

# STATE OF WISCONSIN

## Senate Journal

### Ninetieth Regular Session

10:00 A.M.

Wednesday, October 16, 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, Leraan, 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 Lasee led the senate in the pledge of allegiance to the flag of the United States of America.

#### INTRODUCTION OF RESOLUTIONS

##### **Senate Joint Resolution 57**

Relating to creating a special joint commission on redistricting.

By Senators Stitt, Ellis, Farrow, Buettner, Huelsman, Lasee, Lorman, Rude, Weeden, Berndt, Cowles, Leraan, Schultz and Petak; cosponsored by Representatives Lehman, Ladwig, Zien, Harsdorf, Underheim, Prosser, Panzer, Welch, Schneiders, Turba, Klusman, Rosenzweig, Ourada, Brandemuehl, Wimmer, Van Gorden, Deininger, Hahn, Silbaugh, Freese, Duff, Urban, Darling and Radtke.

To committee on Urban Affairs, Environmental Resources and Elections.

#### INTRODUCTION OF BILLS

Read first time and referred:

##### **Senate Bill 313**

Relating to changing certain living will requirements.

By Senators Risser, Breske, Van Sistine, Decker, Lorman and Huelsman; cosponsored by Representatives Notestein, Young, Black, Boyle, Holperin, Plache, Krug, Potter, Roberts and Hisrich.

To committee on Judiciary and Consumer Affairs.

##### **Senate Bill 314**

Relating to the regulation of real estate appraisers and granting rule-making authority.

By Senators Plewa, Ulichny, Burke, Lorman and Leraan; cosponsored by Representatives Potter, Young, Hisrich, Brandemuehl and Vergeront.

To committee on Housing, Government Operations and Cultural Affairs.

##### **Senate Bill 315**

Relating to eliminating the license fee for holding or showing a boxing match on a closed circuit telecast or subscription telecast.

By Senator Risser; cosponsored by Representatives Lorge and Loucks.

To committee on Housing, Government Operations and Cultural Affairs.

##### **Senate Bill 316**

Relating to recruitment for vacancies in the classified civil service.

By Senators Moen and Helbach; cosponsored by Representatives Hisrich, Baldus and Robson.

To committee on Housing, Government Operations and Cultural Affairs.

##### **Senate Bill 317**

Relating to the sale of a food product produced to resemble butter that has fewer calories and less butterfat than butter.

By Senators Potter, Decker, Breske, Roshell and Chvala; cosponsored by Representatives Holschbach, Turba, Schwartz, Klusman, Grobschmidt, Roberts, Ott, Harsdorf, Hahn, Rohan, Brancel, Ladwig, Lautenschlager, Panzer, Van Gorden, Porter, Hisrich, Lehman, Boyle, Gard and Van Dreel.

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

##### **Senate Bill 318**

Relating to the inflation adjustment to the tax rate disparity payment program.

By Senators Plewa, Petak, Burke, Rude, Risser, Chvala, Potter, Huelsman and Andrea; cosponsored by Representatives Grobschmidt, Van Dreel, Wood, Rohan, Lautenschlager, Bolle, Robson, Duff, Vrakas and Medinger.

To committee on Aging, Banking, Communications and Taxation.

#### COMMITTEE REPORTS

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

**Senate Bill 319**

Relating to county liability for the cost of care of a delinquent child, notification of local agencies by the department of health and social services of the release of a child from a secured correctional facility, providing a penalty for battery to an aftercare agent, taking an inmate to a state agency proceeding, eliminating the requirement that a driver education program be provided at Ethan Allen school and deleting obsolete titles of certain institutions administered or formerly administered by counties and by the department of health and social services.

By request of Department of Health and Social Services.

Introduction:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

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

Rodney C. Moen  
Chair

The committee on Senate Organization reports and recommends:

Pursuant to 1991 Senate Resolution 5, the following nominations to committee for appointment by the Senate:

To the Special Committee on Health Care Access and Affordability:

Senators Moen (Co-Chair), Van Sistine (Co-Chair), Barrett, Jauch, Decker, Huelsman, Berndt, Rude and Lorman.

Fred A. Risser  
Chair

Read.

Considered privileged and taken up.

Adopted.

**SENATE CLEARINGHOUSE ORDERS**

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

**Senate Clearinghouse Rule 91-4**

Relating to groundwater quality standards.  
No action taken.

**Senate Clearinghouse Rule 91-6**

Relating to nitrogen dioxide prevention of significant deterioration increments.  
No action taken.

**Senate Clearinghouse Rule 91-54**

Relating to ozone-depleting refrigerants.

No action taken.

Brian Burke  
Chair

**Senate Clearinghouse Rule 91-135**

Relating to annual statement reporting forms filed by insurers with the office of the commissioner of insurance, other forms prescribed by the office of the commissioner of insurance and limitations on the maximum risk that may be assumed by insurers.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, October 15, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, October 16, 1991.

**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 4  
Assembly Bill 299  
Assembly Bill 344  
Assembly Bill 372  
Assembly Bill 436  
Assembly Bill 440  
Assembly Bill 496  
Assembly Bill 508  
Assembly Bill 515  
Assembly Bill 524

**MESSAGE FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 4**

Relating to prohibiting certain persons from entering or remaining in the locker room of a public or private school, institution of higher education or professional athletic team and providing a penalty.

By Representative Schneider.

Read first time and referred to committee on Higher Education.

**Assembly Bill 299**

Relating to reimbursement for costs incurred because of discharges from petroleum product storage tanks and an inventory of petroleum product storage tanks.

By Representatives Holperin, Medinger, Barca, Stower, Zweck, Lautenschlager, Hubler, Roberts, Gruszynski, Baldus, Bolle, Holschbach, Boyle, Hisrich, Reynolds, Schwartz, Hasenohrl, Radtke, Ourada, Musser, Porter, Lehman, Vergeront, Klusman, Zien, Lorge and Ladwig, cosponsored by Senators Jauch, Breske, Roshell, Huelsman, Farrow and Petak.

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

**Assembly Bill 344**

Relating to the use of a flashing amber light on motorcycle escorts of funeral processions and providing a penalty.

By Representatives Medinger, Roberts and Johnsrud, cosponsored by Senators Rude and Andrea.

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

**Assembly Bill 372**

Relating to a record of severely disabled employes in the state classified service.

By Representatives Barca, Hinkfuss, Van Dreel, Lautenschlager, Young, Bolle, Hisrich, Antaramian, Carpenter, Seery, Krug, Fortis, Baldus, Rohan, Van Gorden, Potter, Boyle, Huber, Schultz, Duff and Schwartz, cosponsored by Senators Risser, Andrea, Buettner, Burke, Petak and Cowles.

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

**Assembly Bill 436**

Relating to contracts for commissions on real estate transactions.

By Representatives Rutkowski, Prosser, Rohan, Deininger, Welch, Vanderperren, Radtke, Roberts, Wimmer, Bolle, Van Gorden, Baldus, Schneiders, Ott, Duff, Porter, Lorge, Lehman, Vrakas and Hahn, cosponsored by Senators Burke, Rude, Andrea, Berndt, Breske, Cowles, Huelsman and Petak.

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

**Assembly Bill 440**

Relating to equal speed of access to restrooms for men and women and granting rule-making authority.

By Representatives Potter, Rutkowski, Hauke, Medinger, Roberts, S. Coggs, Fortis, Rosenzweig, Hinkfuss, Turner, Johnsrud, Young, Krug, Silbaugh, Boyle, Grobschmidt, Panzer, Plache and Seery, cosponsored by Senator Burke.

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

**Assembly Bill 496**

Relating to the use of radios and other sound-producing devices by motor vehicle operators.

By Representatives Turner, Porter, Vanderperren, Ladwig and Zien, cosponsored by Senators Roshell and Andrea.

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

**Assembly Bill 508**

Relating to foreign-money claims.

By Representatives Prosser, Cullen, Hauke and Schultz, cosponsored by Senators Huelsman, George and Barrett.

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

**Assembly Bill 515**

Relating to prohibiting genetic testing by employers, labor organizations, employment agencies and licensing agencies and providing penalties.

By Representatives Holschbach, Barca, Baldus, Bock, Boyle, Carpenter, Grobschmidt, Gronemus, Gruszynski, Hahn, Hamilton, Hisrich, Klusman, Medinger, Notestein, Potter, Rohan, Seery, Stower, Underheim, Van Dreel and Young, cosponsored by Senators Plewa, Van Sistine and Breske.

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

**Assembly Bill 524**

Relating to the transfer of interest in special interest vehicles to surviving spouses.

By Representatives Hasenohrl, Vanderperren, Lorge, Baldus, Schneiders, Van Gorden, Bolle, Brancel, Underheim, Hisrich, Radtke, Urban, Schwartz, Ladwig and Holperin, cosponsored by Senators Breske and Lorman.

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

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SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS

Senator Helbach, with unanimous consent, asked that **Senate Bill 200** be withdrawn from committee on Senate Organization and be referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

Senator Helbach, with unanimous consent, asked that **Senate Bill 282** be withdrawn from committee on Senate Organization and be referred to committee on Judiciary and Consumer Affairs.

Senator Helbach, with unanimous consent, asked that **Senate Bill 294** be withdrawn from committee on Senate Organization and be referred to committee on Urban Affairs, Environmental Resources and Elections.

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CALENDAR OF OCTOBER 16, 1991

**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.

Read a second time.

Senator Roshell, with unanimous consent, asked that the Senate recess until 11:33 A.M..

10:17 A.M.

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RECESS

11:33 A.M.

The Senate reconvened.

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 258**

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 267**

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

Read a second time.

Senate amendment 1 to **Senate Bill 267** offered by Senator Lekan.

The question was: Adoption of Senate amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 267** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 267** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of Senate 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 267**

Read a third time and passed.

**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.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 287** be referred to joint committee on Finance.

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SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS

**Assembly Joint Resolution 55**

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

Read.

Concurred in.

**Assembly Bill 22**

Relating to expanding the areas where the intoxicated snowmobiling law applies.

Read a second time.

Senator Adelman, with unanimous consent, asked that **Assembly Bill 22** be placed at the foot of the calendar.

**Assembly Bill 109**

Relating to requirements for school board declarations of candidacy and nomination papers.

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.

**Assembly Bill 109**

Read a third time and concurred in.

**Assembly Bill 22**

Relating to expanding the areas where the intoxicated snowmobiling law applies.

Read a second time.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 22** be referred to committee on Senate Rules.

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ANNOUNCEMENTS

Senator Decker, with unanimous consent, asked that he be made a co-author of **Senate Bill 284**.

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

JOURNAL OF THE SENATE [October 16, 1991]

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ADJOURNMENT

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, October 17.

11:45 A.M.

1. Page 1, line 6: delete the space after "who".
2. Page 2, line 2: substitute "(1)" for "(2)".

NOTE: Change reflects current law.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 267