

# STATE OF WISCONSIN

## Senate Journal

### Eighty-Eighth Regular Session

10:00 A.M.

TUESDAY, May 5, 1987

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 241**

Relating to analysis of the impact of award of certain state contracts to prison industries.

By Senators Moen, Lasee, Cowles, Andrea and Chvala; cosponsored by Representatives Thompson, Swoboda, Musser, Shoemaker, Magnuson, Merkt, Wimmer, Schneider, Matty, Van Gorden, Foti, Schultz, Zeuske and Gronemus.

To committee on Agriculture, Health and Human Services.

##### **Senate Bill 242**

Relating to interstate city law enforcement agreements.

By Senators Jauch and Van Sistine; cosponsored by Representatives Boyle and Medinger.

To committee on Judiciary and Consumer Affairs.

##### **Senate Bill 243**

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

By Senators Jauch and Moen; cosponsored by Representatives Hubler, Ourada, Musser, Gronemus, Hasenohrl and Ott.

To committee on Transportation, Tourism and Conservation.

##### **Senate Bill 244**

Relating to collective bargaining of school class size and the number and length of teacher preparation periods in 1st class city school districts.

By Senators Czarnezki, Norquist and Ulichny; cosponsored by Representatives Krusick, Carpenter, Bock, Fortis, Barrett and Notestein.

To committee on Education.

##### **Senate Bill 245**

Relating to creating penalties for habitual truancy and contributing to or encouraging a child's truancy.

By Senators Czarnezki, Norquist, Lee, Rude and Van Sistine; cosponsored by Representatives Krusick, Porter, Barca, Schneiders and Panzer.

To committee on Education.

#### COMMITTEE REPORTS

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

##### Appendix to Senate Bill 19

##### Public Policy Involved

Prior to 1971, the three retirement funds administered by the state each had separate and different provisions for the crediting of military services. A major study by the Retirement Research Committee in 1970 recommended new standards for crediting military service, and these standards were enacted by the 1971 legislature. This legislation defined the specific branches of U.S. armed forces which would qualify for credit and also specified that such service must be a break in public employment. These provisions are now found under 40.02 (15)(a) and (b), Stats.

The crediting of military service was significantly expanded in 1971 when state employee participants under the WRF were granted credit for military service which was not a break in public employment, if the participant had 20 years of regular creditable service. This same provision was extended in 1973 to all other participants under the old WRF, but teacher participants were not granted the same rights until the retirement fund merger act became effective on January 1, 1982. These provisions were again modified in 1983 when the 20-year requirement for such service credit was modified.

Presently, the WRS is nearly unique in the granting of credit for military service which is not a break in public employment, at no cost to the employee. Other public systems across the country may allow such service credit, but they usually require some employee contribution towards the costs involved. This bill would expand the crediting of military service (at no cost the employee) for an unknown number of active WRS participants.

Federal law reflects a Congressional policy of encouraging and rewarding military reserve service. Title 10 U.S.C. s 1336 provides:

"No period of service included wholly or in part in determining a person's right to, or the amount of, retired pay under this chapter (10 U.S.C. xx 1331 et seq.) may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that serve is otherwise properly credited under it."

JOURNAL OF THE SENATE [May 5, 1987]

Court cases in California (Cantwell v. County v of San Mateo - 1980) indicate that public retirement systems are governed by the supremacy doctrine, and that federal law encouraging reserve service and preventing discrimination based upon such service does apply to state and local pension systems. Accordingly, it would appear that WRS law may be in conflict with federal law if military service credit is not granted because of a military pension based upon reserve service. This bill would bring the WRS into compliant with federal law.

This legislation would not apply to any employee qualifying for a military pension because of a career in the military services.

Co-chair  
JOHN VOLK  
Co-chair

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

PETITIONS AND COMMUNICATIONS

Senate Petition 8

A petition by 309 residents of the state of Wisconsin requesting that the Howard-Suamico Christmas Parade be proclaimed the official Christmas Parade of Wisconsin.

By Senator Van Sistine.

Read and referred to committee on Housing, Governmental Operations and Cultural Affairs.

Supreme Court of Wisconsin  
April 30, 1987

To the Honorable the Legislature

Pursuant to the nonstatutory provisions of 1985 Wisconsin Act 340, I have enclosed a copy of the status report for the Medical Mediation Panels. Please let me know how many copies of the report you will need for distribution and I will make the necessary arrangements to have that number printed.

Please feel free to contact John Bauer at 266-3039 if you have any questions or desire additional copies.

Sincerely,  
RANDY F. SPROULE  
Administrator

State of Wisconsin  
Wisconsin Housing and  
Economic Development Authority  
April 30, 1987

To the Honorable the Legislature

I am pleased to transmit to you the following report:  
CREDIT RELIEF OUTREACH PROGRAM  
MONTHLY REPORT

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available upon request from the Wisconsin Housing and Economic

Development Authority (WHEDA), 1 South Pinckney, Suite 500, or by calling (608) 266-7884.

Best Wishes,  
RICHARD J. LONGABAUGH  
Executive Director

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

April 30, 1987

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
28	11	April 30, 1987

Respectfully,  
TOMMY THOMPSON  
Governor

State of Wisconsin  
Office of the Governor

April 15, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JON McGLOCKLIN of Brookfield to the Medical College of Wisconsin Board of Trustees, pursuant to the statute governing, to serve a term to expire May 1, 1992.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

April 15, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DANIEL M. BERKOS of Mauston to the Public Defender Board, pursuant to the statute governing, to serve a term to expire May 1, 1990.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin  
Office of the Governor

April 15, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ALAN ROBERTSON

JOURNAL OF THE SENATE [May 5, 1987]

of Blair to the Public Defender Board, pursuant to the statute governing, to serve a term to expire May 1, 1990.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin  
Office of the Governor

April 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOE KAPUSTA of Antigo to the Snowmobile Recreational Council, pursuant to the statute governing, to serve an unexpired term to expire July 1, 1988.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Transportation, Tourism and Conservation.

State of Wisconsin  
Office of the Governor

April 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DOUGLAS H. BARTLEY of Mequon to the Tax Appeals Commission, pursuant to the statute governing, to serve an unexpired 6-year term to expire July 1, 1987, and a 6-year term to expire July 1, 1993.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

April 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MAUREEN J. BUSBY of Milwaukee to the Wisconsin Investment Board, pursuant to the statute governing, to serve a term to expire May 1, 1993.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Housing, Government Operations and Cultural Affairs.

State of Wisconsin  
Office of the Governor

April 27, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DR. GEORGE W. ARNDT of Neenah to the Medical Examining Board,

pursuant to the statute governing, to serve an unexpired term to expire July 1, 1991.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

April 28, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EUGENE LEHRMANN of Madison to the Board on Aging and Long-Term Care, pursuant to the statute governing, to serve an unexpired term to expire May 1, 1992.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

April 28, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM R. SAUEY of Baraboo to the Bingo Control Board, pursuant to the statute governing, to serve an unexpired term to expire May 1, 1992.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

May 1, 1987

To the Honorable, the Senate:

This is to inform you that STEPHEN H. SCHOENFELD's term as Chairperson of the Wisconsin Employment Relations Commission will be for two years expiring March 1, 1989.

Respectfully,  
TOMMY THOMPSON  
Governor

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 86-4

Relating to manufacturer and distributor requirements.

Submitted by Department of Regulation and Licensing.

Report received from agency, April 30, 1987.

Referred to committee on Agriculture, Health and Human Services, April 5, 1987.

State of Wisconsin  
Revisor of Statutes Bureau

May 1, 1987

Donald J. Schneider  
Senate Chief Clerk  
Dear Mr. Schneider:

The following rules have been published and are effective:

Clearinghouse Rule 86- 70 effective May 1, 1987.  
Clearinghouse Rule 86-115 effective May 1, 1987.  
Clearinghouse Rule 86-128 effective May 1, 1987.  
Clearinghouse Rule 86-164 effective May 1, 1987.  
Clearinghouse Rule 86-169 effective May 1, 1987.  
Clearinghouse Rule 86-182 effective May 1, 1987.  
Clearinghouse Rule 86-183 effective May 1, 1987.  
Clearinghouse Rule 86-184 effective May 1, 1987.  
Clearinghouse Rule 86-186 effective May 1, 1987.  
Clearinghouse Rule 86-196 effective May 1, 1987.\*  
Clearinghouse Rule 86-203 effective May 1, 1987.  
Clearinghouse Rule 86-209 effective May 1, 1987.  
Clearinghouse Rule 86-215 effective May 1, 1987.  
Clearinghouse Rule 86-216 effective May 1, 1987.  
Clearinghouse Rule 86-225 effective May 1, 1987.  
Clearinghouse Rule 87- 6 effective May 1, 1987.

Sincerely,  
GARY L. POULSON  
Assistant Revisor

Donald J. Schneider  
Senate Chief Clerk

To the Honorable Members of the Legislature:

The following Clearinghouse Rules have been withdrawn pursuant to s. 227.14(6)(b), Wis. Stats.:

Clearinghouse Rule 84-73

Sincerely,  
DONALD J. SCHNEIDER  
Chief Clerk

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MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 32**

Passed and asks concurrence in:

**Assembly Bill 118**

**Assembly Bill 121**

**Assembly Bill 137**

**Assembly Bill 150**

Concurred in:

**Senate Joint Resolution 17**

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MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 32**

Relating to commending the Milwaukee Brewers.

By Representatives Krusick, Antaramian, Barca, Barrett, Boyle, Brandemuehl, Bradley, Carpenter, Deininger, Farrow, Foti, Goetsch, Gronemus, Hasenohrl, Holschbach, Johnsrud, Krug, Lepak, Magnuson, McEssy, Merkt, Musser, Notestein, Ourada, Panzer, Prosser, Radtke, Rutkowski, Schneiders, Schober, Vergeront, Zeuske, Zweck, Mark Lewis, Fortis, Van Gorden and Turba, cosponsored by Senators Plewa, Chvala, Czarnezki, Ellis, Roshell, Buettner, Andrea, Kincaid, Engeleiter, Harsdorf, Ulichny and Lee.

Read and referred to committee on Senate Organization.

**Assembly Bill 118**

Relating to expiration of retail cigarette licenses issued by 1st class cities.

By Representatives Williams, Krusick, Becker, Notestein, M. Coggs and S. Coggs, cosponsored by Senators Lee and Plewa.

Read first time and referred to committee on Urban Affairs, Energy, Environmental Resources and Elections.

**Assembly Bill 121**

Relating to authorizing the superintendent of schools in the Milwaukee school district and the school district administrator in other school districts to expel pupils from school.

By Representatives Krusick and Carpenter, cosponsored by Senators Czarnezki and Plewa.

Read first time and referred to committee on Education.

**Assembly Bill 137**

Relating to extending the deregulation of precomputed loans and certain finance charges.

By Representatives Shoemaker, Nelsen, Wimmer, Robinson, Byers, Roberts, Hauke, Bradley, Ourada, Hasenohrl, Welch, Porter, Merkt, Vergeront, Paulson, Larson, Schmidt, Schneiders, Berndt, York, Zweck, Matty, Fergus, Vanderperren, Van Gorden, Farrow, Radtke, Bell, Becker, McEssy, Gronemus, Turba, Rosenzweig, Lepak, Zeuske, Walling, Hubler, Tregoning, Musser, Loftus, Schultz, Johnsrud, Prosser, Panzer, Volk, Bolle, Van Dree, Grobschmidt, Tesmer, Looby, Ladwig, Huelsman, Ott, Weeden and Kunicki, cosponsored by Senators Czarnezki, Lecan, Norquist, Ulichny, Davis, Plewa, Kreul, Rude, Lorman, Roshell, Engeleiter, Lasee, Helbach, Chilsen, Van Sistine, Moen, Andrea, Stitt, Te Winkle and Harsdorf.

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

**Assembly Bill 150**

Relating to law enforcement agency policies on the use of force and citizen complaint procedures.

By Representatives S. Coggs, Seery, Becker, M. Coggs, Williams, Krug, Notestein, Young, Antaramian, Barca, Neubauer, Fortis, Carpenter and Bell, cosponsored by Senators Lee and Strohl.

Read first time and referred to committee on Urban Affairs, Energy, Environmental Resources and Elections.

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CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 28**

Correctly enrolled and presented to the Governor on April 30, 1987.