

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

Tuesday, June 27, 1989

The senate met.

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

The roll was called and the following senators answered to their names:

Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Absent — Senator Stitt — 1.

Absent with leave — None.

The senate stood for a moment of silent prayer.

The senate remained standing and Senator Lasee led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 49

Relating to memorializing congress to assure that Wisconsin receives a fair share of federal highway aids when the federal highway program is amended in 1991.

By Senators Kincaid, Roshell, Plewa, Burke, Andrea and Kreul; cosponsored by Representatives Vanderperren, Volk, Hubler, Hasenohrl, Hamilton, Stower, Notestein, Carpenter, Baldus, Goetsch, Ott, Brancel, Schneiders, Schmidt, Van Gorden, Johnsrud, Huelsman, Underheim, Loucks and Duff.

To committee on Transportation, Conservation and Mining.

INTRODUCTION OF BILLS

LEAVE OF ABSENCE

Senator Rude, with unanimous consent, asked that Senator Stitt be granted a leave of absence for the balance of today's session.

Read first time and referred:

Senate Bill 242

Relating to political contributions to members of the legislature or personal campaign or support committees of members during legislature floorperiods and extraordinary or special sessions.

By Senators Cowles and Buettner; cosponsored by Representatives Zeuske, Schmidt, Musser, Harsdorf, Ladwig, Zien, Lewis and Underheim.

To committee on Judiciary and Consumer Affairs.

Senate Bill 243

Relating to a restriction on the number of hours of employment for residents and interns at hospitals.

By Senators Czarnezki and Feingold; cosponsored by Representatives Krusick, Young, Hamilton, Wimmer, Bock, Lehman, Baldus, Boyle, Williams and Fortis.

To committee on Agriculture, Health and Human Services.

COMMITTEE REPORTS

The committee on Educational Financing, Higher Education and Tourism reports and recommends:

Assembly Bill 233

Relating to creating an incentive for long-term savings for higher education, granting bonding authority, providing a tax exemption and making an appropriation.

Concurrence:

Ayes, 6 -- Senators Jauch, Shoemaker, Lee, Moen, Weeden and Cowles;

Noes, 0 -- None.

Assembly Joint Resolution 58

Relating to the massacre of Chinese civilians, urging the federal government to express strong outrage and to take appropriate action, and urging the university of Wisconsin system to aid Chinese students.

Concurrence:

Ayes, 6 -- Senators Jauch, Shoemaker, Lee, Moen, Weeden and Cowles;

Noes, 0 -- None.

Robert Jauch
Chair

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

Assembly Joint Resolution 63

Relating to commending the Wisconsin dairy industry.

Concurrence:

Ayes, 7 -- Senators Moen, TeWinkle, Feingold, Jauch, Shoemaker, Lorman and Weeden;

Noes, 0 -- None.

Rodney C. Moen
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 68

Relating to the visit of Polish journalist Michal Ksiezarczyk.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Helbach, Ellis and Rude;
Noes, 0 -- None.

Fred A. Risser
Chair

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

WHITBURN, GERALD, of Middleton, as Secretary, Department of Industry, Labor and Human Relations, to serve for the term ending at the pleasure of the Governor.

Confirmation:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, TeWinkle, Shoemaker and Rude;
Noes, 0 -- None.

Assembly Bill 265

Relating to a license permitting the sale of wine in wineries.

Concurrence:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, TeWinkle, Shoemaker and Rude;
Noes, 0 -- None.

Jerome Van Sistine
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Joint Resolution 66

Relating to the federal trade commission review of procedures contained in state lemon laws.

Concurrence:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;
Noes, 0 -- None.

Lynn S. Adelman
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Transportation

June 21, 1989

To the Honorable the Legislature:

This report is the Wisconsin Department of Transportation's response to Section 3052(6m) 1987 Wisconsin Act 27.

(6m) Howard Avenue Study. The Department of Transportation shall study the need for, estimate the cost of, and identify appropriate sources for construction of Howard Avenue between South Pennsylvania Avenue and South Lake Drive in the City of St. Francis. The

Department of Transportation shall submit a report of its findings and recommendations to the chief clerk of each house of the Legislature, under Section 13.172(4) of the statutes, no later than June 30, 1989.

This report is based upon a 1987 study of Howard Avenue done by Howard Needles, Tammen and Bergendoff (HNTB) at the direction of the City of St. Francis. Our decision to use the HNTB study came after a thorough review of the study and the conclusion that the HNTB study fulfills the requirement of Section 3052(6m) and additional Departmental study was not necessary.

The Department strongly supports extending Howard Avenue from the Lake Arterial to Lake Drive.

The March 10, 1989, agreement with the City of St. Francis established the local-state financial arrangements necessary for the Department of Transportation to program the Howard Avenue project. Design activities are currently underway and construction is scheduled for 1995. State funding for this project will come from the department's 1994-95 biennial budget request for the Existing Highway Improvement Program and, therefore, depends on continued legislative support for that program.

Local consensus on the recommended alternative and their financial support to the project successfully completes the actions initiated by this study.

The complete technical report of the Howard Avenue study is available from the Department of Transportation.

Sincerely,
RONALD R. FIEDLER, P.E.
Secretary

Senate Petition 10

A petition by 55 residents of the State of Wisconsin in support of Assembly Bill 259, relating to development and maintenance of bridle trails and horse camps.

By Senator Rude.

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

STATEMENT OF POSITION

Pursuant to Senate Rule 74, I wish to have the journal show that had I been present on Tuesday, June 20, 1989, I would have voted as follows:

Rejection of Senate Amendment 1 to Assembly Amendment 11 to Senate Bill 7: AYE

Nonconcurrence in Assembly Amendment 11 Senate Bill 7: NO

Rejection of Senate Amendment 1 to Senate Bill 151: AYE

Final Passage of Senate Bill 151: AYE

Rejection of Senate Amendment 1 to Assembly Bill 91: NO

Tim Weeden
Senator

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

June 23, 1989

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
48-----	18-----	June 23, 1989
59-----	19-----	June 23, 1989
68-----	20-----	June 23, 1989
72-----	21-----	June 23, 1989

Respectfully,
TOMMY G. THOMPSON
Governor

CALENDAR OF JUNE 27, 1989

WHITBURN, GERALD, of Middleton, as Secretary, Department of Industry, Labor and Human Relations, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Shall the appointment be confirmed?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes - Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasec, Lee, Lecan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden - 31.

Noes None.

Absent or not voting - Senator Stitt - 1.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 89-26

Relating to Wisconsin's nonpoint source pollution abatement program.

Submitted by Department of Natural Resources.

Report received from agency, June 26, 1989.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, June 27, 1989.

MESSAGE FROM THE ASSEMBLY

CALENDAR OF JUNE 27, 1989

Senate Bill 29

Relating to public utility customer service.

Read.

The question was concurrence in Assembly Substitute Amendment 1?

Concurred in.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

Senate Joint Resolution 44

Relating to opposing the inclusion of Kenosha county in the Chicago-area federal implementation plan for air pollution control.

Read.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of the resolution?

Adopted.

Senate Bill 146

Relating to requiring milk produced from cows that have not been administered bovine growth hormone to be kept separate from and labeled differently than other milk, regulating the use and the retail sale of bovine growth hormone and granting rule-making authority.

Read a second time.

Senator Moen with unanimous consent asked that **Senate Bill 146** be referred to the committee on Agriculture, Health and Human Services.

Senator Cowles objected.

Senator TeWinkle moved that **Senate Bill 146** be referred to the committee on Agriculture, Health and Human Services.

The question was: Should **Senate Bill 146** be referred to the committee on Agriculture, Health and Human Services?

Roll call was demanded.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 7; absent or not voting, 1; as follows:

Ayes - Senators Adelman, Andrea, Burke, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasec, Lee, Lorman, Moen, Plewa, Risser, Roshell, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden - 24.

Noes - Senators Buettner, Chilsen, Cowles, Davis, Ellis, Leean and Rude - 7.

Absent or not voting - Senator Stitt - 1.

Referred.

Senator Lasec, with unanimous consent, asked that when the senate adjourns today, we do so in honor of

Senator Lasee's mother-in-law and father-in-law's 50th wedding anniversary.

Senate Bill 181

Relating to the inapplicability of income tax penalty provisions to sales and use taxes reported on state income tax returns.

Read a second time.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 181

Read a third time and passed.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 34

Relating to designating November 1989 as 'Wisconsin Diabetes Month'.

Read.

Concurred in.

Assembly Joint Resolution 54

Relating to designating September 24, 1989, as 'United States Marshals Bicentennial Day'.

Read.

Concurred in.

Assembly Joint Resolution 58

Relating to the massacre of Chinese civilians, urging the federal government to express strong outrage and to take appropriate action, and urging the university of Wisconsin system to aid Chinese students.

Read.

Concurred in.

Assembly Joint Resolution 65

Relating to commending Representative Robert M. Thompson for his service as a United States Marshal.

Read.

Concurred in.

Assembly Bill 84

Relating to the deposit of cash or securities as proof of financial responsibility for the future.

Read a second time.

Ordered to a third reading.

Senator Helbach, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 84

Read a third time and concurred in.

Assembly Bill 217

Relating to ensuring that trainers of dogs trained to aid blind, deaf or mobility-impaired will not be denied access to public accommodations because they are accompanied by such a dog.

Read a second time.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 217

Read a third time and concurred in.

Assembly Bill 233

Relating to creating an incentive for long-term savings for higher education, granting bonding authority, providing a tax exemption and making an appropriation.

Read a second time.

Senator George, with unanimous consent, asked that **Assembly Bill 233** be referred to joint committee on Finance.

Assembly Bill 265

Relating to a license permitting the sale of wine in wineries.

Read a second time.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 265

Read a third time and concurred in.

MOTIONS

Senator Strohl, with unanimous consent, asked that **Senate Joint Resolution 68** be withdrawn from the Senate Rules Committee and taken up.

Assembly Joint Resolution 68

Relating to the visit of Polish journalist Michal Ksiezarczyk.

Read.

Concurred in.

Senator Strohl, with unanimous consent, asked to introduce and take up **Senate Joint Resolution 50**.

Senate Joint Resolution 50

Relating to creating a conference committee on 1989 Senate Bill 31, to consider the general executive budget bill of the 1989 legislature.

Read.

Senate amendment 1 to **Senate Joint Resolution 50** offered by Senator Chilsen.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of the resolution.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lecan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Noes -- None.

Absent or not voting — Senator Stitt — 1.

Adopted.

The Chair, with unanimous consent, appoints Senators Strohl, George, Risser and Ellis or his designee as conferees on its part.

The question was: Confirmation of appointees?

Confirmed.

Senator Strohl, with unanimous consent, asked that all action be ordered immediately messaged.

Senator Strohl, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, June 29, 1989.

11:00 A.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 48.

Senate Bill 59.

Senate Bill 68.

Senate Bill 72.

Correctly enrolled and presented to the Governor on June 23, 1989.