednesday, January 29.

5:51 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 345**

1. Page 11, line 8: delete "chs. 400" and substitute "this chapter and chs. 441".