

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

TUESDAY, October 20, 1987

The senate met.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 388

Relating to reimbursing counties for certain court costs and making an appropriation.

By Senators Chilsen, Strohl, Harsdorf, Van Sistine, Lorman, Davis, Kincaid, Lasee, Cowles and Buettner; cosponsored by Representatives Thompson, Tregoning, Neubauer, Zeuske, Volk, Ourada, Holschbach, Krug, Goetsch, Porter, Tesmer, Hamilton, Wimmer, Radtke, Van Gorden, Walling, Hubler, Rosenzweig, Becker, Farrow, Ladwig, Larson, Brancel, Johnsrud, Musser, Ott, Vanderperren, Van Dreel, Turba, Bolle, Brandemuehl, Schultz, Berndt and Walling, by request of Attorney General, Don Hanaway.

To committee on Judiciary and Consumer Affairs.

Senate Bill 389

An act relating to granting authorization to construct artificial islands in Delavan lake.

By Senators Andrea and Weeden; cosponsored by Representatives Wood, Coleman, Bell, Porter and Robson.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 390

Relating to the regulation of the operation of weights and measures and imposing a penalty.

By Senator Adelman; cosponsored by Representative Krug.

To committee on Judiciary and Consumer Affairs.

Senate Bill 391

Relating to: creating a development zone program, creating tax benefits in respect to development zones, making appropriations and granting rule-making authority.

By Senators Stitt, Norquist, Engeleiter, Harsdorf and Rude; cosponsored by Representatives Nelsen, Hauke, Fergus, Radtke, Panzer and Rosenzweig.

To committee on Economic Development, Financial Institutions and Fiscal Policies.

State Senate

To the Honorable Members of the Legislature:

Pursuant to Senate Rule 36(2) and Section 13.52 of the Wisconsin Statutes, the Co-chairs of the Joint Survey committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 391** as a matter of public policy.

Sincerely,
FRED A. RISSER
Senate President

Senate Bill 392

Relating to labeling requirements for plastic containers, providing a penalty and granting rule-making authority.

By Senators Chvala, Lee and Risser; cosponsored by Representatives Black, Wineke, Welch, Young, Robinson, Shoemaker, Magnuson, Bock, Robson, Medinger, Roberts, Becker, Berndt, Travis, Johnsrud and Gruszynski.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 393

Relating to state purchasing specifications, state purchasing of products made from recycled materials, a wastepaper recycling program for state agencies and use of recycled and recovered materials in state construction projects.

By Senators Chvala, Helbach, Czarnecki, Davis, Harsdorf, Lee and Risser; cosponsored by Representatives Black, Young, Welch, Krug, Robinson, Barca, Shoemaker, Goetsch, Magnuson, Bock, Robson, Medinger, Becker, Travis, Johnsrud and Gruszynski.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 394

Relating to prepayment of witness fees.

By Senators Adelman, Chvala, Feingold, Lee, Lorman, Buettner and Stitt; cosponsored by Representatives Rutkowski, Van Dreel, Barrett, Young, Schober, Huelsman, Wimmer and Schmidt, by request of Attorney General, Don Hanaway.

To committee on Judiciary and Consumer Affairs.

Senate Bill 395

Relating to satisfaction of judgments by the attorney general.

By Senators Adelman, Lee and Lorman; cosponsored by Representatives Rutkowski, Van Dreel, Tesmer, Schober, Huelsman, Wimmer and Schmidt, by request of Attorney General, Don Hanaway.

To committee on Judiciary and Consumer Affairs.

Senate Bill 396

Relating to forfeiture actions and judgments involving public officers, employes and agents.

By Senators Adelman, Lorman, Buettner and Stitt; cosponsored by Representatives Rutkowski, Van Dreel, Schober, Huelsman, Wimmer and Schmidt, by request of Attorney General, Don Hanaway.

To committee on Judiciary and Consumer Affairs.

Senate Bill 397

Relating to the statute of limitations for federal civil rights actions.

By Senators Stitt, Lorman and Buettner; cosponsored by Representatives Tesmer, Van Dreel, Schober, Huelsman, Wimmer and Schmidt, by request of Attorney General, Don Hanaway.

To committee on Judiciary and Consumer Affairs.

Senate Bill 398

Relating to sales of computers and computer software at cooperative educational service agencies.

By Senators Ellis and Kincaid.

To committee on Education.

Senate Bill 399

Relating to corporate estimated taxes.

By Senator Risser.

To committee on Aging, Banking, Commercial Credit and Taxation.

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COMMITTEE REPORTS

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

Senate Bill 400

Relating to creating a central filing system for farm product financing statements and making an appropriation.

Introduction:

Ayes, 7 -- Senators Feingold, Plewa, Czarnezki, Kincaid, Jauch, Buettner and Weeden;

Noes, 1 -- Senator Kreul.

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

Assembly Bill 328

Relating to the restrictions on the location of branch banks.

Concurrence:

Ayes, 7 -- Senators Feingold, Czarnezki, Kincaid, Jauch, Kreul, Buettner and Weeden;

Noes, 0 -- None.

RUSS FEINGOLD
Chair

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

RUSSELL, MARCELLA, of Shullsburg, as a member of the State Fair Park Board, to serve for the term ending May 1, 1992.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

GRATZ, THERESE, of Darlington, as a member of the Pesticide Advisory Council, to serve for the term ending July 1, 1989.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

OLSON, JENNIFER H., of LaCrosse, as a member of the Cosmetology Examining Board, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

BURGETT, BETTY, of Platteville, as a member of the Domestic Abuse Council, to serve for the interim term ending July 1, 1987, and to the term ending July 1, 1990.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

STEINER, RALPH, of Chilton, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1993.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

BRUNETTE, JR., JEROME J., of Fond du Lac, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

MOORE, HENRY JR., of Milwaukee, as a member of the Barber's Examining Board, to serve for the term ending July 1, 1990.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

BAKKE, DR. MEREDITH, of DeForest, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

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Noes, 0 -- None.

PACHT, DR. ASHER, of Madison, as a member of the Psychology Examining Board, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

HERNANDEZ, DR. STEVEN, of Shorewood, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

JOHNSRUD, JACQUELINE, of Eastman, as a member of the Board of Nursing, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

VAN HOLLEN, ROSELLA, of Mason, as a member of the Board of Nursing, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

BRUECKNER, JACK, O.D., of Waupaca, as a member of the Optometry Examining Board, to serve for the term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

BABLITCH, STEPHEN, of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 1988.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

HOLMON, RALPH E., of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 1988.

Confirmation:

Ayes, 6 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf and Lorman;

Noes, 0 -- None.

Senate Bill 192

Relating to permitting the unlicensed performance of cosmetology under certain conditions.

Introduction and adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf, Lorman and Rude;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Moen, Jauch, Feingold, Te Winkle, Harsdorf, Lorman and Rude;

Noes, 0 -- None.

RODNEY C. MOEN
Chair

The committee on Transportation, Tourism and Conservation reports and recommends:

Senate Bill 289

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

Introduction and adoption of senate substitute amendment 1:

Ayes, 7 -- Senators Kincaid, Moen, Roshell, Andrea, Kreul, Rude and Weeden;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Kincaid, Moen, Roshell, Andrea, Kreul, Rude and Weeden;

Noes, 0 -- None.

Senate Bill 323

Relating to specific information highway signs and granting rule-making authority.

Introduction and adoption of senate amendment 1:

Ayes, 6 -- Senators Kincaid, Roshell, Andrea, Kreul, Rude and Weeden;

Noes, 1 -- Senator Moen.

Passage as amended:

Ayes, 6 -- Senators Kincaid, Roshell, Andrea, Kreul, Rude and Weeden;

Noes, 1 -- Senator Moen.

LLOYD H. KINCAID
Chair

The committee on Economic Development, Financial Institutions and Fiscal Policies reports and recommends:

Senate Bill 355

Relating to allowing the Wisconsin credit union savings insurance corporation to pay dividends to its members.

Passage:

Ayes, 6 -- Senators Ulichny, Helbach, Plewa, Chilsen, Cowles and Weeden;

Noes, 0 -- None.

BARBARA ULICHNY
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 67

Relating to proclaiming the month of October, 1987, as 'Learning Disabilities Month'.

Concurrence:

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

Noes, 0 -- None.

Senate Joint Resolution 43

Relating to commending Senator William Proxmire on his many years of public service.

Adoption:

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

Noes, 0 -- None.

FRED A. RISSER
Chair

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

**Appendix to Senate Bill 361
Public Policy Involved**

Provisions in this bill relating to the state executive retirement plan were also found in 1987 Assembly Bill 454. This bill was given a favorable recommendation by the JSCRS and passed both houses of the legislature. However, it was vetoed by the Governor presumably on the grounds that such changes ought to be part of a comprehensive bill. Accordingly, the JSCRS and the legislature have already determined that these provisions are good public policy.

The provisions in this bill relating to the repeal of the multiplier reduction for protectives who remain in such service after reaching the normal retirement age are also found in all of the comprehensive retirement packages introduced to date and also in Assembly Bill 608. The JSCRS has already recommended these provisions as good public policy relative to 1987 Assembly Bills 608, 265 and 462.

The other changes in this bill relating to mandatory distribution upon reaching age 70 1/2, Federal maximum limitations on benefits payable from defined-benefit plans, and technical changes relating to social security are all mandated by Federal law and must be complied with in order to protect WRS participants and the qualified status of the WRS.

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

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

**Appendix to Senate Bill 362
Public Policy Involved**

This bill was introduced at the request of the DETF and provides numerous technical changes to the rights and benefits of participants under the WRS and the other benefit programs administered by the department. Many of the proposed changes merely clarify the statutes and make no changes from current practice. Other changes will aid in the administration of the DETF programs.

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

ROBERT JAUCH
Co-chair

JOHN VOLK
Co-chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Council

October 15, 1987

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1987 Legislature on legislation introduced by the Legislative Council:

RL 87-15 -- Legislation on Employment Disincentives (Assembly Bill 564)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,
BONNIE REESE
Executive Secretary

State of Wisconsin
Personnel Commission

October 7, 1987

To the Honorable, the Senate:

Pursuant to s.230.89(2), Stats., I am enclosing a report relating to the disposition of cases filed under the Whistleblower Law. This report is found on pages 5-7 of the Commission's Biennial Report, a copy of which is attached.

Please feel free to contact me if you have any questions regarding the report.

Sincerely,
DENNIS P. MCGILLIGAN
Secretary

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 86-224

Relating to cities and counties designated as agents of the department to protect the public's health.

Submitted by Department of Health and Social Services.

Report received from agency, October 16, 1987.

Referred to committee on Agriculture, Health and Human Services, October 20, 1987.

Senate Clearinghouse Rule 87-96

Relating to the temporary absence of an AFDC child or caretaker relative from the caretaker relative's home.

Submitted by Department of Health and Social Services.

Report received from agency, October 16, 1987.

Referred to committee on Agriculture, Health and Human Services, October 20, 1987.

Senate Clearinghouse Rule 87-111

Relating to fertilizer and soil or plant additives and bulk storage of fertilizers and pesticides.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, October 15, 1987.

Referred to committee on Agriculture, Health and Human Services, October 20, 1987.

The committee on Transportation, Tourism and Conservation reports and recommends:

Senate Clearinghouse Rule 86-234

Relating to allocation of the commercial fishing harvest of forage fish for Lake Michigan and Green Bay.

No action taken.

Senate Clearinghouse Rule 87-33

Relating to state park and forest fee increases.

No action taken.

Senate Clearinghouse Rule 87-36

Relating to sport and commercial fishing on Lake Superior.

No action taken.

Senate Clearinghouse Rule 87-72

Relating to the rural and small urban area public transportation assistance program.

No action taken.

Senate Clearinghouse Rule 87-102

Relating to the 1987 migratory game bird season.

No action taken.

LLOYD H. KINCAID
Chair

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

Senate Clearinghouse Rule 86-135

Relating to boilers and pressure vessels.

No action taken.

Senate Clearinghouse Rule 87-55

Relating to the records of intermediaries.

No action taken.

Senate Clearinghouse Rule 87-62

Relating to the electrical code.

No action taken.

Senate Clearinghouse Rule 87-69

Relating to eligibility and contribution requirements for the health insurance and income continuation insurance programs for public employers other than the state.

No action taken.

JEROME VAN SISTINE
Chair

Upon motion of the president of the senate the senate adjourned until 10:00 A.M. Wednesday, October 21.

10:01 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 259

1. Page 43, line 27: substitute "\$100,000" for "\$100,00".

Senate Bill 311

1. Page 45, line 15: delete "time-shared" and substitute "time-share".

2. Page 57, line 8: delete "the" and substitute "The".

Senate Bill 382

1. Page 53, line 28: substitute "20.435" for "20.535".