

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, October 8, 1991

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, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden -- 33.

Absent -- None.

Absent with leave -- None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Leean 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 289

Relating to prohibiting discrimination in public schools on the basis of religion.

By Senator Burke; cosponsored by Representative Potter, by request of Wisconsin Jewish Conference, Lutheran Office for Public Policy, Wisconsin Catholic Conference, Christian Science Committee on Publication, Wisconsin Impact Policy Board, Wisconsin Conference of Churches.

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

Senate Bill 290

Relating to placing a corporation on probation and providing a penalty.

By Senator Adelman; cosponsored by Representative Fortis.

To committee on Judiciary and Consumer Affairs.

Senate Bill 291

An act relating to wetlands specialist positions for the department of natural resources and making an appropriation.

By Senators Jauch and Burke; cosponsored by Representative Black.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 292

Relating to prohibiting employment discrimination on the basis of lawful activities pursued outside an employer's premises during nonworking hours.

By Senators Van Sistine and Rude; cosponsored by Representatives Clarenbach, Holschbach, Hauke, Hamilton, Travis, Musser and Johnsrud.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

Senate Bill 293

Relating to the requirements for the contents of state lottery advertisements, lottery tickets and lottery shares and prohibiting the expenditure of public funds by the lottery board for promotional advertising of the state lottery.

By Senator Adelman; cosponsored by Representative Bell.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

COMMITTEE REPORTS

The committee on Tourism, Commerce, Labor, Veterans' and Military Affairs reports and recommends:

Senate Bill 255

Relating to veterans preference in state and local employment and affirmative action in state employment.

Passage:

Ayes, 7 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker and Rude;

Noes, 0 -- None.

Senate Bill 257

Relating to veterans retraining grants and making an appropriation.

Passage:

Ayes, 7 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker and Rude;

Noes, 0 -- None.

Senate Bill 258

Relating to establishment of a program to encourage participation of veteran-owned businesses in the state purchasing program, review of participation by veteran-owned and minority-owned businesses in the state purchasing program and renaming and changing the membership and qualifications of members of the council on small and minority business opportunities.

Passage:

Ayes, 7 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker and Rude;

Noes, 0 -- None.

Senate Bill 267

Relating to eligibility for burial in the cemetery at the veterans home at King.

Passage:

Ayes, 7 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker and Rude;

Noes, 0 -- None.

Senate Bill 287

Relating to various changes in the unemployment compensation law and treatment of unemployment compensation claims in probate proceedings, granting rule-making authority and providing a penalty.

Passage:

Ayes, 7 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker and Rude;

Noes, 0 -- None.

Jerome Van Sistine

Chair

The committee on Senate Organization reports and recommends the following nominations to committee for appointment by the Senate:

Senator Huelsman to the Joint Committee for Review of Administrative Rules.

Senator Farrow to the Legislative Council.

Fred A. Risser

Chair

Read.

Adopted.

PETITIONS AND COMMUNICATIONS
STATE OF WISCONSIN
ETHICS BOARD

October 1, 1991

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules. For each organization I have noted the general area of legislative or administrative action which the organization has described as the object of its lobbying activity and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Orton Dyslexia Society - Wisconsin Branch

Subjects: Reading, education, special education, teacher training and other education-related legislation and rules.

Note: This organization has indicated to the Ethics Board that it does not expect to spend more than \$500 in a calendar year for lobbying activities. The organization is exempt from registration and is not required to file a Statement of Lobbying Activities and Expenditures. The organization's lobbyist is exempt from the licensing requirement. s. 13.621(5) Wisconsin Statutes.

Blume, Edward

American Subcontractors Association of Greater Milwaukee, Inc.

Subjects: Construction, including payment practices, contract terms, liens.

Note: This organization has indicated to the Ethics Board that it does not expect to spend more than \$500 in a calendar year for lobbying activities. The organization is exempt from registration and is not required to file a Statement of Lobbying Activities and Expenditures. The organization's lobbyist is exempt from the licensing requirement. § 13.621(5) Wisconsin Statutes.

Croysdale, Donald

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,
R. Roth Judd
Executive Director

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STATE OF WISCONSIN
ETHICS BOARD

October 1, 1991

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

Organization's authorization of additional lobbyists: The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

Hospital Association, Wisconsin

Borgerding, Eric 9/27/91
Gratz, Nadine 9/27/91

Nature Conservancy

O'Connor, William 9/25/91

Organization's termination of lobbyists: Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

Bodgers Back in Charge, Inc

Hermening, Kevin 9/23/91

Hospital Association, Wisconsin

Cieri, James 9/27/91
Buchen, Elizabeth 9/27/91

Miller Brewing Company

Gilleran, Barbara 9/30/91
Healy, John 9/30/91

Organization's cessation of lobbying activity: Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist indicates a cessation of all lobbying activity effective on the date shown.

Service Employees Intl. Union, Local 150 9/24/91

Iverson, Dan 9/24/91
Zanoni, Joseph 9/24/91

Organization's modification or amendment of records: The organizations listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

Equipment Lessors, Wisconsin Association of New
Address: W222 N833 Cheaney Road Brookfield, WI
53008 Phone: 414-549-6640

Sierra Club, John Muir Chapter New Address: 222 S.
Hamilton St., Suite #1 Madison, WI 53703-3201

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,
R. Roth Judd
Executive Director
State of Wisconsin
Department of Health and Social Services
October 1, 1991

To the Honorable the Legislature:

Section 3023(31n) of 1989 Wisconsin Act 31 directed the Department to develop a cost comparison of nurse's assistant training programs and submit a report to the chief clerk of each house of the Legislature.

This report is composed of three sections. Section one is a cost comparison by program of instruction. A survey requesting training program charges was requested of all Wisconsin training programs in May

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1991. Section two identifies the number of nursing home staff statewide who are trained as nurse's assistants. Section three reports the rate of attrition from the profession of nurse's assistants in 1989 and 1990.

These data were collected during the annual survey of nursing homes conducted by the Center for Health Statistics in the Division of Health.

Sincerely,
Gerald Whitburn
Secretary

State of Wisconsin
Department of Health and Social Services

October 2, 1991

To the Honorable the Legislature:

1983 Wisconsin Act 27, created s. 46.277(5m) of the statutes which required the Department of Health and Social Services to submit an annual report on its federal Medicaid Home and Community-Based Services waiver, the Community Integration Program II (CIP II). The attached reports cover calendar years 1989 and 1990 for the CIP II and COP-W (Community Options Program Waiver).

These waivers are designed to relocate or divert elderly and physically disabled persons from nursing homes and finance their care with Medicaid. The level of Medicaid waiver funding must be no greater than the Medicaid cost for nursing home care. The annual report examines both cost and quality of care in the waiver programs.

Sincerely,
Gerald Whitburn
Secretary

State of Wisconsin
Department of Employment Relations

October 1, 1991

To the Honorable the Legislature:

Pursuant to s. 230.04(13)(e), Stats., I am pleased to submit the 1991 report regarding employment of recipients for aid to families with dependent children (AFDC). This report includes: 1) a description of agency efforts to employ aid recipients, and 2) the number of persons receiving aid under s. 49.19, Stats., who were employed by each agency and the job title or classification of each position filled from July 1, 1990 through June 30, 1991.

Please contact me if you have questions or need additional information regarding this report.

Sincerely,
Jon E. Litscher
Secretary

State of Wisconsin
Department of Health and Social Services

September 1991

To the Honorable the Legislature:

Pursuant to ss. 153.10(1) and 153.35(1), Wis. Stats., I am pleased to submit to the Governor and to the Legislature the second annual "Health Care Data Report." This report is based on hospital inpatient discharge data reported to the Office of Health Care Information (OHCI) by all non-federal operating general medical-surgical and specialty hospitals in Wisconsin for 1990.

I wish to express my appreciation to all Wisconsin hospitals that were part of the reporting process. Please contact OHCI if you or your staff would like additional copies of this report, or have any questions.

Sincerely,
David J. W. Klausner, Director
Office of Health Care Information

LEAVE OF ABSENCE

Senator Helbach, with unanimous consent, asked that Senator Adelman be granted a leave of absence until 10:30 A.M.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

October 1, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NELLE MURPHY of Madison, as a member of the Physical Therapist Examining Board pursuant to the statute governing, to serve for the interim term ending July 1, 1992.

Respectfully,
Tommy Thompson
Governor

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

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Senator Helbach, with unanimous consent, asked the appointments be taken up en masse except for the appointment of Michael W. Grebe.

ARNDT, DR. GEORGE W., of Neenah, as a member of the Medical Examining Board, to serve for the term ending July 1, 1995.

Read.

ARZOOMANIAN, RHODA ZARIE, of Verona, as a member of the Nursing Home Administrators Examining Board, to serve for the term ending July 1, 1995.

Read.

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BROWN, PAUL L., of Madison, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 1998.

Read.

ZIEMER, PAUL D., of Green Bay, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 1997.

Read.

Senator Helbach, with unanimous consent, asked that **Senate Bill 280** be withdrawn from committee on Transportation and Utilities and be referred to committee on Senate Organization.

Senator Helbach, with unanimous consent, asked that **Senate Bill 282** be withdrawn from committee on Agriculture, Corrections, Health and Human Services and be referred to committee on Senate Organization.

Senator Roshell, with unanimous consent, asked that the Senate recess until 12:22 P.M.

10:15 A.M.

RECESS

12:22 P.M.

The Senate reconvened.

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, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden -- 33.

Noes — None.

Absent or not voting — None.

Confirmed.

GREBE, MICHAEL W., of Milwaukee, as a member of the University of Wisconsin System Board of Regents, to serve for the term ending May 1, 1998.

Read.

The question was: Confirmation?

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, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Petak,

Plewa, Potter, Risser, Roshell, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden -- 33.

Noes — None.

Absent or not voting — None.

Confirmed

SENATE CLEARINGHOUSE ORDERS

The committee on Transportation and Utilities reports and recommends:

Senate Clearinghouse Rule 91-101

Relating to allowing the operation of double bottoms and certain other combination vehicles greater than 60 feet in overall length on specified highways.

No action taken.

Thomas Barrett
Chair

Senator Cowles, with unanimous consent, asked that he be listed as a co-author on **Senate Bill 241**.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

CALENDAR OF OCTOBER 8, 1991

Senate Bill 1

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

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 1** be referred to joint committee on Finance.

Senate Bill 2

Relating to tattooing of children and providing a penalty.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator Moen, with unanimous consent, asked that Senate substitute amendment 2 be taken up.

Senate substitute amendment 2 to **Senate Bill 2** offered by Senators Moen, Potter, Adelman and Burke.

The question was: Adoption of Senate substitute amendment 2?

Adopted.

The question was: Adoption of Senate substitute amendment 1?

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

Ordered to a third reading.

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

Senate Bill 2

Read a third time and passed.

Senate Bill 92

Relating to public information concerning the purpose and effect of designations to the Wisconsin election campaign fund and making an appropriation.

Read a second time.

Senate amendment 1 to Senate Bill 92 offered by Senator Czarnecki.

The question was: Adoption of Senate amendment 1?

Senator George, with unanimous consent, asked that Senate Bill 92 be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that Senate Bill 92 be withdrawn from the joint committee on Finance and taken up.

Read a second time.

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

Senate amendment 2 to Senate Bill 92 offered by Senator Stitt.

The question was: Adoption of Senate amendment 2?

Senate amendment 1 to Senate amendment 2 to Senate Bill 92 offered by Senator Stitt.

The question was: Adoption of Senate amendment 1 to Senate amendment 2?

Adopted.

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

Ordered to a third reading.

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

Senate Bill 92

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, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden -- 33.

Noes — None.

Absent or not voting — None.

Passed.

Senate Bill 129

Relating to various changes in the campaign finance law, designations by individuals to the Wisconsin election campaign fund, income and franchise tax deductions for contributions to the Wisconsin election campaign fund, granting rule-making authority and making an appropriation.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator George, with unanimous consent, asked that Senate Bill 129 be referred to joint committee on Finance.

Senate Bill 186

Relating to a solid waste incinerator moratorium and making an appropriation.

Read a second time.

Senator George, with unanimous consent, asked that Senate Bill 186 be referred to joint committee on Finance.

Senate Bill 200

Relating to restricting sentencing options for crimes committed with or involving dangerous weapons.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator Stitt, with unanimous consent, asked that Senate substitute amendment 2 be taken up.

Senate substitute amendment 2 to Senate Bill 200 offered by Senator Stitt.

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The question was: Adoption of Senate substitute amendment 2?

Senator Adelman raised the point of order that the amendment was not germane.

The Chair rules the point well taken.

Senator Stitt appeals the ruling of the Chair.

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

The ayes and noes were required and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Breske, Burke, Chvala, Czarnezki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 19.

Noes -- Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Rude, Schultz, Stitt and Weeden -- 14.

Absent or not voting — None.

The decision stands.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 200

Read a third time and passed.

Senate Bill 241

Relating to allocation of low-income energy assistance funds and making appropriations.

Read a second time.

Senator Barrett, with unanimous consent, asked that **Senate Bill 241** be laid on the table.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 70

Relating to designating the Fox River-Lake Winnebago national heritage corridor.

Read.

Senator Helbach, with unanimous consent, asked that Assembly Joint Resolution 70 be laid on the table.

ADJOURNMENT

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

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Wednesday, October 9.

1:12 P.M.

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Joint Resolution 70** offered by Senators Feingold and Lekan.

Senate substitute amendment 1 to **Assembly Joint Resolution 70** offered by Senator Rude.

Senate amendment 1 to **Assembly Bill 87** offered by Senators Chvala and George.

Senate amendment 1 to **Senate Bill 90** offered by Senator Farrow.