

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

Tuesday, February 27, 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, Czarnezki, 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.

Absent — None.

Absent with leave — None.

The senate stood for a moment of silent prayer.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 472

Relating to allowing underage persons in certain pool rooms where alcohol is served.

By Senator Risser; cosponsored by Representatives Boyle, Musser, Rosenzweig and Gronemus.

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

Senate Bill 473

Relating to permitting joint maintenance and funding of certain accredited programs by a county board of supervisors in a populous county and by a corporation.

By Senators Barrett and Farrow; cosponsored by Representatives Krusick, Bock and Rosenzweig.

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

Senate Bill 474

Relating to exemptions from registration of certain securities.

By Senators Ulichny, Stitt, Plewa, George, Farrow and Barrett; cosponsored by Representatives Fergus, Notestein, Panzer, Johnsrud, Moore, Huelsman, Rosenzweig and Van Gorden.

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

Senate Bill 475

Relating to the interest rate for loans under the clean water fund program.

By Senators Van Sistine, Czarnezki, Ulichny, Plewa, Andrea, Burke, Barrett and Lasee; cosponsored by Representatives Notestein, Van Dreel, Hinkfuss, Seery, Bock, M. Coggs, Bell, Lautenschlager, Carpenter, Grobschmidt, Loftus and Foti.

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

Senate Bill 476

Relating to the clerk of court fee for copying documents.

By Senator Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 477

Relating to limiting locations for maintenance, consultation or use of certain patient health care records and providing penalties.

By Senators Adelman, George, Helbach and Moen; cosponsored by Representatives Kunicki, Hauke and Hasenohrl, by request of Wisconsin State AFL-CIO, American Civil Liberties Union of Wisconsin, Wisconsin Nurses Association, Office and Professional Employees International Union, United Food and Commercial Workers Local 1444 and Madison AIDS Support Network.

To committee on Judiciary and Consumer Affairs.

Senator Van Sistine, with unanimous consent, asked that **Senate Bill 477** be withdrawn from committee on Judiciary and Consumer Affairs and be referred to committee on Senate Organization.

Senate Bill 478

Relating to providing the death penalty and other penalties for certain controlled substance offenses and making an appropriation.

By Senators Stitt, Buettner, Lasee, Lekan and Roshell; cosponsored by Representatives Vergeront, Brandemuehl, Huelsman, Klusman, Tregoning, Van Gorden, Welch and Zien.

To committee on Judiciary and Consumer Affairs.

Senate Bill 479

Relating to limitations on actions for injuries or wrongful death.

By Senators Weeden, Stitt, Cowles and Buettner; cosponsored by Representatives Loucks, Volk, Van Gorden, Schultz, Vergeront, Goetsch and Schmidt.

To committee on Judiciary and Consumer Affairs.

Senate Bill 480

Relating to the administration by 3rd parties of public employe benefit plans and private employe benefit plans maintained by multiple employers, county and school district self-insured health plans and granting rule-making authority.

By Senator Van Sistine.

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

Senate Bill 481

Relating to aid to families with dependent children payments for individuals who move from other states and making appropriations.

By Senators Strohl, Weeden, Andrea, Farrow, Roshell, Lorman, Cowles, Lekan, Buettner, Rude, Lasee, Davis, Berndt, Chilsen and Ellis; cosponsored by Representatives Krusick, Porter, Ladwig, Zeuske, Ourada, Vergeront, Gard, Schmidt, Lorge, Larson, Urban, Prosser, Walling, Foti, Panzer, Robson, Deininger, Wimmer, Coleman, Rosenzweig, Lewis, Schneiders, Tregoning, Klusman, Johnsrud, Huelsman, Ott, Welch, Underheim, Harsdorf, Lehman, Lepak, Schultz, Brandemuehl, Duff, Goetsch, Lahn, Radtke, Turba, Musser, Loucks, Van Gorden and Zien, by request of Governor Tommy G. Thompson.

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

Senate Bill 482

Relating to reporting of fringe benefits paid for work on state highways.

By Senators Plewa, Burke, Feingold, Barrett and Van Sistine; cosponsored by Representatives Holschbach, Grobschmidt, Volk, Bock, Boyle and R. Potter.

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

Senate Bill 483

Relating to the open records law as it applies to the personnel files of law enforcement officers.

By Senators Farrow, Cowles and Roshell; cosponsored by Representatives Musser, Huelsman, Ladwig, Urban, Zien, Goetsch, Tregoning, Hamilton, Underheim, Klusman, Lahn and Lorge.

To committee on Judiciary and Consumer Affairs.

Senate Bill 484

Relating to limiting the liability of directors, officers and volunteers of an incorporated Roman Catholic church, and indemnification of those directors and officers.

By Senator Chvala; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 485

Relating to the purchase of easements for nonpoint source water pollution abatement.

By Senator Chvala; cosponsored by Representative Black.

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

Senate Bill 486

Relating to pay and benefits to deputy sheriffs who are suspended or dismissed, changes in the law enforcement officers' bill of rights and the applicability of collective bargaining dispute and disciplinary procedures affecting certain local government employes.

By Senators Te Winkle, Feingold, Strohl, Burke, Chvala, Andrea, Kincaid, Roshell, Helbach and Moen; cosponsored by Representatives Lautenschlager, Wineke, Grobschmidt, Krusick, Loftus, Thompson, Clarenbach, Roberts, Medinger, Lorge, Hamilton, Antaramian, Barca, Musser, Baldus, Travis, Van Gorden, Goetsch and Robson.

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

Senate Bill 487

Relating to reward payments and making an appropriation.

By Senators Lekan, Kreul, Farrow and Buettner; cosponsored by Representatives Zien, Goetsch, Ott, Schneiders, Musser, Urban, Brandemuehl, Tregoning and Barca.

To committee on Judiciary and Consumer Affairs.

Senate Bill 488

Relating to minimum sentences and other penalties for controlled substances offenses.

By Senators Lekan, Kreul, Lasee, Buettner, Berndt and Stitt; cosponsored by Representatives Gard, Grobschmidt, Lehman, Lepak, Goetsch, Porter, Bolle, Brandemuehl, Ott, Musser, Urban, Zien and Tregoning.

To committee on Judiciary and Consumer Affairs.

Senate Bill 489

Relating to substitution of judges.

By Senator Lekan.

To committee on Judiciary and Consumer Affairs.

Senate Bill 490

Relating to the estimated general fund balance.

By Senators Cowles, Ellis, Davis, Buettner, Lasee, Farrow, Plewa and Lekan; cosponsored by Representatives Carpenter, Rosenzweig, Musser, Lehman, Loucks, Ladwig, Brandemuehl, Ott, Goetsch, Van Gorden, Schmidt, Schultz, Schneiders, Urban, Huelsman, Tregoning and Zien.

To joint committee on Finance.

COMMITTEE REPORTS

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

Senate Bill 408

Relating to preferences for certain veterans in state hiring and granting rule-making authority.

Adoption of Senate substitute amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Jerome Van Sistine
Chair

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

Senate Bill 313

Relating to community credit needs.

Introduction and adoption of Senate substitute
amendment 1:

Ayes, 5 -- Senators Feingold, Burke, Moen,
Buettner and Farrow;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 1 to
Senate substitute amendment 1:

Ayes, 5 -- Senators Feingold, Burke, Moen,
Buettner and Farrow;

Noes, 0 -- None.

Indefinite postponement:

Ayes, 3 -- Senators Moen, Buettner and Farrow;

Noes, 2 -- Senators Feingold and Burke.

Russell D. Feingold
Chair

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

Senate Bill 309

Relating to exempting licensed veterinarians and
certified animal technicians who use pesticides while
lawfully practicing within the scope of the license or
certificate from the requirement to be licensed as
commercial pesticide applicators.

Introduction and adoption of Senate substitute
amendment 1:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Moen, Te Winkle, Jauch,
Barrett, Lorman and Weeden;

Noes, 1 -- Senator Feingold.

Senate Bill 445

Relating to the prison industries program.

Passage:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

WILKIE, GERALD L., of Eau Claire, as a member of
the Council on Domestic Abuse, to serve for the term
ending July 1, 1993.

Confirmation:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

SIZE, TIMOTHY K., of Madison, as a member of the
Health and Educational Facilities Authority, to serve
for the term ending June 30, 1997.

Confirmation:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

DAHL, DR. EVA, of La Crosse, as a member of the
Dentistry Examining Board, to serve for the term
ending July 1, 1994.

Confirmation:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

Senate Bill 437

Relating to grain transactions and grain inspections,
providing penalties and making appropriations.

Passage:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

Senate Bill 454

Relating to temporarily prohibiting the commercial
use of synthetic bovine somatotropin and the transfer of
milk produced during that time from cows used in
synthetic bovine somatotropin research and granting
rule-making authority.

Introduction and adoption of Senate amendment 1:
Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 2:
Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 3:
Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Moen, Te Winkle, Feingold,
Jauch and Barrett;

Noes, 2 -- Senators Lorman and Weeden.

Assembly Bill 229

Relating to licensure of hospices, establishing rule-
making authority, providing penalties and making an
appropriation.

Introduction and adoption of Senate amendment 1:
Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 2:
Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;

Noes, 0 -- None.

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Concurrence as amended:

Ayes, 6 -- Senators Moen, Te Winkle, Feingold,
Jauch, Lorman and Weeden;
Noes, 1 -- Senator Barrett.

Assembly Bill 456

Relating to creating a state council on physical disabilities in the office of the governor.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;
Noes, 0 -- None.

Concurrence as amended:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold,
Jauch, Barrett, Lorman and Weeden;
Noes, 0 -- None.

Rodney C. Moen
Chair

The committee on Urban Affairs, Environmental Resources, Utilities and Elections reports and recommends:

FORSTER, JOHN W., of Menasha, as a member of the Fox River Management Commission, to serve for the term ending March 1, 1993.

Confirmation:

Ayes, 6 -- Senators Risser, Chvala, Adelman,
Burke, Lasee and Kreul;
Noes, 0 -- None.

Senate Joint Resolution 13

Relating to 4-year terms of office for certain county officers (first consideration).

Adoption:

Ayes, 5 -- Senators Risser, Chvala, Burke, Lasee
and Kreul;
Noes, 1 -- Senator Adelman.

Senate Bill 42

Relating to the sampling and testing of sediments from the Fox river and Lake Winnebago and making an appropriation.

Introduction and adoption of Senate amendment 1:

Ayes, 6 -- Senators Risser, Chvala, Adelman,
Burke, Lasee and Kreul;
Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Risser, Chvala, Adelman,
Burke, Lasee and Kreul;
Noes, 0 -- None.

Senate Bill 429

An act relating to conveying a lake bed area to the city of Racine.

Introduction and adoption of Senate amendment 1:

Ayes, 6 -- Senators Risser, Chvala, Adelman,
Burke, Lasee and Kreul;
Noes, 0 -- None.

Introduction and adoption of Senate amendment 2:

Ayes, 6 -- Senators Risser, Chvala, Adelman,
Burke, Lasee and Kreul;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Risser, Chvala, Adelman,
Burke, Lasee and Kreul;
Noes, 0 -- None.

Fred A. Risser
Chair

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

BENA, CHARLES E., of Coon Valley, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 7 -- Senators Jauch, Czarnezki, Moen,
Helbach, Cowles, Weeden and Berndt;
Noes, 0 -- None.

POTTER, HOWARD, of Iron River, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 7 -- Senators Jauch, Czarnezki, Moen,
Helbach, Cowles, Weeden and Berndt;
Noes, 0 -- None.

FREDRICKSON, CLIFFORD A., of Amery, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 7 -- Senators Jauch, Czarnezki, Moen,
Helbach, Cowles, Weeden and Berndt;
Noes, 0 -- None.

Senate Bill 113

Relating to the distribution schedule for state aid to school districts.

Passage:

Ayes, 7 -- Senators Jauch, Czarnezki, Moen,
Helbach, Cowles, Weeden and Berndt;
Noes, 0 -- None.

Robert Jauch
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State

February 19, 1990

To the Honorable the Senate

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

If you have any questions concerning this transmittal, please contact (608) 266-5503.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

Gordon Baldwin February 15, 1990, 3958 Plymouth Cir., Madison WI 53705 (608)263-2077 (608)257-7181 (608)238-2951

PRINCIPAL: WI Biotechnology Assn. Jane Harris-Cramer, 5649 E. Buckeye Rd., Madison WI 53716 (608)221-5000

AREAS: All areas relating to biotechnology.

Peter C. Christianson February 14, 1990, 411 E. Wisconsin Ave., Milwaukee WI 53202 (414)277-5745

PRINCIPAL: Mutual Savings Bank of WI, SA, Michael T. Crowley, Jr., 510 E. Wisconsin Ave., Milwaukee WI 53202 (414)272-8000

AREAS: Financial institutions, taxation, securities, insurance, labor and development.

Rob Dickerson February 15, 1990, 611 W. 6th St., 34th Fl., Los Angeles CA 90017 (213)484-1600

PRINCIPAL: Motorcycle Industry Council, Melvin Stahl, 1235 Jefferson Davis Hwy., Arlington VA 22202 (703)521-0444

AREAS: Franchises.

Moir Fitzgerald February 13, 1990, 600 E. Mason St., Milwaukee WI 53202 (414)224-9393

PRINCIPAL: Meehan Seaway Dan Meehan, 1500 S. Lincoln Memorial Dr., Port of Milwaukee WI 53207 (414)481-7000

AREAS: Any matter affecting the company in any way by any state agency, or the legislature.

PRINCIPAL: WI Dental Hygienists Assn., Gail Baker, 2916 N. Newhall, Milwaukee WI 53211 (414)964-1107

AREAS: Health care; any matter affecting the organization in any way by any state agency, or the legislature.

PRINCIPAL: WI Hospital Assn., David R. Hewett, 5721 Odana Rd., Madison WI 53719 (608)274-1820

AREAS: Any matter affecting the company in any way by any state agency, or the legislature.

Lisa Hilbert February 16, 1990, 16 N. Carroll St., Ste. 200, Madison WI 53703 (608)255-5522

PRINCIPAL: Can Manufacturers Institute, John McIntyre, 1625 Massachusetts Ave., NW, Washington DC 20036 (202)232-4677

AREAS: All legislation affecting the can industry.

Donald W. Meyers February 12, 1990, 1122 Winesap Ct., Mequon WI 53092 (414)241-5373

PRINCIPAL: H.C. Copeland & Asso., 733 N. Van Buren, Milwaukee WI 53202 (414)271-8164

AREAS: Deferred income and benefit plans for employees.

Byron C. Ostby February 13, 1990, 25 W. Main St., Madison WI 53703 (608)257-0411

PRINCIPAL: WI Sheriffs & Deputy Sheriffs Assn., Jim Cardinal, PO Box 145, Chippewa Falls WI 54719 (715)723-1832

AREAS: All legislation or rules related to law enforcement and employees in law enforcement.

Mindy Taranto February 12, 1990, 21 Pinchurst Cir., Madison WI 53717 (608)831-0876

PRINCIPAL: Service Employees International Union, Local 150, Dan Iverson, Pres., 6427 W. Capitol Dr., Milwaukee WI 53216 (414)463-3550

AREAS: Labor, employment, health care, aging, safety and health in the workplace, state budget and state racing board.

Peter J. Theo February 14 1990, 1 S. Pinckney St., Madison WI 53701 (608)251-5000

PRINCIPAL: Mutual Savings Bank of WI, SA, Michael T. Crowley, Jr., 510 E. Wisconsin Ave., Milwaukee WI 53202 (414)272-8000

AREAS: Financial institutions, taxation, securities, insurance, labor and development.

Anthony R. Varda February 14, 1990, Ste. 600, 2 E. Mifflin St., Madison WI 53703 (608)255-8891

PRINCIPAL: Phillip Morris U.S.A., Patricia M. Wilson, 300 N. Martingale Rd., Ste. 210, Schaumburg IL 60173 (312)240-1800

AREAS: 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.

LOBBYING TERMINATION STATEMENTS

Kevin P. O'Toole Principal: Waste Management of WI, Inc. Date: February 16, 1990

RESIGNATION OF LOBBYING LICENSES

Bill Broydrick

Principal: Real Properties, Inc.

Date: February 16, 1990

Cynthia Broydrick

Principal: Real Properties, Inc.

Date: February 16, 1990

JoAnna Richard

Principal: Real Properties, Inc.

Date: February 16, 1990

SPECIAL LOBBYING LICENSES THAT EXPIRED 12-31-89

Anne Arnesen

Principal: WI Council on Human Concerns

Betty A. Batson

Principal: Hospice Organization of WI

Daniel Bier

Principal: WI Assn. for Perinatal Care

Peter C. Christianson

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Principal: Second Harvesters of WI, Inc.

Peter J. Theo

Principal: Second Harvesters of WI, Inc.

AMENDMENT TO PRINCIPAL INFORMATION

Mutual Savings & Loan Assn.

NEW NAME: Mutual Savings Bank of WI, SA

LOBBYIST: Myron Mike Lotto

DATE: February 15, 1990

The Chair, with unanimous consent, asked that the ruling on the points of order be deferred till the fourteenth order of business.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

February 23, 1990

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
275-----	124 -----	February 23, 1990
278-----	125 -----	February 23, 1990
284-----	126 -----	February 23, 1990
289-----	127 -----	February 23, 1990

Respectfully,
TOMMY G. THOMPSON
Governor
State of Wisconsin
Office of the Governor

February 19, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAMES W. TOFTNESS of Hayward, as a member of the Snowmobile Recreation Council pursuant to the statute governing, to serve for the term ending July 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

February 19, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHN D. PHILLIPS of Lomira, as a member of the Prison Industries Board

pursuant to the statute governing, to serve for the term ending May 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

February 19, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JUDITH A. WHEELER of Shorewood, as a member of the Nursing Home Administrators Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1994.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

February 21, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SHARON NELSON of Hager City, as a member of the Minnesota-Wisconsin Boundary Area Commission pursuant to the statute governing, to serve for the term ending September 25, 1995.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

February 21, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DR. REBECCA BARDWELL of Milwaukee, as a member of the Psychology Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1994.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

February 21, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DR. SYLVIA RIMM of Oconomowoc, as a member of the Psychology

Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1994.

Respectfully,
TOMMY THOMPSON
Governor

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

State of Wisconsin
Office of the Governor

February 23, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GEORGE SR. STEIL of Janesville, as a member of the University of Wisconsin System Board of Regents pursuant to the statute governing, to serve for the term ending May 1, 1997.

Respectfully,
TOMMY THOMPSON
Governor

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

CALENDAR OF FEBRUARY 27, 1990

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

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

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

WEILAND, MARILYNN, of Wautoma, as a member of the Judicial Commission, to serve for the term ending August 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, Buechner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasec, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weedon 33.

Noes -- None.

Absent or not voting — None.

Confirmed.

SENATE CLEARINGHOUSE ORDERS
State of Wisconsin
Revisor of Statutes Bureau

March 1, 1990

To the Honorable the Legislature:

The following rules have been published and are effective:

- Clearinghouse Rule 88-32 effective March 1, 1990.
- Clearinghouse Rule 88-169 effective March 1, 1990.
- Clearinghouse Rule 89-13 effective March 1, 1990.
- Clearinghouse Rule 89-39 effective March 1, 1990.
- Clearinghouse Rule 89-51 effective March 1, 1990.
- Clearinghouse Rule 89-88 effective March 1, 1990.
- Clearinghouse Rule 89-99 effective March 1, 1990.
- Clearinghouse Rule 89-104 effective March 1, 1990.
- Clearinghouse Rule 89-105 effective March 1, 1990.
- Clearinghouse Rule 89-108 effective March 1, 1990.
- Clearinghouse Rule 89-113 effective March 1, 1990.
- Clearinghouse Rule 89-124 effective March 1, 1990.
- Clearinghouse Rule 89-125 effective March 1, 1990.
- Clearinghouse Rule 89-137 effective March 1, 1990.
- Clearinghouse Rule 89-144 effective March 1, 1990.
- Clearinghouse Rule 89-147 effective March 1, 1990.
- Clearinghouse Rule 89-153 effective March 1, 1990.
- Clearinghouse Rule 89-156 effective March 1, 1990.
- Clearinghouse Rule 89-166 effective March 1, 1990.

Sincerely,
GARY L. POULSON
Assistant Revisor

Senate Clearinghouse Rule 89-148

Relating to both sale events conducted away from the licensed premises of a dealer and certain sales activities the department may permit after suspension, revocation or denial of a motor vehicle dealer license.

Submitted by Department of Transportation.

Report received from agency, February 21, 1990.

Referred to committee on Transportation, Conservation and Mining, February 27, 1990.

Senate Clearinghouse Rule 90-1

Relating to inmate complaint review system.

Submitted by Department of Corrections.

Report received from agency, February 22, 1990.

Referred to committee on Agriculture, Corrections, Health and Human Services, February 27, 1990.

Senate Clearinghouse Rule 89-23

Relating to the control of potato rot nematode.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, February 22, 1990.

Referred to committee on Agriculture, Corrections, Health and Human Services, February 27, 1990.

Senate Clearinghouse Rule 89-90

Relating to the requirement that operators of swap meets, craft fairs, flea markets and similar events identify vendors at these events for sales and use tax purposes.

Submitted by Department of Revenue.
Report received from agency, February 26, 1990.
Referred to committee on Aging, Banking,
Commercial Credit and Taxation, February 27, 1990.

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 102

Assembly Joint Resolution 128

Passed and asks concurrence in:

Assembly Bill 31

Assembly Bill 58

Assembly Bill 207

Assembly Bill 261

Assembly Bill 521

Assembly Bill 558

Assembly Bill 587

Assembly Bill 661

Assembly Bill 665

Assembly Bill 684

Assembly Bill 725

Assembly Bill 856

Concurred in:

Senate Bill 201

Senate Bill 314

Nonconcurrent in:

Assembly Bill 497, Senate amendment 1

**MESSAGE FROM THE ASSEMBLY
CONSIDERED**

Assembly Joint Resolution 102

Relating to Indian treaty rights.

By Representatives Holperin, Hubler, Gruszynski, Ourada, Travis, Hasenohrl, Schmidt, Hamilton, Grobschmidt, Holschbach, Rohan, Harsdorf, Robson, Musser, Lepak, Porter, Wood, Johnsrud, Duff, Urban, Goetsch, Underheim, Lehman, Brandemuehl, Radtke, Huelsman, Lorge, Zien and R. Potter, cosponsored by Senators Davis, Van Sistine, Jauch, Roshell, Andrea, Plewa, Weeden, Kreul, Buettner, Lorman and Stitt.

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

Assembly Joint Resolution 128

Relating to the life and public service of Gus Menos.

By Representatives Swoboda and Fortis.

Read.

Considered as privileged and taken up.

Concurred in by unanimous rising vote.

Assembly Bill 31

Relating to arrests in populous counties and counties adjacent to populous counties.

By Representatives Krusick, Grobschmidt, Duff, Farrow and Seery, cosponsored by Senators Burke and Czarnecki.

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

Assembly Bill 58

Relating to regulating pawnbrokers and secondhand article and jewelry dealers and providing penalties.

By Representatives Krusick, Tesmer, Barrett, Lepak, Ladwig, Notestein, Panzer, Rohan, Rosenzweig, Seery, Van Dreel and Walling, cosponsored by Senator Chilsen.

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

Assembly Bill 207

Relating to use of rusty crayfish as bait and providing a penalty.

By Representatives Holperin, Thompson, Farrow, Duff, Vergeront, Panzer, Lewis and Fortis, cosponsored by Senators Cowles, Davis and Roshell.

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

Assembly Bill 261

Relating to seizure and forfeiture of vehicles used to flee traffic officers.

By Representatives Ourada, Schneiders, Prosser, Schmidt, Brandemuehl, Musser, Schultz, Huelsman, Ott and Ladwig, cosponsored by Senator Leean.

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

Assembly Bill 521

Relating to allowing any retired state employe and certain other former state employes to purchase coverage under the state employe group health insurance plan by furnishing evidence of insurability satisfactory to the insurer.

By Representatives Grobschmidt, Volk and Hamilton, cosponsored by Senators Jauch and Stitt, by request of Retirement Research Committee.

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

Assembly Bill 558

Relating to the definition of employer under the minimum wage and hours of labor and under the restrictions on use of tests for HIV laws.

By Representatives Antaramian, Clarenbach, Carpenter, Gruszynski, Loftus, Notestein, Musser, Bell, Wineke, Barca, Stower, Young, Robson, Holperin, Bock, Lautenschlager and Seery, cosponsored by Senators Chvala, Te Winkle, Andrea and Roshell.

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

Assembly Bill 587

Relating to preventing felons from owning a burglar alarm installation company, preventing those companies from hiring felons and providing a penalty.

By Representatives Wood, Baldus, Thompson, Schneiders, Vergeront, Goetsch, Musser and Gard.

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

Assembly Bill 661

Relating to an affirmative defense if a person is charged with causing death or injury while under the influence of an intoxicant, drugs or both.

By Representatives Wood, Rohan, Grobschmidt, Rohson, Nelsen, Bolle, Vergeront, Van Dreef, Deininger, Goetsch, Brandemuehl, Schmidt, Klusman, Lehman and Urban, cosponsored by Senators Adelman, Chilsen and Farrow.

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

Assembly Bill 665

Relating to expanding the authority of a metropolitan sewerage district to prohibit or restrict the discharge of certain substances into its system.

By Representatives Krug, Black, Seery, Boek, Notestein and Fortis, cosponsored by Senator Burke.

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

Assembly Bill 684

Relating to allowing up to 5 refills of certain prescribed drugs on the original prescription upon the authorization of the prescribing practitioner.

By Representatives Van Dreef, Swoboda, Vanderperren, Hamilton, Boyle, Volk, Linton, Gronemus, Williams, Zweck, Kunicki, Rohan, Travis, Huber, Musser, Hauke, Zien, Tregoning, Lepak, Porter and Duff, cosponsored by Senator Van Sistine, by request of Warren Fowler.

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

Assembly Bill 725

Relating to possession of firearms by persons who have been involuntarily committed for treatment for mental illness, drug dependency or developmental disability.

By Representatives Medinger, Thompson, Lautenschlager, Roberts, Gronemus, Schneiders, Panzer, Bock, Bolle, Walling, Stower, Radtke, Underheim, Rosenzweig and Brandemuehl, cosponsored by Senators Andrea, Rude, Buettner, Chilsen and Lorman.

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

Assembly Bill 856

Relating to grants to the Great Lakes Composites Consortium, inc., and making an appropriation.

By Representatives Antaramian, Loftus, Kunicki, Barca, Fergus, Porter, Plache, Ladwig, Lepak,

Schneider, Travis, Bell, Hubler, M. Coggs, Panzer and Brancel, cosponsored by Senators Andrea and Strohl.

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

CALENDAR OF FEBRUARY 27, 1990

Senate Bill 320

Relating to the authority of the department of agriculture, trade and consumer protection to issue temporary licenses and food establishment licenses.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 71

Relating to a day of remembrance for the Armenian genocide of 1915-1923.

Read.

The ayes and noes were demanded 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.

Adopted.

Senate Bill 10

Relating to liability for damages to rental private passenger vehicles and providing a penalty.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 10** offered by Senators Rude, Roshell and Andrea.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator Plewa, with unanimous consent, asked that **Senate Bill 10** be placed at the foot of the calendar.

Senate Bill 309

Relating to exempting licensed veterinarians and certified animal technicians who use pesticides while lawfully practicing within the scope of the license or

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certificate from the requirement to be licensed as commercial pesticide applicators.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 309** be referred to joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 309** be withdrawn from joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 309

Read a third time.

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

Ayes — Senators Andrea, Barrett, Buettner, Burke, Chilsen, Cowles, Davis, Ellis, Farrow, George, Helbach, Kincaid, Kreul, Lasee, Lekan, Lorman, Moen, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 26.

Noes — Senators Adelman, Berndt, Chvala, Czarnecki, Feingold, Jauch and Risser — 7.

Absent or not voting — None.

Passed.

Senate Bill 311

Relating to employment relations for members of the university of Wisconsin system academic staff.

Read a second time.

Senator Helbach, with unanimous consent, asked that **Senate Bill 311** be placed after **Assembly Bill 218**.

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

Senate Bill 386

Relating to participation of pharmacists in limited service health organizations and preferred provider plans.

Read a second time.

Senator Jauch, with unanimous consent, asked that the journal indicate that he would like to have voted aye on passage of **Senate Bill 309**.

Ordered to a third reading.

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

Senate Bill 386

Read a third time and passed.

Senate Bill 406

Relating to special distinguishing vehicle plates for retired members of the U.S. army, navy, air force, coast guard and marine corps.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 406** be referred to joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 406** be withdrawn from joint committee on Finance and taken up.

Read a second time.

Ordered to a third reading.

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

Senate Bill 406

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Berndt, Buettner, Burke, Chilsen, Chvala, Cowles, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lekan, Lorman, Moen, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 29.

Noes — Senators Adelman, Barrett, Czarnecki and Risser — 4.

Absent or not voting — None.

Passed.

Senator Te Winkle, with unanimous consent, asked that the journal indicate he would like to have voted no on passage of **Senate Bill 309**.

Senate Bill 445

Relating to the prison industries program.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 445** be referred to joint committee on Finance.

Senate Bill 446

Relating to heritage tourism and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 446** be referred to joint committee on Finance.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 120

Relating to the release of Nelson Mandela.

Read.

Concurred in.

Assembly Bill 218

Relating to discrimination against students in the university of Wisconsin system and the vocational, technical and adult education system and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

RULING OF THE CHAIR

On Tuesday, February 20, 1990, Senator Czarnecki raised the point of order that **Senate Amendment 1** to **Assembly Bill 218** was not germane. Before the Chair had an opportunity to rule, by unanimous consent, the bill was referred to the Senate Rules committee. It is the opinion of the Chair that the point of order is still pending the Chair is prepared to rule.

Senate Amendment 1 as introduced by Senator Adelman, would insert language into the bill which would prohibit application of the provisions of the bill in any case that would restrict a student's right to freedom of expression, and the board may not discipline a student for exercising that right, regardless of the demeaning nature of the expression or the environment that the expression may create.

Senate Rule 52 reads in part as follows: "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment". Also, *Mason's Manual*, section 402(2) states: "To determine whether an amendment is germane, the question to be answered is whether the question is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal".

The Chair is of the opinion that the proposed language to be inserted brings forth a major philosophical question which ought to be debated as a separate issue from that currently under discussion. In today's society, the manner in which individuals express themselves is often used by others as a factor in determining whether the expression (words or symbolic gestures) are discriminatory or promote discrimination. This has caused a debate to flare regarding the provisions of Amendment 1 to the U.S. Constitution relating to "freedom of speech" and applicability of discrimination laws. It is not the purpose of **Assembly Bill 218** to decide this issue.

Therefore, it is the opinion of the Chair that **Senate Amendment 1** does not meet the tests of germaneness as stated in **Senate Rule 52** and *Mason's Manual* section 402(2) and that the point of order raised by Senator Czarnecki is well taken. **Senate Amendment 1** to **Assembly Bill 218** is not germane.

Fred A. Risser
President of the Senate

Senate amendment 2 to **Assembly Bill 218** offered by Senator Stitt.

The question was: Adoption of senate amendment 2?

Senator Czarnecki moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 3; noes, 30; absent or not voting, 0; as follows:

Ayes -- Senators Burke, Czarnecki and Farrow -- 3.

Noes -- Senators Adelman, Andrea, Barrett, Berndt, Buettner, Chilsen, Chvala, Cowles, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 30.

Absent or not voting -- None.

Rejection refused.

The question was: Adoption of senate amendment 2?

Adopted.

Ordered to a third reading.

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

Assembly Bill 218

Read a third time and concurred in as amended.

Senate Bill 311

Relating to employment relations for members of the university of Wisconsin system academic staff.

Read a second time.

Senator Weeden, with unanimous consent, asked that the senate recess until 11:47 A.M..

11:07 A.M.

RECESS

11:47 A.M.

The senate reconvened.

Senator Strohl, with unanimous consent, asked that the senate recess until 2:01 P.M..

11:48 A.M.

RECESS

2:01 P.M.

The senate reconvened.

LEAVE OF ABSENCE

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

Senate Bill 311

Relating to employment relations for members of the university of Wisconsin system academic staff.

Ordered to a third reading.

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

Senate Bill 311

Read a third time.

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Burke, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine -- 18.

Noes -- Senators Berndt, Buettner, Chilsen, Cowles, Davis, Ellis, Farrow, Kreul, Lasee, Lekan, Lorman, Rude, Stitt and Weeden -- 14.

Absent or not voting -- Senator Chvala -- 1.

Passed.

Assembly Bill 236

Relating to subjects of collective bargaining in state employment.

Read a second time.

Senator George, with unanimous consent, asked that **Assembly Bill 236** be laid on the table.

Assembly Bill 287

Relating to state collective bargaining concerning use of project and limited term employes and salary range inequities.

Read a second time.

Senator George, with unanimous consent, asked that **Assembly Bill 287** be laid on the table.

Assembly Bill 585

Relating to authorizing the director of the vocational, technical and adult education system to appoint an executive assistant and making an appropriation.

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 585

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Barrett, Buettner, Burke, Chilsen, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Llean, Lorman, Moen, Plewa, Risser, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 27.

Noes — Senators Andrea, Berndt, Lasee, Roshell and Stitt — 5.

Absent or not voting — Senator Chvala — 1.

Concurred in.

Senate Bill 10

Relating to liability for damages to rental private passenger vehicles and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator Plewa moved rejection of senate amendment 1 to senate substitute amendment 1.

The question was: Rejection of senate amendment 1 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Barrett, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 15.

Noes — Senators Andrea, Berndt, Buettner, Burke, Chilsen, Cowles, Davis, Ellis, Farrow, Kreul, Lasee, Llean, Lorman, Roshell, Rude, Stitt and Weeden — 17.

Absent or not voting — Senator Chvala — 1.

Rejection refused.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Berndt, Buettner, Burke, Chilsen, Cowles, Ellis, Farrow, Kincaid, Kreul, Lasee, Llean, Lorman, Roshell, Rude, Stitt and Weeden — 17.

Noes — Senators Adelman, Barrett, Czarnecki, Davis, Feingold, George, Helbach, Jauch, Moen, Plewa, Risser, Strohl, Te Winkle, Ulichny and Van Sistine — 15.

Absent or not voting — Senator Chvala — 1.

Adopted.

Senate amendments 2 and 3 to senate substitute amendment 1 to **Senate Bill 10** offered by Senators Van Sistine and Plewa.

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

Adopted.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator Rude moved rejection of senate amendment 3 to senate substitute amendment 1.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

Rejected.

Senate amendment 4 to senate substitute amendment 1 to **Senate Bill 10** offered by Senator Barrett.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

Senator Davis moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

Rejection refused.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 10

Read a third time and passed.

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

Senator Strohl, with unanimous consent, asked that **Senate Bill 464** be withdrawn from committee on Senate Organization and be referred to committee on Transportation, Conservation and Mining.

Senator Strohl, with unanimous consent, asked that **Senate Bill 468** be withdrawn from committee on Senate Organization and be referred to committee on Judiciary and Consumer Affairs.

Senator Strohl, with unanimous consent, asked that **Senate Bill 477** be withdrawn from committee on Senate Organization and be referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs.

MOTIONS

RULING OF THE CHAIR

On Tuesday, February 20, 1990, the Senator from the 1st, Senator Lasee, moved that Assembly Bill 38 be withdrawn from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and be referred to the calendar of Tuesday, February 27, 1990. The Senator from the 15th, Senator Weeden then raised a point of order that the motion need only a simple majority vote to succeed. The Chair took the point of order under advisement.

On Page 2163, Journal of the Senate, dated March 25, 1976, the Senator from the 26th, Senator Risser, raised a point of order that a bill could not be withdrawn from committee when a public hearing had already been scheduled. The Chair took the point of order under advisement.

On page 2165, Journal of the Senate, dated March 25, 1976, the chair, Lt. Gov. Schreiber, ruled that pursuant to Senate Rule 41, a bill could not be withdrawn from committee when a public hearing had already been scheduled. Any attempt to do so would require a suspension of the rules and a two-thirds vote.

The circumstances are identical in this situation, a hearing was scheduled for Assembly 38 to be held at 8:30 a.m. on Thursday, February 22, 1990. The Chair agrees with the conclusion reached by the previous presiding officer and also I would like to point out that this has been the procedure followed by the Senate since Senate Rule 41 was adopted.

Therefore, it is the opinion of the Chair, that a two-thirds vote is required on the motion to withdraw Assembly 38 and the motion raised by the Senator from the 15th is not well taken.

Fred A. Risser
President of the Senate

Senator Lasee appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the judgment of the Senate?

Senator Ulichny moved the motion to appeal the ruling of the Chair be laid on the table.

The question was: Shall the motion to appeal the ruling of the Chair be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes Senators Adelman, Andrea, Barrett, Burke, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 18.

Noes Senators Berndt, Buettner, Chilsen, Cowles, Davis, Ellis, Farrow, Kreul, Lasee, Lekan, Lorman, Rude, Stitt and Weeden — 14.

Absent or not voting — Senator Chvala — 1.

Tabled.

RULING OF THE CHAIR

On Tuesday, February 20, 1990, the Senator from the 29th, Senator Chilsen, moved that Assembly 38 be withdrawn from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and be referred to the committee on Senate Rules. The senator from the 29th, Senator Chilsen, then raised a point of order that the motion need only a simple majority vote to succeed. The Chair took the point of order under advisement.

This point of order is similar to the one raised by the Senator of the 15th. As stated in the ruling just given, on Page 2163, Journal of the Senate, dated March 25, 1976, the Senator from the 26th, Senator Risser, raised a point of order that a bill could not be withdrawn from committee when a public hearing had already been scheduled. The Chair took the point of order under advisement.

On page 2165, Journal of the Senate, dated March 25, 1976, the chair, Lt. Gov. Schreiber, ruled that pursuant to Senate Rule 41, a bill could not be withdrawn from committee when a public hearing had already been scheduled. Any attempt to do so would require a suspension of the rules and a two-thirds vote.

The circumstances are identical in this situation, a hearing was scheduled for Assembly Bill 38 to be held at 8:30 a.m. on Thursday, February 22, 1990. The Chair agrees with the conclusion reached by the previous presiding officer and also I would like to point out that this has been the procedure followed by the Senate since Senate Rule 41 was adopted.

Therefore, it is the opinion of the Chair, that a two-thirds vote is required on the motion to withdraw Assembly Bill 38 and the motion raised by the Senator from the 29th is not well taken.

Fred A. Risser
President of the Senate

Senator Chilsen appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the judgment of the Senate?

Senator Ulichny moved the motion to appeal the ruling of the Chair be laid on the table.

The question was: Shall the motion to appeal the ruling of the Chair be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes Senators Adelman, Andrea, Barrett, Burke, Czarnecki, Davis, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 19.

Noes — Senators Berndt, Buettner, Chilsen, Cowles, Ellis, Farrow, Kreul, Lasee, Lekan, Lorman, Rude, Stitt and Weeden -- 13.

Absent or not voting -- Senator Chvala -- 1.

Tabled.

Senator Lasee moved that **Assembly Bill 38** be withdrawn from committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up.

The question was: Shall the rules be suspended and **Assembly Bill 38** be withdrawn from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up?

Senator Roshell, with unanimous consent, asked that the senate recess until 4:45 P.M..

3:28 P.M.

RECESS

4:45 P.M.

The senate reconvened.

Senator Strohl, with unanimous consent, asked that the roll call on the question of suspending the rules and **Assembly Bill 38** be withdrawn from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up be expunged.

Senator Ellis objected.

Senator Strohl moved that the roll call on the question of suspending the rules and **Assembly Bill 38** be withdrawn from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up be expunged.

Senator Lasee moved that the motion to expunge the roll call on the question of suspending the rules and **Assembly Bill 38** be withdrawn from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up be laid on the table.

The question was: Shall the motion to expunge the roll call on the question of suspending the rules and **Assembly Bill 38** be withdrawn from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up be laid on the table.

The ayes and noes were required and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes — Senators Berndt, Buettner, Chilsen, Cowles, Davis, Ellis, Farrow, Kreul, Lasee, Lekan, Lorman, Rude, Stitt and Weeden — 14.

Noes — Senators Adelman, Andrea, Barrett, Burke, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine -- 18.

Absent or not voting -- Senator Chvala -- 1.

Tabling refused.

The question was: Shall the roll call on the question of suspending the rules and **Assembly Bill 38** be withdrawn from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up be expunged?

The ayes and noes were required and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

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

Noes — Senators Berndt, Buettner, Cowles, Davis, Farrow, Kreul, Lasee, Lorman, Stitt and Weeden -- 10.

Absent or not voting — Senator Chvala -- 1.

The roll call was expunged.

The question was: Shall the rules be suspended and the **Assembly Bill 38** be withdrawn from committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up?

Senator Strohl moved the motion the rules be suspended and that **Assembly Bill 38** be withdrawn from committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up be laid on the table.

The question was: Shall the motion to suspended the rules and withdraw **Assembly Bill 38** from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and taken up be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Burke, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 18.

Noes — Senators Berndt, Buettner, Chilsen, Cowles, Davis, Ellis, Farrow, Kreul, Lasee, Lekan, Lorman, Rude, Stitt and Weeden -- 14.

Absent or not voting -- Senator Chvala -- 1.

Tabled.

Senator Lasee moved that the appeal of the ruling of the chair on his motion to withdrawn **Assembly Bill 38** from Education, Economic Development, Financial Institutions and Fiscal Policies and referred to the calendar of February 27, 1990 be taken from the table.

The question was: Shall the appeal of the ruling of the chair on his motion to withdraw **Assembly Bill 38** from Education, Economic Development, Financial Institutions and Fiscal Policies and referred to the calendar of February 27, 1990 be taken from the table?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes — Senators Berndt, Buettner, Chilsen, Cowles, Ellis, Farrow, Kreul, Lasee, Lekan, Lorman, Rude, Stitt and Weeden -- 13.

Noes — Senators Adelman, Andrea, Barrett, Burke, Czarnezki, Davis, Feingold, George, Helbach, Jauch, Kincaid, Mocrn, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 19.

Absent or not voting — Senator Chvala — 1.

Refused.

Senator Chilsen, with unanimous consent, asked that **Assembly Bill 38** be withdrawn from committee on Education, Economic Development, Financial Institutions and Fiscal Policies and be referred to committee on Senate Rules after the hearing scheduled for March 5, 1990.

Senator Ulichny raised the point of order as to the applicability of the provisions of Senate Rule 41 to the motion made by Senator Chilsen to withdraw **Assembly Bill 38** from the committee on Education, Economic Development, Financial Institutions and Fiscal Policies and refer to the committee on Senate Rules after completion of the public hearing schedule for March 5, 1990.

The Chair took the point under advisement.

ANNOUNCEMENTS

Senator Davis, with unanimous consent, asked that the Senate adjourn in honor of President-elect Violeta Barrios de Chamorro of Nicaragua.

Senator Kreul, with unanimous consent, asked that the Senate adjourn in honor of the class C and B state wrestling champions from Muscoda and Lancaster High Schools.

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

Senator Strohl, with unanimous consent, asked that the Senate adjourn in memory of Rose Akqulian who passed away recently.

ADJOURNMENT

Senator Strohl, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, March 1.
5:26 P.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 275.

Senate Bill 278.

Senate Bill 284.

Senate Bill 289.

Correctly enrolled and presented to the Governor on February 23, 1990.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 449

1. Page, line 11: substitute "48.067" for "48.06".

Senate Bill 8

Senate amendment 2

In enrolling, the following correction was made:

1. Page 1, line 2: substitute "size" for "site".

Senate Bill 260

Assembly amendments 1, 5, 7 and 10

In enrolling, the following corrections were made:

Assembly Amendment 1. Page 4, line 20: substitute "73dm" for "73g".

Assembly Amendments 5 and 7. In several instances, Assembly amendment 7 inserted into the bill and amended statutes that were first inserted into the bill and amended by Assembly amendment 5.

1. The title of section 6.875 of the statutes, as affected by SECTION 47p contained in both amendments, was integrated to read: "ABSENTEE VOTING IN NURSING AND RETIREMENT HOMES AND CERTAIN COMMUNITY-BASED RESIDENTIAL FACILITIES."
2. In Assembly Amendment 5, SECTIONS 47t, 47w and 47x were renumbered 47q, 47r and 47s, respectively.
3. In Assembly Amendment 7, SECTION 47s was renumbered 47t, creating section 6.875(1)(at) of the statutes rather than 6.875(1)(am).
4. In Assembly Amendment 5, SECTION 48 both renumbers and amends section 6.875(2) of the statutes. It was given effect. In Assembly Amendment 7, SECTION 47x also renumbered, but did not amend, section 6.875(2) of the statutes.

5. In Assembly Amendment 7, SECTION 47z was renumbered 48m, creating section 6.875(2)(c) of the statutes rather than 6.875(2)(b).
6. In Assembly Amendment 7, SECTION 48, amending section 6.875(3) to (6) of the statutes, was integrated into SECTION 48r, inserted earlier by Assembly Amendment 5. The insertion of "or qualified retirement home" after "nursing home" was retained so that it occurs before "or qualified community-based residential facility" inserted by SECTION 48r of Assembly Amendment 5.
The amendments to section 12.13(2)(b)6m and (4) of the statutes by Assembly Amendment 7 were integrated into SECTION 84 of Assembly Amendment 5 in the same manner; and the title of section 12.13(4) of the statutes, as affected by both amendments, was integrated to read: "NURSING AND RETIREMENT HOME AND COMMUNITY-BASED RESIDENTIAL FACILITY VOTING."
7. in Item 4 of Assembly Amendment 7, SECTION 54m was renumbered 54n,

creating section 7.30(4)(cn) of the statutes rather than 7.30(4)(cm).

Assembly Amendment 10. Page 7, line 16: substitute "85x" for "85s". Page 7, line 21: substitute "85y" for "85w".

Assembly Bill 218

Senate amendment 1

1. Page 1, line 1: after "assembly" insert "substitute".

Assembly Bill 347

Assembly substitute amendment 2

1. Page 7, line 5: substitute "SECTION 10m" for "SECTION 4L".

Assembly Bill 347

Assembly substitute amendment 2

1. Page 6, line 28: delete "cards".

Assembly Bill 856

1. Page 4, line 15: substitute "paragraph" for "par."