

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

Thursday, February 8, 1990

The senate met.

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

The Chair, with unanimous consent, asked that the calling of the roll be dispensed with.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 441

Relating to riparian owners and riparian proprietors, riparian rights and permits and approvals for navigable waters.

By Senators Buettner, Kreul, Lasee and Farrow; cosponsored by Representatives Panzer, Klusman, Schneiders, Ladwig, Lorge, Tregoning, Vergeront, Zeuske and Welch.

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

Senate Bill 442

Relating to grants to school districts for science, mathematics and technology education and making an appropriation.

By Senators Roshell, Te Winkle, Burke and Leean; cosponsored by Representatives Young, Rohan, M. Coggs, Ladwig, Lewis, Bock, Musser, Lorge, Rosenzweig, Notestein and Zweck.

To committee on Educational Financing, Higher Education and Tourism.

Senate Bill 443

Relating to requiring the lighting of school bus headlamps and providing a penalty.

By Senator Barrett, by request of Steve Vincent.

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

Senate Bill 444

Relating to recertification training for law enforcement and jail officers.

By Senators Buettner and Ulichny; cosponsored by Representative Krug, by request of Attorney General Donald J. Hanaway.

To committee on Judiciary and Consumer Affairs.

Senate Bill 445

Relating to the prison industries program.

By Senators Moen, Cowles, Helbach, Lasee, Van Sistine and Leean; cosponsored by Representatives Thompson, Musser, Swoboda, Larson and Gronemus.

To committee on Agriculture, Corrections, Health and Human Services.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 116

Relating to commending Dan Brandenstein on his mission as Commander of the space shuttle, Columbia.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Helbach, Ellis and Rude;

Noes, 0 -- None.

Fred A. Risser
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 322

Relating to certain name changes on birth certificates after acknowledgement of paternity.

Passage:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Senate Bill 405

Relating to creating a private cause of action for certain civil rights violations.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Adelman, Feingold, Chvala and Buettner;

Noes, 1 -- Senator Stitt.

Assembly Bill 63

Relating to adoptions, termination of parental rights and the guardianship status of children.

Concurrence:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Senate Bill 388

Relating to summary probate procedures.

Passage:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Assembly Bill 509

Relating to confinement of persons in a county jail, court procedures, operating a motor vehicle after revocation or suspension of operating privileges and providing penalties.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Assembly Bill 588

Relating to unauthorized release of animals and providing a penalty.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Lynn S. Adelman
Chair

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

Senate Bill 200

Relating to changing the limit for tax incremental districts.

Adoption of Senate substitute amendment 1:

Ayes, 6 -- Senators Ulichny, Adelman, Czarnecki, Barrett, Chilsen and Lorman;

Noes, 2 -- Senators Helbach and Jauch.

Passage as amended:

Ayes, 5 -- Senators Ulichny, Czarnecki, Barrett, Chilsen and Lorman;

Noes, 3 -- Senators Adelman, Helbach and Jauch.

Senate Bill 255

Relating to the taxing authority of school district annual meetings.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 -- Senators Ulichny, Czarnecki, Barrett, Helbach and Lorman;

Noes, 3 -- Senators Adelman, Jauch and Chilsen.

Passage as amended:

Ayes, 5 -- Senators Ulichny, Czarnecki, Barrett, Helbach and Lorman;

Noes, 3 -- Senators Adelman, Jauch and Chilsen.

Senate Bill 383

Relating to releasing pupils from school for religious instruction.

Passage:

Ayes, 6 -- Senators Ulichny, Jauch, Barrett, Helbach, Chilsen and Lorman;

Noes, 2 -- Senators Adelman and Czarnecki.

Assembly Bill 512

An act relating to requiring the departments of public instruction and justice to develop and implement a gun safety awareness campaign.

Concurrence:

Ayes, 4 -- Senators Ulichny, Czarnecki, Barrett and Chilsen;

Noes, 4 -- Senators Adelman, Helbach, Jauch and Lorman.

Without recommendation.

Assembly Joint Resolution 106

Relating to designating April 22 to 28, 1990, as 'Wisconsin Science and Technology Education Week'.

Concurrence:

Ayes, 8 -- Senators Ulichny, Adelman, Czarnecki, Helbach, Jauch, Barrett, Chilsen and Lorman;

Noes, 0 -- None.

Barbara Ulichny
Chair

The committee on Housing, Government Operations and Cultural Affairs reports and recommends:

HUMLEKER, MARGARET, of Fond du Lac, as a member of the Historical Society Board of Curators, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

MCCULLOUGH, WILLIAM 'CLINT', of Madison, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the interim term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

PAVIS, JANE R., of Madison, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

POJA, MICHAEL G., of Milwaukee, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1990.

Confirmation:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

HILGENBERG, TERRY N., SR., of Shawano, as a member of the Real Estate Examining Board, to serve for the interim term ending July 1, 1991.

Confirmation:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

IDSO, MARY C., of Chippewa Falls, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

ULLRICH, PETER F., of Milwaukee, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 1990.

Confirmation:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

ULLRICH, PETER F., of Cochrane, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 1994.

Confirmation:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

Senate Bill 369

Relating to revising certain requirements in loan programs administered by the Wisconsin housing and economic development authority, modifying permissible profit distributions by limited-profit entities and revising the authority's surplus reporting procedures.

Passage:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

Senate Bill 377

Relating to raising the bonding limit for, and revising the qualified manufacturing activities under, the economic development loan program administered by the Wisconsin housing and economic development authority.

Passage:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine, Burke, Rude and Lorman;

Noes, 0 -- None.

Senate Bill 403

Relating to an income tax designation for the arts and making appropriations.

Passage:

Ayes, 4 -- Senators Plewa, Ulichny, Van Sistine and Burke;

Noes, 2 -- Senators Rude and Lorman.

John R. Plewa
Chair

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

Senate Bill 381

Relating to renewals and cancellations of insurance policies, making certain changes to the laws governing the health insurance risk sharing plan, medical malpractice insurance, various other changes to the insurance laws and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 6 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle and Rude;

Noes, 1 -- Senator Farrow.

Passage as amended:

Ayes, 6 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle and Rude;

Noes, 1 -- Senator Farrow.

Senate Bill 402

Relating to vessels eligible for alcohol beverage permits.

Passage:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Rude and Farrow;

Noes, 0 -- None.

Assembly Bill 204

Relating to dispute settlement procedure governing fire fighting employees of populous cities.

Concurrence:

Ayes, 6 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle and Rude;

Noes, 1 -- Senator Farrow.

Assembly Bill 277

Relating to changes to laws governing coverage under the patients compensation fund and the health care liability insurance plan, various changes to laws regulating medical malpractice insurance and the applicability of certain insurance laws to the laws governing the patients compensation fund, medical malpractice insurance and continuing care contracts.

Concurrence:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Rude and Farrow;

Noes, 0 -- None.

Assembly Bill 464

Relating to a record of severely handicapped employes in the state classified service.

Concurrence:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Rude and Farrow;

Noes, 0 -- None.

Jerome Van Sistine
Chair

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 89-10

Relating to income and franchise taxation.

Submitted by Department of Revenue.

Report received from agency, February 6, 1990.

Referred to committee on Aging, Banking, Commercial Credit and Taxation, February 8, 1990.

Senate Clearinghouse Rule 89-114

Relating to incorporation of federal new source performance standards.

Submitted by Department of Natural Resources.

Report received from agency, February 7, 1990.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, February 8, 1990.

Senate Clearinghouse Rule 89-163

Relating to expenditure of funds to implement a waste tire removal and recovery program.

Submitted by Department of Natural Resources.

Report received from agency, February 7, 1990.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, February 8, 1990.

Senate Clearinghouse Rule 89-172

Relating to activities of public health nurses employed by school boards.

Submitted by Department of Health and Social Services.

Report received from agency, February 7, 1990.

Referred to committee on Agriculture, Corrections, Health and Human Services, February 8, 1990.

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Clearinghouse Rule 88-23

Relating to private attorneys and indigency determinations.

No action taken.

Senate Clearinghouse Rule 88-97

Relating to certification of instructors and general definitions.

No action taken.

Senate Clearinghouse Rule 89-157

Relating to assignment of cases.

No action taken.

Senate Clearinghouse Rule 89-158

Relating to private bar rate reduction.

No action taken.

Lynn S. Adelman
Chair

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 38

Passed and asks concurrence in:

Assembly Bill 192

Assembly Bill 194

Assembly Bill 453

Assembly Bill 494

Assembly Bill 615

Concurred in:

Assembly Bill 116, Senate substitute amendment 1

Senate Bill 103

Senate Bill 227

Senate Bill 275

Senate Bill 278

Amended and concurred in as amended:

Senate Bill 260, Assembly amendment 1 to assembly amendment 1 and assembly amendment 1, assembly amendment 2, assembly amendment 1 to assembly amendment 3 and assembly amendment 3, assembly amendment 1 to assembly amendment 5 and assembly amendment 5, assembly amendment 7 and assembly amendment 10.

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 38

Relating to memorializing congress to suspend war-related assistance to El Salvador.

By Representatives Boyle, Clarenbach, M. Coggs, Young, Notestein, Rohan, Zweck, Hamilton, Holschbach, Plache, Carpenter, Black, Bock, Van Dree, Seery, Fortis, Moore and Gruszynski, cosponsored by Senators Strohl and Feingold.

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

Assembly Bill 192

Relating to creating a method by which certain towns may change their status to a 4th class city.

By Representatives Foti, Hauke, Vanderperren, Gronemus, Antaramian, Hasenohrl, Baldus, Tregoning, Bolle, Tesmer and Porter, cosponsored by Senators Roshell, Plewa and Kreul.

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

Assembly Bill 194

Relating to the date on which a residential mortgage loan borrower must notify an escrow agent regarding property taxes.

By Representatives Krusick, Moore, Carpenter, Notestein, Seery, Fortis, S. Coggs, Travis and Schneiders, cosponsored by Senators Burke, Lee and Plewa.

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

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Assembly Bill 453

Relating to demerit points for tribal court traffic convictions.

By Legislative Council.

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

Assembly Bill 494

Relating to theft.

By committee on Criminal Justice and Public Safety, by request of Law Revision Committee.

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

Assembly Bill 615

Relating to the citation procedure used for a violation of rules promulgated by the board of regents.

By Representatives Tregoning, Young, Rohan, Brandemuehl, Prosser, Barca, Ladwig, Schmidt, Volk, Turba, Schneiders, Deininger, Vergeront, Gard, Underheim, Klusman, Lahn and Lorge, cosponsored by Senators Andrea, Kreul, Rude, Davis, Stitt, Roshell, Farrow and Lorman, by request of Wisconsin Chapter of the International Association of Campus Law Enforcement Administration.

Read first time and referred to committee on Educational Financing, Higher Education and Tourism.

The Chair, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Tuesday, February 13.

10:01 A.M.