

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, October 15, 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 the prayer which was offered by Reverend Clarence G. Robinson of St. Mark A.M.E. Church in Milwaukee.

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution 6

Relating to a legislative council study of the university of Wisconsin system faculty and academic staff compensation.

By Senators Potter, Helbach, Jauch, Moen and Feingold.

To committee on Higher Education.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 305

Relating to creation of statutory provisions concerning redistricting procedures.

By Senators Stitt, Ellis, Farrow, Rude, Leean, Petak, Buettner, Lorman, Huelsman, Schultz, Weeden, Berndt, Cowles and Lasee; cosponsored by Representatives Ainsworth, Brancel, Brandemuehl, Coleman, Darling, Deininger, Duff, Foti, Freese, Gard, Goetsch, Hahn, Harsdorf, Johnsrud, Kaufert, Klusman, Ladwig, Lehman, Lorge, Loucks, Musser, Nass, Ott, Ourada, Panzer, Porter, Prosser, Radtke, Rosenzweig, Schneiders, Silbaugh, Turba, Underheim, Urban, Van Gorden, Vergeront, Vrakas, Welch, Wimmer and Zien.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 306

Relating to specific information highway signs on USH 53.

By Senator Rude; cosponsored by Representatives Roberts, Medinger and Johnsrud.

To committee on Transportation and Utilities.

Senate Bill 307

Relating to late payments of property taxes.

By Senators Huelsman, Plewa, Cowles, Petak and Farrow; cosponsored by Representatives Grobschmidt, Roberts, Underheim, Holschbach, Musser, Huber, Silbaugh, Rohan, Ainsworth, Radtke, Van Gorden, Robson, Ladwig, Klusman, Ott, Vrakas and Fortis.

To committee on Aging, Banking, Communications and Taxation.

Senate Bill 308

Relating to the alcohol concentration of vehicle operators.

By Senators Adelman, Huelsman, Petak and Barrett; cosponsored by Representatives Bock, Carpenter, Urban, Turner, Rohan, Notestein, Robson, Fortis, Moore, Hisrich and Black, by request of Attorney General James Doyle.

To committee on Judiciary and Consumer Affairs.

Senate Bill 309

Relating to environmental education grants, environmental assessments and making an appropriation.

By Senators Helbach, Cowles, Burke and Breske; cosponsored by Representatives Gruszynski, Black, Ourada, Moore, Ott, Boyle, Hisrich, Hough, Young, Baldus, Van Dreel, Bock and Fortis.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 310

Relating to victims and witnesses of crime.

By Senators Ulichny, Andrea, Buettner, Burke, Breske, Helbach, Huelsman, Czarnecki, Potter, Rude and Petak; cosponsored by Representatives Plache, Bock, Carpenter, Lorge, Bolle, Grobschmidt, Robson, Musser, Lautenschlager, Potter, Hamilton, Goetsch, Baldus, Brancel, Stower and Vergeront.

To committee on Judiciary and Consumer Affairs.

Senate Bill 311

Relating to payments under fair-share and maintenance of membership agreements.

By Senators Stitt, Buettner, Huelsman and Farrow; cosponsored by Representatives Vergeront, Duff, Hahn and Radtke.

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

Senate Bill 312

An act to direct expenditure of \$243,591.34 from the general fund for payment of claims against the state made by 35 claimants in connection with the bankruptcy of Kasson, Inc., USA.

By Senator George; cosponsored by Representative Linton, by request of Claims Board.

To joint committee on Finance.

COMMITTEE REPORTS

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

Senate Bill 184

Relating to overtime worked by employees of health care facilities and providing penalties.

Passage:

Ayes, 6 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter and Decker;

Noes, 2 -- Senators Rude and Schultz.

Jerome Van Sistine
Chair

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

Senator Schultz to the Senate Committee on Agriculture, Corrections, Health and Human Service and the committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

Senator Schultz to the State Supported Programs Study and Advisory Committee.

Senators Moen and Schultz to the Mississippi River Parkway Commission.

Senators Breske and Schultz to the World Dairy Center Authority.

Senators Burke and Schultz to the Governor's Bicycle Coordinating Council.

Dr. John Moulder to the Radiation Protection Council.

Fred A. Risser
Chair

The question was: Confirmation?

Confirmed.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Health and Social Services
October 11, 1991

To the Honorable the Legislature:

Enclosed is a copy of the 1990 Wisconsin Report on Child Abuse and Neglect pursuant to s.48.981, Stats. Additional copies of this report are available upon request from the Department of Health and Social Services Forms and Publications Center.

Sincerely,
Eloise Anderson
Administrator
State of Wisconsin
Legislative Council

October 10, 1991

To the Honorable the Legislature:

I am pleased to transmit to you the following report to the 1991 Legislature on legislation introduced by the Legislative Council:

RL 91-9 -- Legislation on Nonpoint Source Pollution (1991 Senate Bills 281 and 300)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, One East Main, Suite 401.

Sincerely,
Dave Stute
Director

State of Wisconsin
Department of Health and Social Services

October 10, 1991

To the Honorable the Legislature:

1989 Act 122 provided funds to establish before-school and after-school day care services or after-school academic or recreational programs for children 4 to 11 years of age. The legislation directed the Department of Health and Social Services to conduct a study of the programs funded and report its findings by July 1, 1992.

The attached report fulfills that directive. The report describes the projects that received funding and the extent to which grant funds were used to increase the availability of school-age care. The report also recommends ways to further increase the impact of the grants.

Sincerely,
Gerald Whitburn
Secretary

State of Wisconsin
Elections Board

October 10, 1991

To the Honorable the Legislature:

I am pleased to provide you with a copy of the official canvass of the September 24, 1991 special election vote for State Senator, 17th District along with the determination by the State Board of Canvassers of the winner.

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If the State Elections Board staff can provide you with any

Sincerely,
KEVIN J. KENNEDY
Executive Secretary

State of Wisconsin
Department of Health and Social Services
October 11, 1991

To the Honorable the Legislature:

Enclosed is a copy of the 1990 Wisconsin Report on Child Abuse and Neglect pursuant to s.48.981, Stats. Additional copies of this report are available upon request from the Department of Health and Social Services Forms and Publications Center.

Sincerely,
Eloise Anderson
Administrator

EXECUTIVE COMMUNICATIONS

CALENDAR OF OCTOBER 15, 1991

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

DUCKWORTH, TEDDY L., of Mauston, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 1997.

Read.

FLATER, HAROLD, of Holcombe, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1994.

Read.

MARBES, RICHARDE., of Green Bay, as a member of the Board of Veterans Affairs, to serve for the interim term ending May 1, 1995.

Read.

NELSON, JEROME N., of DeForest, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 1997.

Read.

STUKEL, RALPH J., JR., of Pewaukee, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1994.

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, 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.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 91-112

Relating to child labor and street trades.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, October 10, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, October 15, 1991.

Senate Clearinghouse Rule 91-131

Relating to revising the procedures of the patients compensation fund peer review council.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, October 11, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, October 15, 1991.

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 84

Passed and asks concurrence in:

Assembly Bill 587

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 84

Relating to proclaiming 'Red Ribbon Week'.

By Representatives Vergeront, Stower, Zien, Carpenter, Porter, Rosenzweig, Grobschmidt, Bock, Lehman, Hahn, Linton, Brandemuehl, Silbaugh, Boyle, Duff, Ladwig, Urban, Lautenschlager, Gard, Welch, Coleman, Schneider, Huber, Prosser, Lorge, Musser, Hamilton, Rohan, Schneiders, Harsdorf and Van Dreel, cosponsored by Senators Petak, Farrow, Stitt and Huelsman.

Read and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 587

Relating to eliminating a department of administration full-time equivalent position.

By Representatives Barca, Hough, Black, Krusick and Baumgart, cosponsored by Senators Barrett, Andrea, Adelman and Czarnezki.

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

CALENDAR OF OCTOBER 15, 1991

Senate Joint Resolution 49

Relating to state regulation of the insurance industry.

Read.

The question was: Concurrence in Assembly Amendment 1?

Concurred in.

Senate Bill 49

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

Read.

The question was: Concurrence in Assembly Substitute Amendment 1?

Concurred in.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

Senate Joint Resolution 53

Relating to requesting a study of alternative education programs in public schools.

Read.

Adopted.

Senate Bill 20

Relating to the period during which a retired public employe may delay the use of sick leave credits for the payment of postretirement health insurance premiums under the state group health insurance program.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 20

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, 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.

Passed.

Senate Bill 156

An act relating to supplementing funding for a 24-hour telephone service operated at a domestic abuse shelter and making an appropriation.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 156** be referred to joint committee on Finance.

Senate Bill 203

Relating to the requirements for the promulgation of emergency rules by state agencies.

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.

Senate Bill 203

Read a third time and passed.

Senate Bill 232

Relating to payment to the clerk of court of income withheld under a notice of assignment concerning an order for support.

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.

Senate Bill 232

Read a third time and passed.

Senate Bill 250

Relating to providing for the continued accrual of retirement benefits under the Wisconsin retirement system for university of Wisconsin system faculty on sabbatical leave.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator Helbach, with unanimous consent, asked that **Senate Bill 250** be referred to Joint Survey committee on Retirement Systems.

Senate Bill 255

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

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 255** be referred to joint committee on Finance.

Senate Bill 257

Relating to veterans retraining grants and making an appropriation.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 257** be referred to joint committee on Finance.

Senate Bill 270

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Education Association Council, for the 1991-93 biennium, covering employes in the professional education collective bargaining unit, and authorizing an expenditure of funds.

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.

Senate Bill 270

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, 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.

Passed.

Senate Bill 271

An act to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1991-93 biennium, covering employes in the professional engineering collective bargaining unit, and authorizing an expenditure of funds.

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.

Senate Bill 271

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, Leraan, 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 286

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

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 286** be referred to joint committee on Finance.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Bill 194

Relating to failure to pay for food, lodging, accommodation or service.

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 194

Read a third time and concurred in.

MOTIONS

Senator Van Sistine, with unanimous consent, asked that **Senate Bill 67** be withdrawn from committee on Tourism, Commerce, Labor, Veterans' and Military Affairs and be referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

ANNOUNCEMENTS

Senator Andrea, with unanimous consent, asked that when the Senate adjourns today, it do so in memory of Louie Matalas who passed away Sunday, October 6, 1991.

Senator Andrea, with unanimous consent, asked that when the Senate adjourn today it do so in honor of the 499th anniversary of Columbus' sailing to the New World.

Senator Jauch, with unanimous consent, asked that when the Senate adjourns today, it do so in honor of Native Americans who greeted Columbus on the shores of the New World.

Senator Rude, with unanimous consent, asked that when the Senate adjourn today it do so in honor of the Viking explorers who preceeded all others to the New World.

CHAIR

10:50 A.M.

Senator Chvala in the Chair.

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 16.

10:55 A.M.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 219** offered by Senator Cowles.

Senate substitute amendment 1 to **Senate Bill 261** offered by Senator Burke.