

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

THURSDAY, May 28, 1987

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 Father Joseph Bisoffi of St. Francis Hospital, Milwaukee.

The senate remained standing and Senator Lee 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, Buettner, Chilsen, Chvala, Cowles Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Absent — None.

Absent with leave — None.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 275

Relating to railroad shop, terminal and other facility closings and removals, certain railroad work force reductions and creating a penalty.

By Senators Jauch, Andrea, Moen and Rude; cosponsored by Representatives Boyle, Linton, Van Dreel, Hamilton, Zweck, Hubler, Carpenter, Volk and Mark Lewis.

To committee on Transportation, Tourism and Conservation.

Senate Bill 276

Relating to creating a state uniform code for certain multiunit dwellings.

By Senators Roshell, Kincaid, Leean, Moen and Weeden.

To committee on Housing, Government Operations and Cultural Affairs.

Senate Bill 277

Relating to exclusion of witnesses.

By Senators Ulichny, Andrea, Kreul and Buettner; cosponsored by Representatives Notestein, Grobschmidt and Magnuson.

To committee on Judiciary and Consumer Affairs.

Senate Bill 278

Relating to the commitment, placement, conditional release and discharge of persons found not guilty of crimes by reason of mental disease or defect.

By Senator Adelman.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Bill 279

Relating to affirmative action in state employment relations.

By request of Governor Tommy G. Thompson.

Introduction:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

FRED A. RISSER

Chair

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Secretary of State

May 26, 1987

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(7):

Sincerely,  
DOUGLAS LAFOLLETTE  
Secretary of State

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

HARDY, GEORGE A., 720 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 226-7387

1) The Northwestern Mutual Life Insurance Co., Peter W. Bruce, 720 E. Wisconsin Ave., Milwaukee, WI 53202 (414) 271-1444 (all areas affecting life insurance companies)

HEPHNER, GERVASE A., 14 S. Carroll St., Madison, WI 53703 (608) 257-3000

1) Smokeless Tobacco Council, Inc., Michael J. Kerrigan, 1925 K St., NW, Suite 504, Washington DC

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20006 (202) 452-1252 (any and all matters affecting the smokeless tobacco industry); 2) Wisconsin Milk Haulers Assn., Robert Greuel, Rt. 4, Fishermans Rd., Fond du Lac, WI 54935 (414) 921-4041 (milk hauling and storage legislation)

PESHEK, PETER A., 121 S. Pinckney St., Madison, WI 53703 (608) 255-8891

1) Lincoln Lutheran of Racine, Wisconsin, Inc., 3716 Douglas Ave., Racine, WI 53402 (414) 639-3174 (any function or activity of any branch, department or phase of federal, state or local government; agriculture, outdoors or environment; taxation; regulation of business, finance or insurance, or other topics pertaining to the general public health or welfare)

TERRELL, CARYL E., 111 King St., Rm. 29, Madison, WI 53703 (608) 256-0565

1) John Muir Chapter of the Sierra Club, Steve Ventura, 111 King St., Rm. 29, Madison, WI 53703 (608) 256-0565 (agriculture, public domain and environment)

STATE AGENCY CHANGE

WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY, 1 S. Pinckney St., Ste. 500, Madison

Delete: Diane Peltin

Add: Lee Martinson (agriculture) and Deborah Wunnicke (housing, bonding, economic development, laws which affect the authority)

State of Wisconsin  
Claims Board

May 21, 1987

To the Honorable the Senate

Enclosed is the report of the State Claims Board covering claims heard on May 11, 1987.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,

EDWARD D. MAIN

Secretary

STATE OF WISCONSIN  
CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on May 11, 1987. upon the following claims:

Claimant	Amount
Gary Horowitz	\$1,500,000.00
Robert Mann	7,559.00
Bell & Howell Co.	13,650.00

In addition, the following claims were considered and decided without hearings:

Stephen Gregerson	\$ 1,264.61
Jeff Russell	38.00
David Schultz	136.24
Raymond Perschbacher Estate	1,030.78
Irmina Boll	410.25
Robin Massio	1,500.00
Judy Kulinski	290.85
Clara Mattox	6,365,671.87
Roy Finney	181.94
American Family Insurance	1,186.78
American Family Insurance	400.00
Secura Insurance	2,220.00
Elizabeth Waldron	145.43
Best Disposal Systems	425.00
Margaret Erickson	243.48
Clara Lange	30.00

THE BOARD FINDS:

1. Gary Horowitz of Middleton claims \$1,500,000.00 for damages relating to his failure of a preliminary examination given by the University of Wisconsin-Madison Department of Educational Policy Studies in 1979. Claimant alleges that the professors grading his examination violated University and Department procedure in formulating, controlling and grading the preliminary exam. Claimant also alleges unauthorized disclosure of his educational records to unauthorized persons, violating his constitutional rights, causing him emotional harm and distress and damages to his professional standing. In 1979, claimant filed a grievance with the Department of Educational Policy Studies but he did not complete the final step of the grievance procedure. In 1982, claimant filed an action in Dane County Circuit Court against the University and the professors who graded his exam. The court dismissed that complaint and claimant appealed the decision. The Court of Appeals affirmed the dismissal of the complaint against the state, the University of Wisconsin, Herbert Kliebard, Karl Kaestle and Daniel Pekarsky but allowed the case to proceed against Professors Olneck and Haubrich. On October 16, 1986, claimant's complaint against Professors Olneck and Haubrich was dismissed by Judge Jack Aulik. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

2. Robert Mann of Milwaukee claims \$7,559.00 as compensation for a work-related back injury which occurred in 1984. Claimant filed a claim for worker's compensation benefits alleging temporary total disability and 10% permanent total disability. The insurance carrier offered claimant a settlement of \$6,250 which was submitted to a Worker's Compensation administrative law judge for approval. The administrative law judge would only approve the settlement on a limited basis, allowing the claimant to reopen the claim if surgery became necessary. The insurance company would not accept that agreement and the matter proceeded to hearing before the labor and Industry Review Commission. On December 5, 1985, the Labor and Industry Review Commission found that claimant was completely recovered from the work-related injury and that no additional compensation was due. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

3. Bell & Howell Company of Skokie, Illinois, claims \$13,650.00 for refund of sales tax collected from its customers Endata, Inc. and Datafilm Corp. in 1981 and remitted to the Wisconsin Department of Revenue. Claimant sells production equipment for use in micrographics printing operations. In 1984, the Department of Revenue ruled that portions of Wisconsin

activities of Datafilm Corp. constituted manufacturing pursuant to s. 77.51(27), 1983, Wis. Stats., and therefore, the equipment used in this manufacturing activity was exempt from sales tax under s. 77.54(6)(a), Wis. Stats. Claimant was unable to obtain a refund for 1981 because the company had been field audited for that period and the 1981 sales tax return was closed to further adjustment on October 9, 1984. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member Taffora dissenting.)

4. Stephen Gregerson of Wilson claims \$1,260.61 for automobile damages which occurred on December 11, 1986, on Highway 12, when he hit a deer. There is no statutory provision for payment of damages resulting from collisions between cars and deer. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

5. Jeff Russell of Madison claims \$38.00 for replacement of a pair of slacks damaged on January 27, 1987, when he allegedly slipped and fell on some snow on the sidewalk at the west entrance to the General Executive Facility (GEF) - 2 State Office Building. Claimant is employed by the Department of Administration and was carrying a flipchart easel between the GEF 1 and GEF 2 buildings for use in a training program when he fell, ripping his slacks. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Member Schneider dissenting.)

6. David Schultz of New Lisbon claims \$136.24 for damages he paid to Richard Bowman as a result of a motor vehicle accident of May 10, 1984. The accident occurred as claimant was driving a federal military vehicle through the Volk Field parking lot as part of his duties as an employe of the Department of Military Affairs. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under the authority of s. 16.007(6m), Stats., payment should be made from the Department of Military Affairs appropriation s. 20.465(1)(a), Stats.

7. Victor Perschbacher, personal representative of the Estate of Raymond Perschbacher claims \$1,030.78 for refund of an overpayment of state inheritance tax. On June 21, 1985, claimant filed an inheritance tax return showing the taxable estate distributed equally to Victor and Mavis, children of the decedent. On July 2, 1985, the Department of Revenue issued its certificate determining inheritance tax. On September 2, 1986, an amended tax return was filed to correct the distribution of taxable estate to include Dianna Perschbacher as a distributee who was to receive an equal share of the estate by right of

representation. The refund claim was denied by the Department of Revenue because the amended return was not filed within six months after the issuance of the certificate determining inheritance tax pursuant to section 72.30(4), Stats. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

8. Irmina Boll of Chilton claims \$410.25 for the cost of repairing her drain tile allegedly damaged during the construction of Highway 151 in Calumet County in 1981. The Department of Transportation failed to identify claimant's drain pipe on the construction plan and it was damaged by the contractor during construction. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(3)(cq), Stats.

9. Robin Massio of Marinette claims \$1,500.00 as compensation for trees removed from his property during the Department of Transportation construction on Highway 83 in Waukesha County during 1986. Under the terms of the construction project, the contractor was required to cut down the trees within 30 feet of the edge of the pavement. The property owners had the option of claiming the wood from the trees or having the contractor dispose of the trees. Claimant arranged to sell the wood from the trees, however, the trees were removed from claimant's property without his consent. The Board concludes the claim should be paid in the reduced amount of \$650.00 based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(3)(cq), Stats.

10. Judy Kulinski of Whitewater claims \$347.00 for automobile damages allegedly incurred when her car was struck by a hit and run driver on September 12, 1986, while the vehicle was parked on the University of Wisconsin - Whitewater campus. Claimant is a maintenance employe at the University and had used her personal vehicle to drive to one of the buildings she was cleaning because a state vehicle was not available. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

11. Clara Mattox of Glendale claims \$6,365,671.87 for damages relating to the foreclosure of the Steven Bryant Nursing Home owned and operated by claimant. In November, 1978, the Department of Health and Social Services petitioned the Milwaukee County Circuit Court for receivership of the Steven Bryant Nursing Home, pursuant to Chapter 50, Stats. Robert Durkin, Administrator of the Division of Health, was appointed receiver by the Court. Claimant alleges that during the

receivership the Department of Health & Social Services collected money for services previously provided by claimant but did not pay mortgage notes or past due taxes levied against the Home, resulting in the foreclosure of the Home. On February 1, 1979, the Federal District Court appointed the Department of Health & Social Services as receiver in the foreclosure action. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (Members George and Schneider dissenting.)

12. Ron Finney of Waterford claims \$181.94 for automobile damages allegedly incurred on November 20, 1986, while the vehicle was parked in the lot at the Southern Wisconsin Center, where he is employed. There is no evidence of how the damage actually occurred. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

13. American Family Insurance Company of Schofield claims \$1,186.78 subrogation damages. Claimant's insured, Nichole Savada, submitted claims to the insurance company for damages to her vehicles allegedly caused by juveniles on escape status from Lincoln Hills School in May, 1986. Consistent with a long-standing policy of this Board concerning subrogation claims, the Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

14. American Family Insurance Company of Racine claims \$400.00 subrogation damages. Claimant's insured, Paul Simonds, submitted a claim for damage to his vehicle allegedly caused by a liquid discharged from a boiler at the Southern Wisconsin Center on November 11, 1986. Consistent with a long-standing policy of this Board concerning subrogation claims, the Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

15. Secura Insurance Company of Appleton claims \$2,220.00 subrogation damages. Claimant's insureds, Denise and Jack Schlaeger, submitted a claim for damages to their retail stained glass shop on October 20, 1986, caused by a patient from the Winnebago Mental Health Institute. Consistent with a long-standing policy of this Board concerning subrogation claims, the Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

16. Elizabeth Waldron of Kansasville claims \$145.43 for automobile damages incurred on November 17, 1986, while the car was parked in the lot at the Southern Wisconsin Center where claimant is employed. An employe of the Center observed a resident pounding his

fists on claimant's car causing a dent in the left front fender of the car. The Board concludes that claim should be paid in the reduced amount of \$100, the amount of claimant's insurance deductible, based on equitable principles. The Board further concludes, under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(2)(gk), Stats.

17. Best Disposal Systems of Franklin claims \$425.00 for replacement of one of its dumpsters allegedly damaged by fire of unknown origin, on September 6, 1986, at the Southern Wisconsin Center. Claimant, under a contract with the Department of Health & Social Services, provides disposal services to the Southern Wisconsin Center. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officer, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

18. Margaret Erickson of Tomahawk claims \$243.48 for uninsured damages to her automobile allegedly caused by students on escape status from the Lincoln Hills School on May 12, 1986. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(hm), Stats.

19. Clara Lange of Muskego claims \$30.00 for replacement of eyeglass frames damaged on December 8, 1986, when she allegedly slipped and fell on snow and ice in the parking lot at Southern Wisconsin Center, where she is employed. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officer, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**The Board Concludes:**

1. The claims of the following claimants should be denied:

- Gary Horowitz
- Robert Mann
- Bell & Howell Company
- Stephen Gregerson
- Jeff Russell
- Raymond Perschbacher Estate
- Judy Kulinski
- Clara Mattox
- Roy Finney
- American Family Insurance
- American Family Insurance
- Secura Insurance
- Best Disposal Systems
- Clara Lange

2. Payment of the following amounts to the following claimants is justified under s. 16.007, Stats.

David Schultz \$136.24

Mrs. Erwin Boll	410.25
Robin Massio	650.00
Elizabeth Waldron	100.00
Margaret Erickson	243.48

Dated at Madison, Wisconsin this 19th day of May, 1987.

- GARY R. GEORGE  
Senate Finance Committee
- MARLIN D. SCHNEIDER  
Assembly Finance Committee
- RAYMOND P. TAFFORA  
Representative of Governor
- EDWARD D. MAIN  
Representative of Secretary of Administration
- WILLIAM H. WILKER  
Representative of Attorney General

**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor

May 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LINUS M. STOLL of Green Bay to the State Board of Vocational, Technical and Adult Education, pursuant to the statute governing, to serve a term to expire May 1, 1993.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Education.

State of Wisconsin  
Office of the Governor

May 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WANDA PREISLER of Park Falls to the State Board of Vocational, Technical and Adult Education, pursuant to the statute governing, to serve a term to expire May 1, 1993.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Education.

State of Wisconsin  
Office of the Governor

May 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THERESE GRATZ of Darlington to the Pesticide Advisory Council, pursuant

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

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

May 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM P. PODEWILS of Hales Corners to the Savings and Loan Review Board, pursuant to the statute governing, to serve a term to expire May 1, 1991.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Economic Development, Financial Institutions and Fiscal Policies.

State of Wisconsin  
Office of the Governor

May 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PETER J. SCHILS of Sheboygan to the Real Estate Board, pursuant to the statute governing, to serve a term to expire May 1, 1991.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

May 20, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM GLATZ of Oshkosh to the Fox River Management Commission, pursuant to the statute governing, to serve a term to expire March 1, 1988.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

May 15, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DONALD C. O'MELIA of Rhinelander to the Natural Resources

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 Urban Affairs, Energy, Environmental Resources and Elections.

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CALENDAR OF MAY 28, 1987

SCHRAUFNAGEL, ALLEN, of Elroy, as a member of the State Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1991.  
Read.

The question was: Shall the appointment be confirmed?

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, Buettner, Chilsen, Chvala, Cowles Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

So the appointment was confirmed.

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SENATE CLEARINGHOUSE ORDERS

The committee on Education reports and recommends:

**Senate Clearinghouse Rule 87-2**

Relating to high school graduation requirements.  
No action taken.

JOSEPH J. CZARNEZKI  
Chair

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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 36**  
**Assembly Joint Resolution 40**

Amended and concurred in as amended:

**Senate Bill 17**, assembly substitute amendment 1  
**Senate Bill 166**, assembly amendments 2, 7, 18 and 20

Passed and asks concurrence in:

**Assembly Bill 20**  
**Assembly Bill 34**  
**Assembly Bill 37**

**Assembly Bill 159**

Assembly recedes from its position on:

**Senate Bill 86**, assembly amendment 1

—————  
**MESSAGE FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 36**

Relating to designing a Wisconsin logo for tourism promotion.

By Representatives Van Dreef, Swoboda, Thompson, Hasenohrl, Hubler, Byers, Linton, Bolle, Musser, Krug, Hamilton, Porter, Carpenter, Neubauer, Medinger, Paulson, Ott, Zeuske, Johnsrud, Boyle, Brancel and Matty, cosponsored by Senators Kincaid, Van Sistine, Buettner and Chvala.

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

**Assembly Joint Resolution 40**

Relating to the life and public service of Manny S. Brown.

By Representatives Fergus, Neubauer and all members of the assembly, cosponsored by Senator Strohl.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

**Assembly Bill 20**

Relating to parole and probation for persons convicted of crimes punishable by life imprisonment.

By Representatives Tesmer, Krusick, Gronemus, Grobschmidt, Hauke and Nelsen, cosponsored by Senators Andrea and Plewa.

Read first time and referred to committee on Judiciary and Consumer Affairs.

**Assembly Bill 34**

Relating to designating the ice age national scenic trail as a state scenic trail and making an appropriation.

By Representatives Bell, Wineke, Hasenohrl, Schultz, Krug, Black, Travis, Radtke, Berndt, Zweck, Linton, Johnsrud, Rosenzweig, Thompson, Magnuson, Notestein, Hubler, Medinger, Ourada, Huelsman, Gruszynski and Nelsen, cosponsored by Senators Lekan, Czarnecki, Feingold, Chvala, Strohl, Risser and Davis.

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

**Assembly Bill 37**

Relating to places where water skiing is permitted.

By Representatives Medinger, Roberts and Merkt, cosponsored by Senators Rude and Moen.

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

**Assembly Bill 159**

Relating to the transportation of fish subject to a minimum size limit which are taken by hook and line.

By Representatives Barca, Hubler, Antaramian, Black, Holperin, Grobschmidt, Seery, Holschbach, Vanderperren, Thompson, Bolle, Zweck, Linton, Notestein, Paulson, Goetsch, Ladwig, Vergeront, Van Gorden, Radtke, Musser, Zeuske, Welch and Weeden, cosponsored by Senators Andrea, Chilsen, Kreul, Lekan and Lasee.

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

—————  
**CALENDAR OF MAY 28, 1987**

**Senate Bill 27**

Relating to self-service storage facilities.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

**Senate Bill 166**

Relating to establishing a speed limit of 65 miles per hour for rural interstate highways.

Read.

The question was: Concurrence of assembly amendment 2?

By request of Senator Roshell, with unanimous consent, **Senate Bill 166** was placed after **Senate Joint Resolution 5**.

**Senate Joint Resolution 5**

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

Read a second time.

Senator Adelman moved rejection of the joint resolution.

The question was: Rejection of the joint resolution?

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

Ayes — Senators Adelman, Andrea, Feingold, Jauch, Kincaid, Kreul, Moen, Roshell, Rude, Strohl, Te Winkle and Van Sistine — 12.

Noes — Senators Buettner, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Lasee, Lee, Lekan, Lorman, Norquist, Plewa, Risser, Stitt, Ulichny and Weeden — 21.

Absent or not voting — None.

So the motion did not prevail.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the joint resolution was considered for final action at this time.

**Senate Joint Resolution 5**

Read a third time.

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

Ayes — Senators Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Lasee, Lee, Leean, Lorman, Norquist, Plewa, Risser, Stitt, Ulichny and Weeden — 21.

Noes — Senators Adelman, Andrea, Feingold, Jauch, Kincaid, Kreul, Moen, Roshell, Rude, Strohl, Te Winkle and Van Sistine — 12.

Absent or not voting — None.

So the joint resolution was adopted.

#### Senate Bill 166

Relating to establishing a speed limit of 65 miles per hour for rural interstate highways.

Read.

Senate amendment 1 to assembly amendment 2 offered by Senators Czarnezki, Moen and Van Sistine.

The question was: Adoption of senate amendment 1 to assembly amendment 2?

Senator Te Winkle raised the point of order that senate amendment 1 to assembly amendment 2 was not germane.

The chair ruled the point of order well taken.

The question was: Concurrence of assembly amendment 2?

Senator Roshell moved non-concurrence of assembly amendment 2.

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

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

Ayes — Senators Andrea, Buettner, Davis, Ellis, Engeleiter, George, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 21.

Noes — Senators Adelman, Chilsen, Chvala, Cowles, Czarnezki, Feingold, Helbach, Jauch, Lee, Norquist, Plewa and Risser — 12.

Absent or not voting — None.

So the motion prevailed.

The question was: Concurrence of assembly amendment 7?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Engeleiter, Feingold, Harsdorf, Helbach, Jauch, Kincaid, Lee, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 26.

Noes — Senators Andrea, George, Kreul, Lasee, Leean, Lorman and Norquist — 7.

Absent or not voting — None.

So the amendment was concurred in.

The question was: Concurrence of assembly amendment 18?

Concurred in.

The question was: Concurrence of assembly amendment 20?

Senator Roshell moved non-concurrence of assembly amendment 20.

The question was: Non-concurrence of assembly amendment 20?

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

Ayes — Senators Andrea, Buettner, Ellis, Engeleiter, George, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine — 19.

Noes — Senators Adelman, Chilsen, Chvala, Cowles, Czarnezki, Davis, Feingold, Helbach, Jauch, Lee, Norquist, Plewa, Risser and Weeden — 14.

Absent or not voting — None.

So the amendment was non-concurred in.

#### Senate Bill 4

Relating to granting parole.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 4** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 4** 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 Strohl, with unanimous consent, the bill was considered for final action at this time.

#### Senate Bill 4

Read a third time and passed.

By request of Senator Strohl, with unanimous consent, the senate asked for a Committee of Conference on **Senate Bill 166**.

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

#### Senate Bill 5

Relating to indigency determinations under the state public defender system.

Read a second time.

Ordered to a third reading.



By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 5**

Read a third time and passed.

**Senate Bill 38**

Relating to elected officials serving on vocational, technical and adult education district boards.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Senate substitute amendment 2 offered by Senator Adelman.

The question was: Adoption of senate substitute amendment 2?

Senator Lee raised the point of order that senate substitute amendment 2 was non-germane.

The chair ruled the point of order well taken.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 38**

Read a third time and passed.

**Senate Bill 161**

Relating to designating milk as the state beverage.

Read a second time.

By request of Senator Chilsen, with unanimous consent, **Senate Bill 161** was placed after **Senate Bill 211**.

**Senate Bill 170**

Relating to the fee for turning water off and on in relation to delinquent accounts in 1st class cities.

Read a second time.

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

**Senate Bill 178**

Relating to school district names.

Read a second time.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 178**

Read a third time and passed.

**Senate Bill 182**

Relating to delaying the provisions which convert certain state aids to credits.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 182**

Read a third time and passed.

**Senate Bill 184**

Relating to ex-prisoner of war registration plates.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 184** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 184** was withdrawn from the joint committee on Finance and considered for action at this time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 184**

Read a third time and passed.

**Senate Bill 191**

Relating to revising crimes against the life, bodily security and safety of persons, defining criminal recklessness and criminal negligence and providing penalties.

Read a second time.

Senate amendment 1 offered by Senators Andrea, Plewa, Rude and Stitt.

The question was: Adoption of senate amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 191** was referred to joint committee on Finance.

**Senate Bill 196**

Relating to eliminating the enumeration of program responsibilities (suggested as remedial legislation by the legislative reference bureau).

Read a second time.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 196**

Read a third time and passed.

**Senate Bill 211**

Relating to providing penalties for fraud against city, village and county housing authorities.

Read a second time.

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

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 211**

Read a third time and passed.

**Senate Bill 161**

Relating to designating milk as the state beverage.  
Read a second time.

By request of Senator Strohl, with unanimous consent, **Senate Bill 161** was placed at the foot of the calendar.

**Assembly Joint Resolution 23**

Relating to commending the University of Wisconsin-Extension on its 75th anniversary.

Read.

Concurred in.

**Assembly Bill 27**

Relating to stopping at an intersection controlled by a stop sign.

Read a second time.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 27**

Read a third time and concurred in.

**Assembly Bill 44**

Relating to traffic law enforcement by a police officer, sheriff or deputy sheriff on certain highways.

Read a second time.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 44**

Read a third time and concurred in.

**Assembly Bill 116**

Relating to school board waiver of compulsory attendance.

Read a second time.

Senate amendment 1 offered by Senator Rude.

The question was: Adoption of senate amendment 1?

Senator Czarnezki moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?  
The motion prevailed.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 116**

Read a third time and concurred in.

**Assembly Bill 141**

Relating to control of nuisance weeds.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Assembly Bill 141**

Read a third time and concurred in as amended.

**Senate Bill 161**

Relating to designating milk as the state beverage.

Read a second time.

Senate amendment 1 offered by Senator Lee.

The question was: Adoption of senate amendment 1.

Senator Chilsen moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?  
The motion prevailed.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 161**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 8; absent or not voting, 3; as follows:

Ayes — Senators Andrea, Buettner, Chilsen, Cowles, Czarnezki, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leraan, Lorman, Moen, Norquist, Plewa, Strohl, Te Winkle and Van Sistine — 22.

Noes — Senators Adelman, Chvala, Jauch, Lee, Risser, Rude, Ulichny and Weeden — 8.

Absent or not voting — Senators Davis, Roshell and Stitt — 3.

So the bill passed.

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MOTIONS

By request of Senator Strohl, with unanimous consent, the rules were suspended and **Senate Joint Resolution 36** was taken up at this time.

**Senate Joint Resolution 36**

Relating to the life and public service of Ben R. Lawton.

By Senators Strohl, Helbach, Risser, Engeleiter, Norquist, George, Czarnezki, Chvala, Ulichny, Plewa,

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Kincaid, Van Sistine, Jauch, Te Winkle, Feingold, Roshell, Lee, Moen, Adelman, Andrea, Rude, Weeden, Leean, Lorman, Lasee, Cowles, Davis, Chilsen, Kreul, Buettner, Harsdorf, Ellis and Stitt.

Read.

Adopted.

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

By request of Senator Strohl, with unanimous consent, the senate adjourned in honor of the Chief Clerk Donald J. Schneider's fortieth birthday.

Upon motion of Senator Strohl the senate adjourned until 10:00 A.M. Tuesday, June 2.

11:52 A.M.

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AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 249** by Senator Roshell.