

# STATE OF WISCONSIN

## Senate Journal

### Ninetieth Regular Session

10:00 A.M.

Tuesday, January 28, 1992

The senate met.

The senate was called to order by Fred A. Risser, President of the Senate.

The Chair, with unanimous consent, asked that the calling of the roll be dispensed with.

#### INTRODUCTION OF BILLS

Read first time and referred:

##### **Senate Bill 461**

Relating to limiting required funding for protective placements or protective services and mental health services.

By Senators Van Sistine, Roshell, Breske, Weeden, Berndt, Lorman, Andrea, Plewa, Stitt and Rude; cosponsored by Representatives Swoboda, Van Dreel, Vanderperren, Hinkfuss, Bock, Fortis, Goetsch, Lehman, Foti, Huber, Ott, Hahn, Ladwig, Wood, Panzer, Welch, Harsdorf, Radtke, Krusick and Klusman.

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

##### **Senate Bill 462**

Relating to requiring the expiration date of a prescription drug to be included on the drug's label.

By Senators Burke, Moen, Barrett, Feingold, Chvala, Risser, Petak and Breske; cosponsored by Representatives Krusick, Carpenter, Huber, Hisrich, Urban, Darling, Turner, Moore, Rohan, Notestein, Schneiders, Klusman, Robson, Hamilton, Boyle, M. Cogs, Radtke, Bell, Ladwig, Goetsch, Brandmuehl, Fortis, Rutkowski and Musser.

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

##### **Senate Bill 463**

Relating to permitting the immobilization, impoundment and disposal of unregistered motor vehicles, creating a presumption that a motor vehicle located on a highway has been operated by its owner and ensuring that vehicle identification numbers are readable.

By Senators Burke, Barrett, Roshell, Ulichny, Petak, Plewa and Stitt; cosponsored by Representatives Moore, Darling, Turner, Urban, Lautenschlager, Hinkfuss and Schneiders.

To committee on Transportation and Utilities.

##### **Senate Bill 464**

Relating to reports by private security personnel at airports.

By Senators Czarnecki, Burke, Barrett, Ulichny, Lasee, Huelsman, Roshell, Petak and Buettner; cosponsored by Representatives Lautenschlager, Krug, Bock, Darling, Van Dreel, Radtke, Musser, Goetsch, Kaufert, Robson, Rohan, Hamilton, Silbaugh, Porter, Rosenzweig, Zien and Freese.

To committee on Judiciary and Consumer Affairs.

##### **Senate Bill 465**

Relating to creating a health care board, creating a state health benefits plan, grants to increase health care services in underserved areas, eligibility for general relief, eligibility for medical assistance, granting rule-making authority and making appropriations.

By Senator Chvala; cosponsored by Representatives Fortis, Bock and Lautenschlager.

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

##### **Senate Bill 466**

Relating to closing hours for Class 'B' and 'Class B' premises on January 1.

By Senators Burke, Moen, Huelsman, Ulichny, Risser and Petak; cosponsored by Representatives Notestein, Bock, Young, Urban, Black, Kaufert and Silbaugh.

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

##### **Senate Bill 467**

Relating to payments to local governments for certain services provided to state facilities and making an appropriation.

By Senators Risser, Burke, Chvala, Plewa, Buettner, Van Sistine, Rude and Czarnecki; cosponsored by Representatives Medinger, Black, Grobschmidt, Reynolds, Holschbach, Roberts, Ladwig, Hinkfuss, Young, Rohan, Boyle, Musser, Travis, Vrakas, Gronemus, Fortis and Hisrich.

To committee on Housing, Government Operations and Cultural Affairs.

##### **Senate Bill 468**

Relating to providing interpreters for persons who are deaf or hard of hearing, who have speech difficulties or who are unable to speak or understand English.

By Senators Adelman, Andrea, Rude, Van Sistine, Petak, Moen, Buettner, Chvala and Jauch; cosponsored by Representatives Lautenschlager, Black, Young, Notestein, Baldus, Coleman, Carpenter, Huber, Robson, Hamilton, Moore, Van Dreel, Schwartz, Lorge, Turner, Hinkfuss, Radtke, Bolle, Gruszynski, Rohan, Fortis and Barca.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

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

**Senate Bill 469**

Relating to contracts between banks and savings and loan associations to provide financial services.

Introduction:

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

Noes, 0 -- None.

Read first time and referred to committee on Aging, Banking, Communications and Taxation.

Russell D. Feingold  
Chair

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

**Assembly Bill 674**

Relating to correcting a reference to the board of veterans affairs (suggested as remedial legislation by the department of veterans affairs).

Concurrence:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

**Assembly Bill 573**

Relating to creating a small business improvement council.

Introduction and adoption of Senate amendment 1:

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

Noes, 1 -- Senator Schultz.

Concurrence as amended:

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

Noes, 1 -- Senator Schultz.

**Assembly Bill 515**

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

Introduction and adoption of Senate amendment 1:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

**Assembly Bill 440**

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

Concurrence:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

**Assembly Bill 377**

Relating to restricting honesty testing in employment, granting rule-making authority and providing penalties.

Concurrence:

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

Noes, 1 -- Senator Schultz.

**Senate Bill 453**

Relating to: uninsured health plans that provide coverage for persons who are eligible for medical assistance; revisions in health care liability insurance and patients compensation fund requirements; discontinuing the list in the statutes of insurance provisions that apply to health care plans; and summary suspension of an insurance marketing intermediary's license.

Passage:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

**Senate Bill 378**

Relating to prohibiting local zoning regulations that interfere with the repair, expansion or construction of migrant labor camps.

Adoption of Senate amendment 1:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

Passage as amended:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

**Senate Bill 358**

Relating to eliminating the duty of the department of industry, labor and human relations to arbitrate and mediate labor disputes, the recovery of costs in a wage claim action that is referred by the department of industry, labor and human relations to a district attorney for prosecution and the annual report of the department of industry, labor and human relations regarding its activities related to the plant-closing law (suggested as remedial legislation by the department of industry, labor and human relations).

Passage:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

**Senate Bill 202**

Relating to allowing underage persons in certain pool rooms where alcohol is sold.

Passage:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Rude and Schultz;

Noes, 0 -- None.

WRIGLEY, JULIE ANN, of Lake Geneva, as a member of the Wisconsin Racing Board, to serve for the term ending May 1, 1996.

Confirmation:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell,  
Plewa, Potter, Decker, Rude and Schultz;  
Noes, 0 -- None.

Jerome Van Sistine  
Chair

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

**Senate Bill 33**

Relating to funding for the endangered resources program and making an appropriation.

Indefinite postponement:

Ayes, 6 -- Senators Burke, Chvala, Adelman,  
Decker, Stitt and Cowles;

Noes, 0 -- None.

**Senate Bill 388**

Relating to a statement of the reasons for recall of a state, county, congressional, legislative or judicial officer.

Indefinite postponement:

Ayes, 6 -- Senators Burke, Chvala, Adelman,  
Decker, Stitt and Cowles;

Noes, 0 -- None.

**Senate Bill 442**

Relating to bag limits for certain types of fish taken from inland waters and granting rule-making authority.

Indefinite postponement:

Ayes, 6 -- Senators Burke, Chvala, Adelman,  
Decker, Stitt and Cowles;

Noes, 0 -- None.

Brian Burke  
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

**Senate Bill 308**

Relating to the alcohol concentration of vehicle operators.

Introduction and adoption of Senate substitute amendment 1:

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

Passage as amended:

Ayes, 4 -- Senators Adelman, Chvala, Feingold and  
Buettner;

Noes, 1 -- Senator Stitt.

**Senate Bill 412**

Relating to permission to go armed with a firearm in a public building.

Passage:

Ayes, 5 -- Senators Adelman, Chvala, Feingold,  
Stitt and Buettner;

Noes, 0 -- None.

Lynn S. Adelman  
Chair

PETITIONS AND COMMUNICATIONS

**Senate Petition 14**

A petition by approximately 1200 sportsman from Shawano County, Wisconsin in support of changing the area south of Highway 29 in Shawano County from a shotgun area to a rifle area, making both sides of Highway 29 the same.

By committee on Urban Affairs, Environmental Resources and Elections.

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

**Senate Petition 15**

A petition by approximately 13,000 residents of the state of Wisconsin in support of the adoption and ratification of a constitutional amendment prohibiting physical desecration of the United States Flag.

By Senator Roshell.

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin  
Governor's Blue Ribbon  
Task Force on Gambling

**REPORT OF THE  
TASK FORCE**

January 1992

To the Honorable, the Senate:

**Executive Summary**

The Task Force has attempted to balance the costs and benefits of gambling, in order to contain its spread while utilizing its advantages for economic development. The Task Force recommends the following to define an appropriate scope of legalized gambling in Wisconsin.

**VIDEO LOTTERY TERMINALS**

Video Lottery terminals should not be introduced into the state unless strict state oversight, local approval and control by referendum, and vigorous regulation and enforcement are provided.

**RIVERBOAT CASINOS**

Riverboat casinos could be introduced into Wisconsin waterways with one boat, each, on the Mississippi River and Lake Superior, and two boats on Lake Michigan. Strict regulation and state oversight with local approval and control by referendum would be required. The scope of games would be limited to video lottery terminals, slot machines, and blackjack.

**CASINOS AT PARI-MUTEL FACILITIES**

Casinos at pari-mutuel facilities are not recommended at this time. There should be no more pari-mutuel facilities licensed in the state.

**REGULATORY COMMISSION**

A single regulatory commission should be authorized to oversee the administration and day-to-day regulation of gambling. This body should determine the appropriate organizational structure for state oversight. Enforcement of criminal laws relating to gambling would remain with the Department of Justice. Additional agents will be necessary to bolster the Department of Criminal Investigation.

**INDIAN GAMING**

The Task Force realizes that state tribal compacts are regulated by the federal Indian Gaming Regulatory Act of 1988; however, it suggests that Indian tribes voluntarily limit the number of casinos that they operate, and that new casinos be located within a twenty-five to fifty mile radius of the reservation. Casinos proposed on after acquired lands will be dealt with on a case-by-case basis.

**SOCIAL IMPACT**

The Task Force encourages utilization of state resources to become a leader in the investigation of greater understanding of gambling addiction as well as treatment of gambling problems. Resources shall be set aside from gambling proceeds for this purpose.

The Task Force further suggests that all television advertising for gambling be restricted before ten o'clock in the evening. This would be done to curtail the impact of this advertising on children.

**TOURISM DEVELOPMENT FUND**

The Task Force recommends that gambling revenues be allocated for tourism development.

Sincerely,  
Dean Frank DeGuire, Thomas Diehl  
Chairman Deborah Doxtator  
James Burgess Susan Green  
Rev. Robert Borgwardt Kermit Newcomer, M.D.

State of Wisconsin  
Wisconsin Lottery Board

January 21, 1992

To the Honorable the Legislature:  
RE: Quarterly Report of the Wisconsin Lottery Board

On behalf of the Chairman and Members of Lottery Board, I herewith submit for your consideration the October 1, 1991 through December 31, 1991 quarterly report of the Board, as required by s. 565.37(3), Wis. Stats.

If there are any question or comments regarding this report, or additional information is necessary, please do not hesitate to contact me or the members of the Board directly.

Sincerely,  
William F. Flynn, Jr.  
Executive Director

State of Wisconsin  
Department of Corrections

January 22, 1992

To the Honorable the Legislature:

Enclosed is our first program evaluation report on the Challenge Incarceration Program in response to the legislature's request. The report indicates our progress to date in working with this specific offender population in a highly structured and disciplined program.

If you have questions about the report or material contained in it, please do not hesitate to contact me.

Sincerely,  
Patrick J. Fiedler  
Secretary

STATE OF WISCONSIN  
ETHICS BOARD

January 21, 1992

To the Honorable the Senate:

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

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

Colleges and Universities, Independent Wisconsin Association of

Wegenke, Rolf

Fort Howard Corporation

Theno, Daniel

**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.

Colleges and Universities, Independent Wisconsin Association of

McCarthy, robert 1/22/92

Medical College of Wisconsin

Cohen, Ruth 1/16/92

Milwaukee Brewers Baseball Club

Selig-Prieb, Wendy A. 1/31/92  
Paul, Gavriel 1/31/92

**Organization's modification or amendment of records:**  
The organizations listed below have previously registered

JOURNAL OF THE SENATE [January 28, 1992]

with the Ethics Board and now indicated the following modifications to their records:

**Appraisers Coalition, Wisconsin New Address: 2222 West Lawn Ave. madison, WI 53711**

**Lobbyists' modification or amendment of records: the lobbyists listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:**

**Kathy Kingery New Address and Phone: 122 State St., Suite 500, Madison, Wi 53703 608-263-3422**

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  
ETHICS BOARD

January 21, 1992

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.

**Rehabilitation for Wisconsin, Inc.**

Subjects: Availability and quality of state services to individual with disabilities. Funding, taxation, administrative standards for agencies providing rehabilitation services to individuals with disabilities.

**Stuva, Robert**

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  
ETHICS BOARD

January 21, 1992

To the Honorable the Senate:  
At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following list of State Agencies with additions or deletions to the names, titles and

telephone numbers of their legislative liaisons:

**Aging and Long Term Care Board**

ADD:  
**Jeff Spitzer-Resnick** Chief Counsel 608-266-9598

**Arts Board**

AMEND: (change in position and phone)  
**Amhaus, Dean** Executive Director 608-266-0190

REMOVE:  
**Curtz, Arley G.** Executive Director 608-266-0190

**Corrections, Department of**

ADD:  
**Landwehr, Terri** Administrator/DAI 608-266-6604

REMOVE:  
**deBoor, Tilli** Director/Budget Dev. & Fac. Mgmt  
608-267-0932

**Door Co. District Attorney**

REMOVE:  
**Schuster, Gary J.** District Attorney 414-743-5511  
**Vandenbranden, Lisa** Assistant District Attorney  
414-743-5511

**Employment Relations, Dept of**

ADD:  
**Pankratz, James** Division Administrator 608-266-9602

**Insurance, Commissioner of**

AMEND: (name formerly **Anderson, Sandy Drew**)  
**Drew, Sandy** Legislative Liaison 608-266-7649

**Midwest Interstate Low-Level Radioactive Waste Commission**

REMOVE:  
**York, Stanley** Commissioner 608-266-5657

**Milwaukee Co. District Attorney**

ADD:  
**Kenney, Patrick** Assistant District Attorney 414-278-5183

**Racing Board, WI**

ADD:  
**Potempa, Ray** Executive Assistant 608-267-3291

**Savings and Loan, Commissioner of**

REMOVE:  
**Adamski, Paul** Deputy Commissioner 608-242-2180

AMEND: (phone)  
**Lee, Harold N., Jr.** Commissioner 608-242-2180

**Transportation, Commissioner of**

JOURNAL OF THE SENATE [January 28, 1992]

AMEND: (phone)  
Baltz, Walter R. Deputy Commissioner 608-266-3408

Treasurer, Office of the

AMEND: (name change from Kretz)  
Hanneman, Kim Executive Assistant 608-266-1714

Veterans Affairs, WI Dept. of

REMOVE:  
Mauer, John J. Secretary 608-266-1315

ADD:  
Johnson, Ken Executive Assistant 608-266-3081

Vocational, Technical & Adult Education, Board of

REMOVE:  
Kroll, John Special Assistant 608-266-1286

AMEND: (titles)  
Davison, Glenn Executive Assistant 608-266-2449  
Stewart, Linda Administrator, DPED 608-266-0025

Sincerely,  
R. Roth Judd  
Executive Director

SENATE CLEARINGHOUSE ORDERS

**Clearinghouse Rule 91-75**  
Relating to operation of the state adoption information center.  
Department of Health and Social Services.  
Report received from agency, January 22, 1992.  
Referred to committee on Agriculture, Corrections, Health and Human Services, January 28, 1992.

**Clearinghouse Rule 91-81**  
Relating to municipal solid waste combustor residue management.  
Department of Natural Resources.  
Report received from agency, January 22, 1992.  
Referred to committee on Urban Affairs, Environmental Resources and Elections, January 28, 1992.

**Clearinghouse Rule 91-105**  
Relating to soil and site characteristics for design and placement of various components of private sewage systems.  
Department of Industry, Labor and Human Relations.  
Report received from agency, January 23, 1992.  
Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, January 28, 1992.

**Clearinghouse Rule 91-121**  
Relating to practices prohibited to chiropractors.  
Department of Regulation and Licensing.  
Report received from agency, January 27, 1992.

Referred to committee on Agriculture, Corrections, Health and Human Services, January 28, 1992.

**Clearinghouse Rule 91-190**  
Relating to recruitment, evaluation and certification procedures for corrections positions and entry professional positions.  
Department of Employment Relations.  
Report received from agency, January 24, 1992.  
Referred to committee on Housing, Government Operations and Cultural Affairs, January 28, 1992.

**Clearinghouse Rule 91-191**  
Relating to classifications to be included in the entry professional program.  
Department of Employment Relations.  
Report received from agency, January 24, 1992.  
Referred to committee on Housing, Government Operations and Cultural Affairs, January 28, 1992.

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

**Clearinghouse Rule 91-127**  
Relating to state land use regulations.  
No action taken.

Brian Burke  
Chair

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

**Clearinghouse Rule 91-176**  
Relating to creating a penalty for an insurer's failure to pay an assessment to the health insurance risk-sharing plan on time.  
No action taken.

Jerome Van Sistine  
Chair

The joint committee for review of Administrative Rules reports and recommends:

**Clearinghouse Rule 91-138**  
Relating to the minimum wage, hours of work and overtime.  
Nonconcurrency:  
Ayes, 9 -- Senators Plewa, Jauch, Barrett and Huelsman; Representatives Swoboda, Fortis, Hinkfuss, Welch and Gard;  
Noes, 0 -- None.

John R. Plewa  
Co-chair

Lary Swoboda  
Co-chair

Senator Risser, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Wednesday, January 29.

10:01 A.M.