

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Wednesday, October 9, 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, Lekan, 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 Moen 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 294

Relating to use of blaze orange on trespass signs or markings.

By Senators Roshell, Andrea, Buettner and Farrow; cosponsored by Representatives Van Gorden, Panzer, Brandemuehl, Hasenohrl, Wimmer, Brancel, Medinger, Schneiders, Vrakas, Turba, Goetsch and Lorge.

To committee on Judiciary and Consumer Affairs.

Senate Bill 295

Relating to creating a multifamily dwelling code council in the department of industry, labor and human relations, adopting a statewide multifamily dwelling code, granting rule-making authority, making an appropriation and providing penalties.

By Senators Roshell, Helbach, Jauch, Rude, Lekan, Berndt, Lasee, Buettner and Lorman; cosponsored by Representatives Wineke, Gruszynski, Roberts, Young, Hasenohrl, Ott, Radtke, Ladwig, Lorge, Duff, Van Gorden and Klusman.

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

Senate Bill 296

Relating to notice of disclosure of assets in small claims actions.

By Senator Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 297

Relating to liability of public employes for discrimination and sexual harassment.

By Senators Cowles, Buettner and Huelsman; cosponsored by Representatives Fortis, Radtke, Ainsworth, Musser, Kaufert, Hahn and Vrakas.

To committee on Judiciary and Consumer Affairs.

Senate Bill 298

Relating to firearms and providing penalties.

By Senators Farrow, Stitt and Rude; cosponsored by Representatives Schneiders, Krusick, Urban, Brandemuehl, Vrakas, Foti, Klusman, Duff, Goetsch, Ladwig, Nass, Loucks and Musser.

To committee on Judiciary and Consumer Affairs.

Senate Bill 299

Relating to calculation of the public utility component of the shared revenue formula.

By Senator Potter; cosponsored by Representative Baumgart.

To committee on Aging, Banking, Communications and Taxation.

COMMITTEE REPORTS

The committee on Aging, Banking, Communications and Taxation reports and recommends:

Senate Bill 286

An act relating to the payment of supplemental aid to school districts and making an appropriation.

Passage:

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

Noes, 0 -- None.

Assembly Joint Resolution 55

Relating to proclaiming an 'Alzheimer's Disease Awareness Week'.

Concurrence:

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

Noes, 0 -- None.

Russell D. Feingold
Chair

The committee on Senate Organization reports and recommends:

Senate Resolution 5

Relating to creating a committee on health care access and affordability.

Introduction:

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Ayes, 5 -- Senators Risser, Helbach, Chvala, Ellis and Rude;
Noes, 0 -- None.

Fred A. Risser
Chair

Read.

Considered as privileged and taken up.

Senate Joint Resolution 5

Relating to memorializing congress to support and enact legislation directing federal agencies to disclose information concerning U.S. armed forces personnel classified as prisoners of war or missing in action.

Read.
Adopted.

EXECUTIVE COMMUNICATIONS

CALENDAR OF OCTOBER 9, 1991

Senator Andrea, with unanimous consent, asked that he be listed as the main Senate co-sponsor on **Assembly Bill 469**.

Senator Rude, with unanimous consent, asked that he be listed as a Senate co-sponsor on **Assembly Bill 469**.

Senator Van Sistine, with unanimous consent, asked that he be listed as a Senate co-sponsor on **Assembly Bill 469**.

Senator Roshell, with unanimous consent, asked that he be listed as a Senate co-sponsor on **Assembly Bill 469**.

Senator Helbach, with unanimous consent, asked that **Senate Bill 294** be withdrawn from committee on Judiciary and Consumer Affairs and be referred to committee on Senate Organization.

Senator Helbach, with unanimous consent, asked that all the appointments be taken up en masse except for the appointment of Richard T. Kreul.

Senator Helbach, with unanimous consent, asked that all the the appointment of Richard T. Kreul be taken up.

KREUL, RICHARD, of Fennimore, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 1997.

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, Llean, Lorman, Moen, Petak,

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

Noes -- None.

Absent or not voting -- None.

Confirmed.

BANDOW, WILLIAM, of Rhinelander, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1995.

Read.

BECK, CONSTANCE P., of Milwaukee, as a member of the Employee Trust Fund Board, to serve for the term ending May 1, 1993.

Read.

BROWN, DENNIS G., of Waunakee, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1995.

Read.

DOBROSKI, NANCY J., of Minocqua, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 1995.

Read.

HOFFMAN, MELVYN L., of La Crosse, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1995.

Read.

McCULLOUGH, WILLIAM, of Madison, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1995.

Read.

MIDLING, DR. JOHN, of Milwaukee, as a member of the Rural Health Development Council, to serve for the term ending July 1, 1996.

Read.

MILLER, PAUL A., of Woodruff, as a member of the Rural Health Development Council, to serve for the term ending July 1, 1996.

Read.

NEITZEL, KATHRYN M., of Baraboo, as a member of the Real Estate Examining Board, to serve for the term interim ending July 1, 1994.

Read.

NELSON, MARY JANE, of Holmen, as a member of the Natural Resources Board, to serve for the interim term ending May 1, 1995.

Read.

NICHOLS, JOHN T., of Green Bay, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1995.

Read.

OGUREK, JAMES CLEMENCE, of Wausau, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 1995.

Read.

OLSEN, DR. CLARK, of Washburn, as a member of the Medical Examining Board, to serve for the term ending July 1, 1995.

Read.

PODEWILS, WILLIAM, of Hales Corner, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1995.

Read.

QUADRACCI, HARRY V., of Hartland, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 1997.

Read.

ROBINSON, BOB, of Milwaukee, as a member of the Optometry Examining Board, to serve for the interim term ending July 1, 1992.

Read.

SCHWARTZ, DR. W. R., of Wauwatosa, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 1994.

Read.

SEAMAN, DR. STEPHEN F., of Fort Atkinson, as a member of the Psychology Examining Board, to serve for the term ending July 1, 1995.

Read.

SMITH, JOYCE H., of Racine, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the interim term ending May 1, 1997.

Read.

SPHATT, FLORENCE A., of Stoughton, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1995.

Read.

TROTTER, DANNY E., of Edgerton, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1995.

Read.

SPECIAL ORDER

Senate Bill 182

Relating to the hiring of permanent replacement employes during a labor dispute and discrimination against employes who participate in a labor dispute.

Read.

CHAIR

10:50 A.M.

Senator Chvala in the Chair.

CHAIR

11:00 A.M.

Senator Risser in the Chair.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; 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 and Van Sistine — 17.

Noes -- Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, Leraan, Lorman, Petak, Roshell, Rude, Schultz, Stitt, Ulichny and Weeden -- 16.

Absent or not voting — None.

Less than two-thirds having voted in the affirmative, the Senate refused to pass the bill notwithstanding the objections of the Governor.

EXECUTIVE COMMUNICATIONS

The question was: Confirmation of the appointments en masse?

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, Leraan, 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

Senate Clearinghouse Rule 91-65

Relating to business transfers and successorship.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, October 8, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, October 9, 1991.

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

Senate Clearinghouse Rule 91-25

Relating to a community-based economic development program.

No action taken.

Senate Clearinghouse Rule 91-26

Relating to a physician loan program.

No action taken.

Barbara Ulichny
Chair

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 76

Assembly Joint Resolution 77

Passed and asks concurrence in:

Assembly Bill 81

Assembly Bill 208

Assembly Bill 267

Assembly Bill 387

Assembly Bill 388

Assembly Bill 581

Concurred in:

Senate Joint Resolution 47

Senate Bill 118

Senate Bill 169

Senate Bill 205

Amended and concurred in as amended:

Senate Joint Resolution 49, Assembly amendment 1

Senate Bill 49, Assembly amendment 1 to Assembly substitute amendment 1 and Assembly substitute amendment 1

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 76

Relating to support for creation of a common marketing agency for manufactured dairy products.

By Representative Clarenbach, cosponsored by Senator Moen, by request of Subcommittee on the Future of Family Farming of the committee on Agriculture, Aquaculture and Forestry.

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

Assembly Joint Resolution 77

Relating to proclaiming 'Women Veterans Week'.

By Representatives Bolle, Van Dreel, Potter, Hubler, Grobschmidt, Barca, Baldus, Notestein, Plache, Rohan, Gruszynski, Carpenter, Bock, Moore, Hinkfuss, Hough, Robson, Roberts, Hisrich, Medinger, Fortis, Hamilton, S. Coggs, Hasenohrl, Gronemus, Linton, Lautenschlager, Hahn, Stower, Ott, Musser, Silbaugh, Freese, Zien, Vergeront, Vrakas, Boyle, Ourada, Schneiders, Panzer, Duff, Radtke, Van Gorden, Lorge, Porter, Loucks, Kaufert and Goetsch, cosponsored by Senators Potter, Andrea, Ulichny, Moen, Farrow, Breske, Burke, Kreul, Berndt, Buettner, Lorman, Cowles and Lasec.

Read and referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

Assembly Bill 81

Relating to regulation of mining and providing a penalty.

By Representatives Stower, Boyle, Hamilton, Gruszynski, Clarenbach, Seery, Black, Young, Moore, Medinger, Roberts, Robson, Fortis, Carpenter, Bock and Potter, cosponsored by Senators Decker, Jauch and Czarnecki.

Read first time and referred to committee on Mining

Assembly Bill 208

Relating to designating and marking a certain highway route as the 'Desert Shield/Desert Storm Memorial Highway'.

By Representatives Vander Loop, Vanderperren, Travis, Schwartz, Van Dreel, Fortis, Swoboda, Vergeront, Van Gorden, Coleman, Musser, Loucks, Porter and Lorge, cosponsored by Senators Kreul and Weeden.

Read first time and referred to committee on Transportation and Utilities.

Assembly Bill 267

Relating to the acts that are included within the practice of pharmacy and the requirements for substituting a generic drug for a prescribed drug in dispensing a prescription.

By Representatives Hinkfuss, Vander Loop, Schwartz, Vanderperren, Moore, Boyle, Huber, Bolle, Hamilton, Reynolds, Hisrich, Gard, Hahn, Musser and

Silbaugh, cosponsored by Senators Breske, Van Sistine and Rude.

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

Assembly Bill 387

Relating to granting veterans a leave of absence on Memorial day.

By Representatives Schneider, Bolle, Clarenbach, Carpenter, Boyle, Gruszynski, Roberts and Van Dreef, cosponsored by Senator Helbach.

Read first time and referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

Assembly Bill 388

Relating to limits on wrongful death actions for loss of society and companionship.

By Representatives Krug, Wimmer, Notestein, Baldus, Carpenter, Clarenbach, Fortis and Seery, cosponsored by Senators Chvala, Feingold and Ulichny.

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

Assembly Bill 581

Relating to the rate for the temporary recycling surcharge and stating on the property tax bill the amount spent for solid waste collection and disposal.

By Representatives Black and Panzer, cosponsored by Senators Roshell and Lekan.

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

Senator George, with unanimous consent, asked that **Senate Bill 262** be referred to joint committee on Finance.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Bill 124

Relating to cash deposits for defendants charged with crimes.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 124

Read a third time and concurred in.

ADJOURNMENT

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

Senator Ulichny, with unanimous consent, asked that when the Senate adjourns today it adjourn in honor of October the domestic abuse month and those victims of domestic abuse.

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

11:13 A.M.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

CALENDAR OF OCTOBER 9, 1991

Senate Joint Resolution 51

Relating to commemorating the 25th anniversary of the University of Wisconsin Center-Waukesha County.

Read.

Adopted.

Senate Bill 262

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

Read a second time.

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.

GUESTS

During today's session, the following visitors honored the Senate with their presence:

Laurie Wermtter, Kristen Paap, Tom Kozloucky, Martha Sogani, Suki Kemston, Steven Lanenberg, Cynthia Strategos, Laura Berger, JoAnn Schaeffer, Jeannine Selorag, Sue Wissbaum, Gary Mitchell, Carla Janeck, Ellen Khalifa, Alan Seeger, Tracey Kinney, Mary McBride, Dotty Gerou, Natalie Witts, Steve Raymer, John Peterson, Vincent Accardo, Gretchen Lowe, Donald Lowe, Greg Diederich, John Goodhue, Ruth Armishaw, Catherine Butterfield, Dexter Arnold, Clarence Karlin, David Myers, S. Sellers, Guy Somers, Joseph Schiemer, Ron Kent, Kim Coplion, Michelle Rems, Margaret Cousin, Ann Lunisetetoult, Bruce Warnke, Joanne Vanderhoef, Betty Roberts.