

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

Tuesday, March 6, 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, Llean, 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 the prayer which was offered by Father Joseph Bisoffi of St. Francis Hospital in Milwaukee.

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

Senator Strohl, with unanimous consent, asked that the senate recess until 10:15 A.M..

10:06 A.M.

RECESS

The senate reconvened.

Senator Weeden, with unanimous consent, asked that the senate recess until 11:57 A.M..

10:15 A.M.

10:16 A.M.

RECESS

The senate reconvened.

Senator Helbach, with unanimous consent, asked that the senate recess until 1:59 P.M..

11:57 A.M.

11:58 A.M.

RECESS

1:59 P.M.

The senate reconvened.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 501

Relating to state aid for the city of Milwaukee for a conservation project for land adjacent to the Menomonee river and making an appropriation.

By Senator Burke; cosponsored by Representative Bock.

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

Senate Bill 502

Relating to extending the Bradley center sports and entertainment corporation dissolution deadline.

By Senators Burke and Ulichny; cosponsored by Representatives Notestein, Bell, Foti and Fergus.

To committee on Housing, Government Operations and Cultural Affairs.

Senate Bill 503

Relating to requiring rear fenders or mudguards on certain motor trucks and semitrailers.

By Senator Rude; cosponsored by Representative Johnsrud, by request of Lawrence R. Dedrick, Hillsboro.

To committee on Transportation, Conservation and Mining.

Senate Bill 504

Relating to prohibiting the transportation of pupils in prestandard school buses.

By Senators Chvala, Burke, Czarnecki, Ulichny and Chilsen; cosponsored by Representatives Plache, M. Cogg, Bell, Notestein, R. Potter, Fortis, Robson, Urban and Moore.

To committee on Transportation, Conservation and Mining.

Senate Bill 505

Relating to accommodating a student's religious beliefs and granting rule-making authority.

By Senators Strohl, Ulichny, Jauch, Lorman and Chvala; cosponsored by Representatives Gruszynski, Fortis, Prosser, C. Potter, Notestein, Clarenbach and Bock.

To committee on Educational Financing, Higher Education and Tourism.

**Senate Bill 506**

Relating to tourist-oriented directional highway signs and specific information highway signs.

By Senators Kincaid and Kreul; cosponsored by Representatives Hasenohrl and Tregoning, by request of Department of Transportation.

To committee on Transportation, Conservation and Mining.

**Senate Bill 507**

Relating to granting creditable service under the Wisconsin retirement system for military service that is also used for the purpose of establishing federal retirement benefits.

By Senators Kreul, Van Sistine, Roshell and Chilsen.  
To Joint Survey committee on Retirement Systems.

**Senate Bill 508**

Relating to expunging criminal records.

By Senators Weeden, Berndt, Buettner and Lcean; cosponsored by Representatives Huber, Huelsman, Schmidt, Schneiders, Brandmuehl, Goetsch, Lehman, Ladwig, Zien, Vergeront, Musser and Walling.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 509**

Relating to regulating sales and other promotions promising the award of a prize and providing a penalty.

By Senators Weeden, Farrow and Lcean; cosponsored by Representatives Holperin, Grobschmidt, Holschbach, Ott, Gard, Hamilton, Musser, Williams, Brandmuehl, Radtke, Huelsman and Ladwig.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 510**

Relating to drug law enforcement and making an appropriation.

By Senators Te Winkle, Chvala, Kincaid, Lasec and Cowles; cosponsored by Representative Swoboda.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 511**

Relating to maintenance of highway rights-of-way and granting rule-making authority.

By Senators Chvala, Plewa, Cowles, Burke, Barrett, Czarnecki and Risser; cosponsored by Representatives Seery, Johnsrud, Bell, Notestein and Lautenschlager.

To committee on Transportation, Conservation and Mining.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

**Senate Bill 355**

Relating to authorizing the board of regents of the university of Wisconsin system to charge rent for space on the WHA-TV tower and making an appropriation.

Passage:

Ayes, 15 -- Senators George, Roshell, Helbach, Chvala, Andrea, Czarnecki, Davis and Lcean;

Representatives Kunicki, Travis, Bell, Holperin, Hubler, Panzer and Brancel;  
Noes, 1 -- Senator Representative Cogs.

Gary R. George  
Co-chair

Walter Kunicki  
Co-chair

The committee on Judiciary and Consumer Affairs reports and recommends:

WALSH, DON, of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 1993.

Rejection:

Ayes, 3 -- Senators Adelman, Feingold and Chvala;  
Noes, 2 -- Senators Stitt and Buettner.

**Assembly Bill 611**

Relating to revision of the lobbying regulation law and code of ethics for state public officials and employees, requests for increased appropriations to state agencies, granting rule-making authority and providing a penalty.

Concurrence:

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

**Assembly Bill 765**

Relating to appearances before or negotiations with state agencies by former state public officials, requests for increased appropriations to state agencies, composition of the ethics board, administration of the lobbying regulation law, prohibited lobbying practices and lobbying disclosure; prohibiting certain university of Wisconsin system officials from serving on boards of directors of certain types of business associations, establishing an institute on ethics in government at the university of Wisconsin-Madison; creating a merit system protection board, protecting disclosures by state employees, creating a committee to study the state civil service system, placing certain state positions in the classified civil service, changing the method of removal of state officers; and rewards and protection from retaliatory actions for private persons who report improper activities in state government and making appropriations.

Concurrence:

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

Lynn S. Adelman  
Chair

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

**Senate Bill 390**

Relating to reduction in the amount and toxicity of wastes, creating a board and making appropriations.  
Introduction of Senate substitute amendment 1:

Ayes, 4 -- Senators Risser, Chvala, Burke and Kreul;

Noes, 0 -- None.

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

Ayes, 4 -- Senators Risser, Chvala, Burke and Kreul;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 2 to Senate substitute amendment 1:

Ayes, 4 -- Senators Risser, Chvala, Burke and Kreul;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 3 to Senate substitute amendment 1:

Ayes, 4 -- Senators Risser, Chvala, Burke and Kreul;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 4 to Senate substitute amendment 1:

Ayes, 4 -- Senators Risser, Chvala, Burke and Kreul;

Noes, 0 -- None.

Adoption of Senate substitute amendment 1:

Ayes, 4 -- Senators Risser, Chvala, Burke and Kreul;

Noes, 0 -- None.

Passage as amended:

Ayes, 4 -- Senators Risser, Chvala, Burke and Kreul;

Noes, 0 -- None.

Fred A. Risser  
Chair

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

**THOUSAND, KAROL**, of Arena, as a member of the Barbering and Cosmetology 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.

**HAUGSTUEN, JOYCE**, of New Auburn, as a member of the Barbering and Cosmetology 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.

**NOREM, LORRAINE A.**, of Elkhorn, as a member of the Board of Nursing, 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 Joint Resolution 78

Relating to designating March 1990 as 'Wisconsin Kidney Disease Month'.

Adoption:

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

Noes, 0 -- None.

### Senate Joint Resolution 79

Relating to proclaiming the week of April 22 to 28, 1990, as 'Organ and Tissue Donor Awareness week'.

Adoption:

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

Noes, 0 -- None.

### Senate Bill 447

Relating to the regulation of dentists and dental hygienists by the dentistry examining board, granting rule-making authority and providing a penalty.

Adoption of Senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

### Senate Bill 459

Relating to community residential confinement.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

### Assembly Bill 503

An act relating to requiring the department of public instruction to study educational programming in secured correctional facilities and child caring institutions.

Concurrence:

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

Noes, 0 -- None.

Rodney C. Moen  
Chair

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

### Senate Bill 512

Relating to a property tax exemption for video tapes held for rental.

Introduction:

Ayes, 3 -- Senators Feingold, Burke and Moen;

Noes, 2 -- Senators Buettner and Farrow.

Read first time and referred to Joint Survey committee on Tax Exemptions.

**Assembly Joint Resolution 81**

Relating to reducing, by income tax credits or by payments from state revenues, property taxes on residential property as defined by law (first consideration).

Concurrence:

Ayes, 3 -- Senators Feingold, Burke and Moen;  
Noes, 2 -- Senators Buettner and Farrow.

**Assembly Joint Resolution 48**

Relating to a legislative council study of the exemption from the property tax of manufacturing machinery and equipment.

Concurrence:

Ayes, 5 -- Senators Feingold, Burke, Moen, Buettner and Farrow;  
Noes, 0 -- None.

**Assembly Bill 460**

Relating to prohibiting financial transaction card factoring and providing a penalty.

Concurrence:

Ayes, 5 -- Senators Feingold, Burke, Moen, Buettner and Farrow;  
Noes, 0 -- None.

SHERRY, TOBY, of Madison, as a member of the Review Board, to serve for the term ending May 1, 1989.

Confirmation:

Ayes, 5 -- Senators Feingold, Burke, Moen, Buettner and Farrow;  
Noes, 0 -- None.

**Senate Bill 349**

Relating to expanding the farmland tax credit to include improvements, increasing the maximum credit and making appropriations.

Passage:

Ayes, 5 -- Senators Feingold, Burke, Moen, Buettner and Farrow;  
Noes, 0 -- None.

Russell D. Feingold  
Chair

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

**Senate Bill 389**

Relating to including all excise taxes in the cost of doing business for purposes of the minimum markup.

Passage:

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

**Assembly Joint Resolution 22**

Relating to memorializing congress to adequately fund and maintain U.S. department of veterans affairs health care facilities.

Concurrence:

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

Noes, 0 -- None.

**Assembly Joint Resolution 38**

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

Concurrence:

Ayes, 4 -- Senators Van Sistine, Kincaid, Plewa and Te Winkle;  
Noes, 2 -- Senators Roshell and Farrow.

**Assembly Joint Resolution 112**

Relating to the service of Major General Raymond A. Matera.

Concurrence:

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

**Assembly Bill 531**

Relating to delivery of service of process by the commissioner of insurance or secretary of state (suggested as remedial legislation by the office of the commissioner of insurance).

Concurrence:

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

**Assembly Bill 648**

Relating to the frequency of wage payments to private school employes.

Concurrence:

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

**Senate Bill 149**

Relating to prohibiting municipalities from applying standards for certain multi-unit dwellings that do not conform to state standards.

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

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

Introduction and adoption of Senate amendment 2 to Senate substitute amendment 1:

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

Adoption of Senate substitute amendment 1:

Ayes, 6 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Rude and Farrow;  
Noes, 1 -- Senator Te Winkle.

Passage as amended:

Ayes, 5 -- Senators Van Sistine, Roshell, Kincaid, Rude and Farrow;  
Noes, 2 -- Senators Plewa and Te Winkle.

Jerome Van Sistine  
Chair

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

**Assembly Bill 172**

Relating to defining corporations servicing student loans as collection agencies.

Introduction and adoption of Senate amendment 1:

Ayes, 7 -- Senators Jauch, Czarnecki, Moen, Helbach, Weeden, Cowles and Berndt;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 6 -- Senators Jauch, Czarnecki, Moen, Helbach, Cowles and Berndt;

Noes, 1 -- Senator Weeden.

Robert Jauch  
Chair

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Office of the Secretary of State

February 27, 1990

To the Honorable the Legislature

Pursuant to section 13.685(5), Stats., I am sending you list of all civil actions for violations of the lobby law brought by this office during the past six months. The report includes the disposition of each action. Please distribute this report to the appropriate standing committee pursuant to section 13.172(3), Stats.

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

Referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin  
Department of Administration

February 28, 1990

To the Honorable the Legislature:

We have completed a report on the financing of school construction as required by 1989 Wisconsin Act 31. The report reviews existing methods used by school districts to finance construction and analyzes the need to establish a state-administered loan program for school districts.

The report concludes that a state loan program is not needed at this time. The report does recommend that the state consider providing additional state aid for debt service costs to lower school district reliance on property taxes to finance construction.

Sincerely,  
JAMES R. KLAUSER  
Secretary

State of Wisconsin  
Department of Health and Social Services

February 28, 1990

To the Honorable the Legislature:

1987 Wisconsin Act 399 directed the Department of Health and Social Services to annually submit to the

governor and the chief clerk of each house of the legislature, a report evaluating the grants for services to persons with epilepsy (s. 46.57). The attached report is submitted to fulfill this requirement.

If you have any questions or if you would like additional copies of this report, please let me know or call Jane Pawasarat at 266-5212. I

Sincerely,  
PATRICIA A. GOODRICH  
Secretary

State of Wisconsin  
Department of Natural Resources

March 5, 1990

To the Honorable the Legislature:

Attached to this letter is a revised 1990 Department of Natural Resources Annual Finance Plan of the Clean Water Fund. The original plan was submitted to you on December 14, 1989.

The plan has been revised to reflect changes in the projected needs levels, recommended interest rate subsidies and the timing of revenue bond sales. The recommended bonding levels and interest rate subsidies were changed from the original plan to reflect the greater number of post-transition projects expecting assistance in fiscal year 1991 and increased construction costs estimated for all projects. Additionally, the revised plan reflects the additional reserve funds needed to cover potential defaults. For the 1989-91 biennium, the Department is recommending that interest rates for post transition projects beset at 55% of the market interest rate for Tier 1 projects, 70% of the market interest rate for Tier 2 and 100% of the market interest rate for Tier 3 projects. This means the State will subsidize interest rates for Tier 1 at 45% of the market rate and for Tier 2 at 30% of the market rate.

The Department has also included additional information as Appendix B to address concerns raised by Senator George and Representative Kunicki on behalf of The Legislature's Joint Committee on Finance. By inclusion of this information, the Department believes that the Annual Finance Plan addresses the extent to which the Clean Water Fund would be maintained in perpetuity, retain its purchasing power, and provide a sustainable annual level of financial assistance under a direct loan program as required by s. 144.241(4)(b)5., Stats. There was also concern over establishing a precedent of Clean Water Fund subsidy levels for future years at levels recommended in the Annual Finance Plan. The recommendations on interest rate subsidy contained in the Annual Finance Plan are for this biennium. Interest rate subsidies for future years will be re-evaluated based on the program's ability to achieve its environmental goals, the marketability of the program, state and local financial impacts and other factors. It is not uncommon for subsidy levels for wastewater treatment construction assistance programs to change over time. For example, the State of Wisconsin in the last year of the Wisconsin Fund decreased the eligible

grant share from 60% to 55%. The U.S. Environmental Protection Agency also decreased the eligible grant share from 75% to 55% in the construction grants program in the early 1980's.

The preparation, submission and approval by the Building Commission of the 1990 Annual Finance Plan is required under s. 144.241(4)(a), Stats. before the Department of Natural Resources can enter into loan agreements with municipalities for the construction of wastewater treatment facilities.

Legislative changes to the Clean Water Fund Program will be introduced in this winter legislative session. The proposed legislative changes will enable the State to operate a leveraged loan program. Another change may delete the requirement for an Annual Finance Plan. However, since the status of the legislation is unclear, it is important that the Building Commission review the Annual Plan at this time. The attached plan is applicable to the program in the existing statutes and leveraged loan program which would be allowed if the proposed legislation passes. The attached Annual Finance Plan satisfies the notification and approval requirements contained in existing law. Department staff will keep you informed of legislative changes that may be enacted, especially with respect to financial concerns in proposed legislation.

I am requesting consideration of the Finance Plan at your March meeting.

If questions arise over the assumptions that were used to complete this report, please contact Paulette Harder at 266-0836.

Sincerely,  
C. D. BESADNY  
Secretary

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

February 26, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EUGENE G. MARTIN of River Hills, as a member of the Racing Board pursuant to the statute governing, to serve for the term ending May 1, 1995.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

March 1, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BEECHIE O.

BROOKS of Milwaukee, as a member of the Real Estate 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 Housing, Government Operations and Cultural Affairs.

State of Wisconsin  
Office of the Governor

March 1, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DAVE STARK of Madison, as a member of the Real Estate 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 Housing, Government Operations and Cultural Affairs.

State of Wisconsin  
Office of the Governor

March 1, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ANNE TRUNZO of Madison, as a member of the Real Estate 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 Housing, Government Operations and Cultural Affairs.

State of Wisconsin  
Office of the Governor

March 2, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LARRY ANDERSON of Westby, as a member of the Credit Union Review Board pursuant to the statute governing, to serve for the term ending May 1, 1995.

Respectfully,  
TOMMY THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

March 2, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BONNIE M. CREIGHTON of Milwaukee, as a member of the Board

JOURNAL OF THE SENATE [March 6, 1990]

of Nursing 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

March 2, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint **ALVIN R. GOLZ** of Appleton, as a member of the Dentistry 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.

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CALENDAR OF MARCH 6, 1990

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

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

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

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

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

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

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

**WILKIE, GERALD L.**, of Eau Claire, as a member of the Council on Domestic Abuse, to serve for the term ending July 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, Lasee, Lcean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden 33.

Noes -- None.

Absent or not voting -- None.

Confirmed.

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SENATE CLEARINGHOUSE ORDERS

**Senate Clearinghouse Rule 89-194**

Relating to the rural economic development program.

Submitted by Department of Development.

Report received from agency, March 2, 1990.

Referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies, March 6, 1990.

**Senate Clearinghouse Rule 89-207**

Relating to the local high-cost bridge program.

Submitted by Department of Transportation.

Report received from agency, March 2, 1990.

Referred to committee on Transportation, Conservation and Mining, March 6, 1990.

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

**Senate Clearinghouse Rule 89-205**

Relating to variable contracts, modified guaranteed life insurance policies and modified guaranteed annuity contracts.

No action taken.

Jerome Van Sistine  
Chair

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MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

**Assembly Bill 174**

**Assembly Bill 635**

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MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Bill 174**

Relating to certain criminal and civil actions respecting injury to a person or property caused by animals and providing a penalty.

By Representatives Lepak, Grobschmidt, Williams, Panzer, Musser, Lehman, Lewis, Ourada, Goetsch, Schneiders, Duff and Gard.

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

**Assembly Bill 635**

Relating to expanding the authority of a county board to regulate billboards that are visible from state or county trunk highways.

By Representatives Swoboda, Plache, Boyle, Medinger and Lorge, by request of Door County Board of Supervisors.

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

SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS

CALENDAR OF MARCH 6, 1990

**Senate Joint Resolution 13**

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

Read a second time.

Senate amendment 1 to **Senate Joint Resolution 13** offered by Senator Buettner.

The question was: Adoption of senate amendment 1?

Senator Te Winkle moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

Senator Adelman moved that **Senate Joint Resolution 13** be referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections.

The question was: Shall **Senate Joint Resolution 13** be referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections?

The ayes and noes were demanded and the vote was: ayes, 6; noes, 27; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Cowles, Davis, George, Plewa and Stitt — 6.

Noes — Senators Andrea, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Czarnecki, Ellis, Farrow, Feingold, Helbach, Jauch, Kincaid, Kreul, Lasee, Leman, Lorman, Moen, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 27.

Absent or not voting — None.

Referral refused.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 21; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Burke, Chvala, Czarnecki, Feingold, George, Moen, Risser, Roshell, Strohl, Te Winkle and Ulichny — 12.

Noes — Senators Adelman, Barrett, Berndt, Buettner, Chilsen, Cowles, Davis, Ellis, Farrow, Helbach, Jauch, Kincaid, Kreul, Lasee, Leman, Lorman, Plewa, Rude, Stitt, Van Sistine and Weeden — 21.

Absent or not voting — None.

Rejection refused.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

**Senate Joint Resolution 13**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Czarnecki, Ellis, Farrow, Feingold, Helbach, Jauch, Kincaid, Kreul, Lasee, Leman, Lorman, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 28.

Noes — Senators Adelman, Cowles, Davis, George and Stitt — 5.

Absent or not voting — None.

Adopted.

**Senate Bill 113**

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

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 113** be referred to joint committee on Finance.

**Senate Bill 137**

Relating to requiring a portion of certain sales taxes to be paid into the transportation fund.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 137** be referred to joint committee on Finance.

**Senate Bill 198**

Relating to a sales and use tax exemption for precious metal bullion and monetized bullion.



Read a second time.

The question was: Adoption of senate amendment 1?  
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 198**

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, Leean, 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 259**

Relating to property exempt from execution.

Read a second time.

Senate amendment 1 to **Senate Bill 259** offered by Senator Berndt.

Senator George, with unanimous consent, asked that **Senate Bill 259** be referred to joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 259** be withdrawn from joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Adelman, with unanimous consent, asked that senate substitute amendment 1 be laid on the table.

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

Adopted.

Senate amendment 2 to senate substitute amendment 2 to **Senate Bill 259** offered by Senator Adelman.

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

Adopted.

Senate amendment 3 to senate substitute amendment 2 to **Senate Bill 259** offered by Senators Barrett and Adelman.

The question was: Adoption of senate amendment 3 to senate substitute amendment 2?

Adopted.

The question was: Adoption of senate substitute amendment 2?

Adopted.

Ordered to a third reading.

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

**Senate Bill 259**

Read a third time and passed.

**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.

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 377**

Read a third time.

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

Ayes - Senators Adelman, Andrea, Barrett, Berndt, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 30.

Noes -- Senators Davis, Lasee and Stitt 3.

Absent or not voting None.

Passed.

**Senate Bill 383**

Relating to releasing pupils from school for religious instruction.

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 383**

Read a third time and passed.

**Senate Bill 402**

Relating to vessels eligible for alcohol beverage permits.

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 402**

Read a third time.

Senator Leean, with unanimous consent, asked that **Senate Bill 402** be placed at the foot of the 11th order of business.

**Senate Bill 413**

Relating to various changes in procedures used by cities, villages and certain other local governmental units for immediate condemnation or razing of certain buildings, granting variances to the building code applicable in certain cities, payment and use of certain property insurance settlements on property located in a city, village or town, and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 413** be referred to joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 413** be withdrawn from joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Burke, with unanimous consent, senate amendment 1 was returned to the author.

The question was: Adoption of senate amendment 2?

Adopted.

Senate amendment 3 to **Senate Bill 413** offered by Senator Burke.

The question was: Adoption of senate amendment 3?

By request of Senator Burke, with unanimous consent, senate amendment 3 was returned to the author.

Senate amendment 4 to **Senate Bill 413** offered by Senator Adelman.

The question was: Adoption of senate amendment 4?

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 413**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Buettner, Burke, Chvala, Cowles, Czarnecki, Davis, Ellis, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Lasec, Lorman, Moen, Plewa, Risser, Roshell,

Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine — 28.

Noes — Senators Berndt, Chilsen, Kreul, Leean and Weeden — 5.

Absent or not voting -- None.

Passed.

**Senate Bill 429**

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

Read a second time.

Senate amendment 1 to senate amendment 1 to **Senate Bill 429** offered by Senator Strohl.

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

Adopted.

The question was: Adoption of senate amendment 1? Adopted.

The question was: Adoption of senate amendment 2?

Senator Strohl, with unanimous consent, asked that senate amendment 2 be laid on the table.

Ordered to a third reading.

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

**Senate Bill 429**

Read a third time and passed.

**Senate Bill 436**

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

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 436**

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, Lasec, Leean, 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 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.

Read a second time.

JOURNAL OF THE SENATE [March 6, 1990]

The question was: Adoption of senate amendment 1?  
Adopted.

Senate amendment 2 to **Senate Bill 438** offered by Senator Lorman.

The question was: Adoption of senate amendment 2?

Senator Lorman, with unanimous consent, asked that senate amendment 2 be returned to the author.

Senate amendment 3 to **Senate Bill 438** offered by Senators Lorman and Ulichny.

The question was: Adoption of senate amendment 3?  
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 438**

Read a third time and passed.

**Senate Bill 448**

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

Read a second time.

Senator Andrea moved that **Senate Bill 448** be referred to joint committee on Finance.

The question was: Shall **Senate Bill 448** be referred to joint committee on Finance?

Senator Andrea, with unanimous consent, asked that his motion be withdrawn.

Senator Andrea moved that **Senate Bill 448** be referred to committee on Judiciary and Consumer Affairs.

The question was: Shall **Senate Bill 448** be referred to committee on Judiciary and Consumer Affairs.

Senator Adelman, with unanimous consent, asked that **Senate Bill 448** be referred to committee on Judiciary and Consumer Affairs.

**Senate Bill 402**

Read a third time and passed.

SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS

**Assembly Joint Resolution 12**

Relating to removing the constitutional restriction limiting raffle games to licensed 'local' organizations (first consideration).

Read a second time.

Ordered to a third reading.

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

**Assembly Joint Resolution 12**

Read a third time.

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Barrett, Burke, Chvala, Farrow, George, Helbach, Jauch, Kincaid, Kreul, Moen, Plewa, Roshell, Rude, Strohl, Te Winkle and Van Sistine — 17.

Noes — Senators Adelman, Berndt, Buettner, Chilsen, Cowles, Czarnecki, Davis, Ellis, Feingold, Lasec, Leean, Lorman, Risser, Stitt, Ulichny and Weeden — 16.

Absent or not voting — None.

Concurred in.

**Assembly Bill 305**

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

Read a second time.

Senate amendment 8 to **Assembly Bill 305** offered by Senator Barrett.

Senate substitute amendment 1 to **Assembly Bill 305** offered by Senator Barrett.

Senator Strohl, with unanimous consent, asked that **Assembly Bill 305** be placed after consideration of **Assembly Bill 561**.

**Assembly Bill 561**

Relating to the confidentiality of pupil health care records.

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 561**

Read a third time and concurred in.

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

**Assembly Bill 305**

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

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 305** offered by Senator Barrett.

Senate amendment 1 to senate amendment 1 to senate substitute amendment 1 to **Assembly Bill 305** offered by Senator Buettner.

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

By request of Senator Buettner, with unanimous consent, senate amendment 1 to senate amendment 1 to senate substitute amendment 1 was returned to the author.

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

Senator Weeden 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, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Berndt, Buettner, Chilsen, Cowles, Ellis, Farrow, Kincaid, Kreul, Lasec, Lecan, Plewa, Roshell, Rude, Stitt, Van Sistine and Weeden — 17.

Noes — Senators Adelman, Barrett, Burke, Chvala, Czarnecki, Davis, Feingold, George, Helbach, Jauch, Lorman, Moen, Risser, Strohl, Te Winkle and Ulichny — 16.

Absent or not voting — None.

Rejected.

Senator Barrett, with unanimous consent, asked that **Assembly Bill 305** be laid on the table.

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## MOTIONS

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### RULING OF THE CHAIR

On Tuesday, February 27, 1990, the Senator from the 4th, Senator Ulichny, raised a point of order relating to the applicability of the provisions of Senate Rule 41(a) as it relates to the motion made by the Senator from the 29th, Senator Chilsen, to withdraw Assembly Bill 38 from the Committee on Education, Economic Development, Financial Institutions and Fiscal Policies and be referred to the Committee on Rules after the public hearing scheduled for March 5, 1990. The Chair took the point of order under advisement.

The Senator from the 29th, Senator Chilsen, made the request that the Chair examine the provisions of Senate Rule 41(a) which states, "except that in no case shall a motion to withdraw from committee take effect prior to a committee hearing if such has been scheduled when the motion to withdraw is made during the week in which the bill, resolution or other matter is scheduled for a public hearing". The Senator from the 29th placed particular emphasis on the words "take effect".

An understanding of general parliamentary procedure as it relates to withdrawal of bills is necessary to interpret the provisions of Senate Rule 41(a).

The first reference manual used by the State Senate is Mason's Manual of Legislative Procedure. Section 491 reads as follows: "When a legislative body wishes to give consideration to or act upon a bill or other matter which has been referred to a committee, a motion may be made to withdraw the matter from the committee, or to discharge the committee from further consideration of the matter referred to it". Also, in Section 491(5), the manual reads: "A motion to discharge a committee or withdraw a bill requires a majority vote, or the action may be taken by unanimous consent".

Jefferson's Manual does not have specific provisions permitting the withdrawing of bills from committee. The House of Representatives has derived its power to withdraw from Section 26d of Jefferson's Manual which provides for the House to order a committee to meet and report back on a bill.

Chapter 18, of Procedure in the House of Representatives, Section 1, The Discharge Rule Generally; Motion to Discharge, sets out current procedures for withdrawal of bills in the Congress. This section provides that a bill may be withdrawn from committee. The process is a lengthy one. A bill must have been in the possession of a committee for 30 legislative days before a motion to discharge may be entered. The motion must be in writing and signed by a majority of the members. The motion may then be called for by any member who had signed the motion, but only after seven (7) days have passed since the entering of the motion. A 20-minute time limit is established for debate.

The Chair also took the opportunity to review provisions of the rules of the State Assembly as they relate to the withdrawal of bills from committee. Assembly Rule 15 governs this process. Paragraph (1) of that rule states: "No proposal may be withdrawn from any committee until 21 calendar days have expired since the proposal was referred to the committee. After the 21-day period, proposals may be withdrawn either by motion or by petition".

Looking at the history of Senate Rule 41(a), one finds that the provisions of this rule were embodied in what was formerly Senate Rule 46. In 1913, Senate Rule 46 was amended to add the sentence: "A motion to recall or recommit or withdraw shall be in order, but the question shall be divisible". In a note included in the Senate Manual of 1913, it was stated: "The last sentence of this rule was adopted in 1913. Without this provision, these motions would be out of order because the bill could not be acted upon to permit withdrawal or to order reference without possession of the papers. But since the motion does not affect the text in any way, the expediting of business demanded the rule."

In 1971, Senate Resolution 13 was introduced by the Senator from the 14th. In its original form, the resolution would have added the language: "except that in no case shall a motion to recall from committee take effect prior to a committee hearing if such has been scheduled when the motion to recall is made." This leads

the Chair to the conclusion that the original resolution was intended to prevent withdrawal of proposals at anytime that future action was scheduled by the committee, both public hearing and executive action and without regard to how far in the future this action was to occur.

An amendment was added at the time the resolution was adopted to insert the language, "during the week in which the bill, resolution or other matter is scheduled for a public hearing". The insertion of this language is in conflict with the original language in several areas. At first reading it would appear that this additional language was proposed solely for the purpose of establishing a time frame in which committee action must be scheduled. However, the drafters chose the language referring to making the motion within the "week", not just "prior" to, and used the term "public" hearing, not just the generic term committee hearing.

It is clear to the Chair that the Senate, in these two changes, wanted to make it possible for a bill to be withdrawn from a committee, on a majority vote, but that this should not occur during the week of a public hearing on the subject matter.

The Chair is also of the opinion that the State Senate's rule changes to permit the withdrawal of bills and the inclusion of a clause to protect the ability of a committee to conduct a public hearing and conclude its deliberations is proper. It is clear to the Chair that the motion to withdraw is to be utilized in extraordinary situations. The time limits established by the Congress and as more clearly stated in the Rules of the Assembly are an indication of how drastic a move this is and that the body should provide a reasonable amount of time for a committee to conclude its deliberations before a matter is withdrawn.

The Senate through the provisions of Senate Rule 41(a) has provided a vehicle for the majority of the Senate to be heard and demand the withdrawal of a proposal, while attempting to provide a reasonable amount of time for the committee to conclude any action scheduled at the time the motion is entered.

The Chair has read the rule closely and made every effort to interpret its language to be consistent with general parliamentary practice as it relates to this subject. As pointed out by the Senator from the 29th, the words "take effect" are another important factor in understanding this rule. The dictionary defines "take effect" as "to become operative". A motion becomes operative when it prevails. Therefore, the Chair must interpret this language to delay the motion from being acted upon until seven (7) days after the public hearing.

The Chair is going to bring an end to this confusion by using this opportunity to set out a precedent for all future motions made under this rule. The Chair is of the opinion that a motion to withdraw may be made only on the 14th of Order of Business; as has been stated in earlier decisions and is a well established precedence of this

body. Secondly, it is the opinion of the Chair that the word "week" refers to any seven (7) day period as previously stated in earlier decisions of the Chair and that the week is seven (7) days in advance of the hearing and seven (7) days following the hearing, regardless of whether or not additional hearings are scheduled. The Chair is of the opinion that the words "in no case shall a motion to withdraw from committee take effect prior to a committee hearing" mean that a motion may not be operative, therefore may not be debated or voted upon until after the seven (7) day period.

Therefore, it is the opinion of the Chair that a motion to withdraw from committee may be made on any legislative day under the 14th Order of Business. If a public committee hearing is scheduled or has concluded within seven (7) days of the motion being made, the motion will be duly entered and appear on the calendar of the first legislative day to follow the seventh day after the scheduled public hearing, regardless of whether or not additional hearings are scheduled. The motion would appear under the 10th Order of Business, "Consideration of Motions and Resolutions".

This practice, as described, would provide the majority of the Senate with an ability to withdraw proposals from committee that is more liberal than the U.S. Congress, the State Assembly and the majority of other legislative bodies.

As it relates directly to the point of order raised by the Senator from the 4th, the point is well taken and Senate Rule 41 does apply as stated. The Chair is also of the opinion that the motion by the Senator from the 29th is not a proper motion. A motion cannot be made to withdraw a proposal at a future date without suspension of the rules. A motion of this nature would remove the matter from the control of the body. The ability of the Committee to report the bill at an earlier date and the ability of the Senate Rules Committee to schedule the matter would be removed. The Senate could not take floor action on a proposal that was not within its control. A motion of this nature, should it prevail, would place the proposal in a questionable status for that period of time between action on the motion and withdrawal.

It is the opinion of the Chair that the Senator from the 29th could make a motion under the 14th order of business to withdraw Assembly Bill 38 from committee under the provisions of Senate Rule 41(a) as stated in this ruling. If the Senator chose to do so, the Chair would indicate that Assembly Bill 38 is scheduled for a public hearing on Monday March 12, 1990. This hearing is within seven (7) days of the motion being duly made. In accordance with the procedures outlined, the motion to withdraw Assembly Bill 38 from committee would be entered. The motion would appear on the Calendar of the Senate for Tuesday, March 20, under the 10th Order of Business or on a later date if the Senate does not have a session scheduled for that date, and require a majority vote to prevail. If the motion were to prevail at that time,

the bill would be referred to the Senate Committee on Rules.

FRED A. RISSER  
President of the Senate

Senator Chilsen appeals the ruling of the Chair.

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

The ayes and noes were required and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Burke, Chvala, Czarnecki, Davis, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 20.

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

Absent or not voting — None.

The decision of the Chair stands as the judgment of the Senate.

Senator Lasee moved 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.

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

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

Senator Strohl moved that the motion to suspended the rules and **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 **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 ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Burke, Chvala, Czarnecki, Davis, Feingold, George, Helbach, Jauch, Kincaid, Lorman, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 21.

Noes — Senators Berndt, Buettner, Chilsen, Cowles, Ellis, Farrow, Kreul, Lasee, Lekan, Rude, Stitt and Weeden — 12.

Absent or not voting — None.

The motion was tabled.

Senator Chilsen moved that the motion to appeal the ruling of the Chair by Senator Lasee made February 27, 1990 be taken from the table.

The question was: Shall the motion to appeal the ruling of the Chair by Senator Lasee made February 27, 1990 be taken from the table?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

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

Noes — Senators Adelman, Andrea, Barrett, Burke, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 20.

Absent or not voting — None.

Motion refused.

Senator Chilsen moved that the motion to appeal the ruling of the Chair by himself made February 27, 1990 be taken from the table.

Senator Chilsen, with unanimous consent, asked that his motion be withdrawn.

Senator Chilsen raised the point of order that the Chair is frustrating the will of the majority by permitting a motion to suspend the rules and withdraw a bill from committee to be tabled.

The Chair will take the point of order under advisement.

Senator Chilsen moved that **Senate Bill 18** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Rules.

The question was: Shall **Senate Bill 18** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Rules?

Senator Strohl moved that the motion to withdraw **Senate Bill 18** from the committee on Judiciary and Consumer Affairs and refer it to the committee on Senate Rules be laid on the table.

The question was: Shall the motion to withdraw **Senate Bill 18** from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Rules be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Burke, Chvala, Czarnecki, Davis, Feingold, George, Helbach, Jauch, Kincaid, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 20.

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

Absent or not voting -- None.

Tabled.

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ANNOUNCEMENTS

Senator Jauch, with unanimous consent, asked that the Senate adjourn today in honor of the Superior Spartans Hockey Team's Championship title.

Senator Stitt, with unanimous consent, asked that the Senate adjourn today in honor of the Hartford Union Wrestling Team's State Championship and the Random Lake Wrestling Team that took 2nd place in the Class 'B' Division.

Senator Van Sistine, with unanimous consent, asked that the Senate adjourn today in honor of the Depere Boys Basketball Team's WISSA Independent Championship.

Senator Burke, with unanimous consent, asked that the Senate adjourn today in honor of the Abbott Pennings Girls Basketball Team's Championship.

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ADJOURNMENT

Senator Strohl, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Wednesday, March 7.

4:40 P.M.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Assembly Bill 235**

1. Page 4, line 21: substitute "diminution" for "dimution".

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AMENDMENTS OFFERED

Senate substitute amendment 2 to **Senate Bill 379** offered by Senator George.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 300** offered by Senators Burke and Risser.

Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 300** offered by Senator Strohl, Chvala, Jauch, Llean and Lorman.

Senate amendment 1 to Senate amendment 1 to **Senate Bill 172** offered by Senator Cowles.

Senate amendment 4 to **Senate Bill 454** offered by Senator Feingold.

Senate amendments 2, 3, 4 and 5 to Senate substitute amendment 1 to **Assembly Bill 305** offered by Senators Weeden and Farrow.