

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

9:30 A.M.

Thursday, February 22, 1990

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, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Absent — None.

Absent with leave — None.

The senate stood for a moment of silent prayer.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 80

Requesting the legislative council to study the adverse effects of gambling.

By Senators Adelman and Leean; cosponsored by Representative Black.

To committee on Labor, Business, Insurance, Veterans' and Military Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 469

Relating to the distribution of lottery proceeds and creating a lottery property tax relief credit.

By Senators Chilsen, Kreul, Rude, Stitt, Lasee and Roshell; cosponsored by Representatives Duff, Ladwig, Van Gorden, Bolle, Musser, Hamilton, Lorge, Ott, Medinger, Goetsch, Klusman, Schneiders and Walling.

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

Senate Bill 470

Relating to requiring legal descriptions on assignments or satisfactions of mortgages in certain counties, increasing damages for failure to record full satisfactions and providing a penalty.

By Senators Risser, Kreul and Burke; cosponsored by Representatives Van Driel and Wincke.

To committee on Judiciary and Consumer Affairs.

Senate Bill 471

Relating to the period within which winnings on a race on which pari-mutuel wagering is conducted must be claimed and within which pari-mutuel taxes and certain other payments must be paid.

By Senators Roshell, Van Sistine and Cowles; cosponsored by Representatives Medinger, Foti, Baldus, Grobschmidt, Hamilton, Roberts and Schneiders.

To committee on Labor, Business, Insurance, Veterans' and Military Affairs.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 305

Relating to creating a power of attorney for health care, providing penalties and making an appropriation.

Introduction and adoption of Senate amendment 6:

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

Noes, 1 -- Senator Stitt.

Introduction and adoption of Senate amendment 7:

Ayes, 3 -- Senators Adelman, Feingold and Chvala;

Noes, 2 -- Senators Stitt and Buettner.

Concurrence as amended:

Ayes, 3 -- Senators Adelman, Feingold and Chvala;

Noes, 2 -- Senators Stitt and Buettner.

BERKOS, DANIEL M., of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 1993.

Confirmation:

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

Noes, 0 -- None.

MEYER, FRANK, of Shawano, as a member of the Judicial Commission, to serve for the term ending August 1, 1993.

Confirmation:

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

Noes, 0 -- None.

WEILAND, MARILYNN, of Wautoma, as a member of the Judicial Commission, to serve for the term ending August 1, 1993.

Confirmation:

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

Senate Bill 410

Relating to making criminal complaints using
facsimile machines.

Passage:

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

Senate Bill 415

Relating to attempted battery as a lesser included
crime of sexual assault crimes.

Passage:

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

Senate Bill 448

Relating to the availability of a judge or court
commissioner for ordering release of a person from
custody.

Passage:

Ayes, 4 -- Senators Adelman, Feingold, Chvala and
Stitt;
Noes, 1 -- Senator Buettner.

Assembly Bill 85

Relating to liens on motor vehicles for towing and
storage.

Concurrence:

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

Assembly Bill 242

Relating to operating a motor vehicle while under the
influence of an intoxicant, drugs or both and providing
penalties.

Concurrence:

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

Assembly Joint Resolution 99

Relating to publishing lists of persons convicted of
crimes related to drugs.

Concurrence:

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 185

Relating to the membership of the board of school
directors in 1st class cities.

Passage:

Ayes, 7 -- Senators Ulichny, Adelman, Czarnecki,
Helbach, Jauch, Barrett and Chilsen;
Noes, 1 -- Senator Lorman.

Senate Bill 438

Relating to the authority of a savings and loan
institution to transact business on Sunday, maintain
demand deposit accounts, furnish customer lists and
locate limited offices.

Introduction and adoption of Senate amendment 1:

Ayes, 8 -- Senators Ulichny, Adelman, Czarnecki,
Helbach, Jauch, Barrett, Chilsen and Lorman;
Noes, 0 -- None.

Passage as amended:

Ayes, 8 -- Senators Ulichny, Adelman, Czarnecki,
Helbach, Jauch, Barrett, Chilsen and Lorman;
Noes, 0 -- None.

Senate Bill 446

Relating to heritage tourism and making an
appropriation.

Introduction and adoption of Senate amendment 1:

Ayes, 8 -- Senators Ulichny, Adelman, Czarnecki,
Helbach, Jauch, Barrett, Chilsen and Lorman;
Noes, 0 -- None.

Passage as amended:

Ayes, 8 -- Senators Ulichny, Adelman, Czarnecki,
Helbach, Jauch, Barrett, Chilsen and Lorman;
Noes, 0 -- None.

Senate Bill 452

Relating to special observance days in school.

Passage:

Ayes, 8 -- Senators Ulichny, Adelman, Czarnecki,
Helbach, Jauch, Barrett, Chilsen and Lorman;
Noes, 0 -- None.

Barbara Ulichny
Chair

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

Senate Bill 436

Relating to expanding the categories of migrant
worker protected and assisted by law.

Passage:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid,
Plewa, Te Winkle, Rude and Farrow;
Noes, 0 -- None.

Jerome Van Sistine
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Audit Bureau

February 20, 1990

To the Honorable the Legislature:

We have completed an evaluation, as required by
1989 Wisconsin Act 31, of handicapped education
programs provided by local school districts and financed

in part by the State's handicapped categorical aid formula.

From 1984-85 to 1987-88, expenditures for handicapped education which were aidable under the state formula increased \$95.6 million (35.8 percent). While increases in state appropriations were insufficient to fully fund the categorical aid formula, the increase in total state funds, including equalization aids, increased 37.5 percent, which was the same rate as the increase in local property tax funds used for handicapped education.

Expenditure increases result from increases in: 1) salaries and fringe benefits negotiated through collective bargaining (53 percent of the total increase); 2) new staff, including teachers, aides, social workers, psychologists and administrators (41 percent); and 3) transportation (6 percent).

New staff were added because of a 4.6 percent increase in enrollment and increasing severity in the handicapping conditions of the students. The number of staff is determined largely by state requirements which set minimum and maximum enrollment limits.

In general, there appears to be reasonable control over local spending exercised by the Department of Public Instruction. While it is unlikely that there will be a dramatic increase in the number of handicapped students, the steady rise in the number of students, the severity of the handicapping conditions of those students, and related costs, will continue.

We appreciate the courtesy and cooperation of the staff of the Department of Public Instruction and the school districts we visited. A response from the Department is Appendix III.

Sincerely,
DALE CATTANACH
State Auditor

Barbara Ulichny
Chair

EXECUTIVE COMMUNICATIONS

CALENDAR OF FEBRUARY 22, 1990

Senator Strohl, with unanimous consent, asked that all the appointments be taken up en masse.

BABLITCH, STEPHEN E., of Madison, as Secretary of the Department of Corrections, to serve for the term ending at the pleasure of the Governor.

CONRADT, ERVIN, of Shiocton, as Commissioner, Office of the Commissioner of Transportation, to serve for the term ending March 1, 1995.

LUNDBERG, WILLIAM S., of Wisconsin Rapids, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 1993.

Read.

The question was: Confirmation of the appointments?

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, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasec, Leraan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stiitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weedon -- 33.

Noes -- None.

Absent or not voting -- None.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 89-210

Relating to development zone program.
Submitted by Department of Development.
Report received from agency, February 20, 1990.
Referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies, February 22, 1990.

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

Senate Clearinghouse Rule 89-185

Relating to science, mathematics and technology education grants.
No action taken.

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 104

Passed and asks concurrence in:

- Assembly Bill 107
- Assembly Bill 282
- Assembly Bill 612
- Assembly Bill 656
- Assembly Bill 715
- Assembly Bill 787

Concurred in:

- Senate Joint Resolution 66
- Assembly Bill 237, Senate amendments 1 and 2
- Assembly Bill 316, Senate amendment 1
- Assembly Bill 332, Senate amendment 1
- Assembly Bill 437, Senate amendment 2

Assembly Bill 446, Senate substitute amendment 1
Assembly Bill 606, Senate amendment 1; Senate amendment 1 to senate amendment 2 and senate amendment 2; Senate amendment 3

Nonconcurrent in:

Assembly Bill 506, Senate amendment 1

Amended and concurred in as amended:

Senate Bill 320, Assembly amendment 1

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 104

Relating to requesting several state agencies and the university of Wisconsin system to implement the recommendations of the Wisconsin Aquaculture plan.

By Representatives Turba, Holperin, Gronemus, Brandemuhl, Roberts, Panzer, Ott, Vergeront, Tregoning, Ladwig, Schmidt, Barca, Porter, Bolle, Boyle, Zeuske, Lorge, Radtke, Lahn, Stower, Lautenschlager, Zien, Van Gorden, Klusman and Ourada, cosponsored by Senators Cowles, Kreul, Lecaen, Buettner and Lorman.

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

Assembly Bill 107

Relating to division of a participant's rights and benefits under the Wisconsin retirement system pursuant to a qualified domestic relations order and making an appropriation.

By Representatives Grobschmidt, Volk and Young, cosponsored by Senator Jauch, by request of Joint Survey Committee on Retirement Systems.

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

Assembly Bill 282

Relating to a sales and use tax exemption for equipment required by handicapped persons to allow them to operate, enter or leave vehicles.

By Representatives Stower, Medinger, Baldus, Notestein, Bolle, Duff, Plache, Rohan, Lorge, Van Gorden, Bock, Carpenter, Swoboda, Radtke, Musser, Coleman, Volk, Linton, Moore, Goetsch, Robson, Zweck, Van Dreel, Vanderperren, Barca, Lautenschlager, Gruszynski, Holschbach, Boyle, Thompson, Harsdorf, Zien, Gard, Klusman, Seery and Underheim, cosponsored by Senators Chvala, Kincaid, Lasee and Van Sistine.

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

Assembly Bill 612

An act relating to domestic abuse services and making an appropriation.

By Representatives Huber, Zweck, Loftus and Hauke, cosponsored by Senators Chilsen, Strohl and Ulichny.

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

Assembly Bill 656

Relating to the interference by persons with lawful hunting, fishing or trapping and providing penalties.

By Representatives Thompson, Swoboda, Ourada, Musser, Boyle, Deininger, Panzer, Radtke, Duff, Goetsch, Grobschmidt, Lorge, Van Gorden, Robson, Johnsrud, Underheim, Schneiders, Klusman, Tregoning, Brancel, Schmidt, Schultz and Zien, cosponsored by Senators Kreul, Rude, Farrow, Lorman and Lasee.

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

Senator Kincaid, with unanimous consent, asked that **Assembly Bill 656** be withdrawn from committee on Judiciary and Consumer Affairs and be referred to committee on Senate Organization.

Assembly Bill 715

Relating to eligibility for lake management planning grants.

By Representatives Holperin, Stower, Linton, Gruszynski and Zweck, cosponsored by Senator George.

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

Assembly Bill 787

Relating to court commissioner powers regarding harassment.

By Representatives Rutkowski, Travis, Deininger, Lautenschlager, Porter, Stower, Schneiders, Notestein, Wood, Goetsch, Hamilton, Musser, Zien, Lorge, Bock, Boyle, Rohan, Huber and R. Potter, cosponsored by Senators Barrett, Plewa, Davis, Lorman and Lecaen.

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

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

CALENDAR OF FEBRUARY 22, 1990

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.

Read a second time.

Senate amendment 1 to **Senate Bill 369** offered by Senator Burke.

The question was: Adoption of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Burke, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Lorman, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 22.

Noes — Senators Berndt, Buettner, Chilsen, Cowles, Davis, Ellis, Farrow, Kreul, Lasee, Leraan and Stitt — 11.

Absent or not voting — None.
Adopted.

Senate amendment 2 to **Senate Bill 369** offered by Senators Plewa, Burke and George.

The question was: Adoption of senate amendment 2?
Adopted.

Ordered to a third reading.

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

Senate Bill 369

Read a third time and passed.

Senate Bill 396

Relating to changing the definition of bed and breakfast establishments.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 396** be referred to joint committee on Finance.

Senate Bill 399

Relating to the issuance of resident deer hunting licenses to members of the U.S. armed forces.

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 399

Read a third time and passed.

Senate Bill 407

Relating to requiring the strategic planning council to report annually to the appropriate legislative committees.

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 407

Read a third time and passed.

Senate Bill 417

AN ACT to direct expenditure of \$21,954.29 from the general fund for payment of a claim against the state made by Donald Strahota.

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 417

Read a third time.

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, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Leraan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

Passed.

Senate Bill 418

AN ACT to direct expenditure of \$34,648.97 from the general fund for payment of a claim against the state made by Andrew Bath.

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 418

Read a third time.

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, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Leraan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

Passed.

Senate Bill 431

AN ACT to direct expenditure of \$5,881.33 from moneys appropriated to the department of natural resources for payment of a claim against the state made by Lloyd Sorenson.

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 431

Read a third time.

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, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Leraan, Lorman, Moen, Plewa.

Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Noes None.

Absent or not voting — None.

Passed.

Senate Bill 432

AN ACT to direct expenditure of \$27,848.45 from the general fund for payment of a claim against the state made by Merle Strelow.

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 432

Read a third time.

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, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

Passed.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Bill 319

Relating to the book kept by retail alcohol beverage licensees and permittees on premises for signature by patrons.

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 319

Read a third time and concurred in.

Assembly Bill 487

Relating to removing the corporation counsel in populous counties from the classified service and formalizing the informal position of deputy corporation counsel.

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 487

Read a third time and concurred in.

Assembly Bill 532

Relating to changing statutory references from national bureau of standards to national institute of standards and technology (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

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 532

Read a third time and concurred in.

ANNOUNCEMENTS

Senator Feingold, with unanimous consent, asked that the Senate adjourn in honor of Rex Loehc's 30th birthday.

Senator Rude, with unanimous consent, asked that the Senate adjourn in honor of Senator Ellis' 49th birthday.

Senator George, with unanimous consent, asked that he be listed as a cosponsor of **Assembly Joint Resolution 120**.

Senator George, with unanimous consent, asked that the Senate adjourn in memory of Virgil Gilmore who died this month after many years of dedicated service in the Milwaukee school system.

Senator George, with unanimous consent, asked that the Senate adjourn in memory of Dr. Philip R. Hamilton who died this month. His work with low birth weight babies will be a continuing memorial to his memory.

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

Senator Strohl, with unanimous consent, asked that **Assembly Bill 656** be withdrawn from committee on Senate Organization and be referred to committee on Transportation, Conservation and Mining.

ADJOURNMENT

Senator Strohl, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Tuesday, February 27.

10:52 A.M.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Joint Resolution 67** offered by Senator Strohl.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 140

JOURNAL OF THE SENATE [February 22, 1990]

1. Page 8, line 2: delete "451.12" and substitute "451.02".
 2. page 11, line 14: delete "satisfies" and substitute "satisfied".
- Senate Bill 408**
1. Page 11, line 18: after "(a) 1" insert a comma.