

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Thursday, February 6, 1992

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, Llean, 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 Van Sistine led the senate in the pledge of allegiance to the flag of the United States of America.

Today before the Senate Miss Wisconsin, Brenda Haines, addressed the body briefly.

INTRODUCTION OF RESOLUTIONS

Senator Helbach, with unanimous consent, asked that **Senate Bill 349** be withdrawn from committee on Senate Organization and be referred to committee on Judiciary and Consumer Affairs.

Senator Helbach, with unanimous consent, asked that **Senate Bill 408** be withdrawn from committee on Senate Organization and be referred to committee on Judiciary and Consumer Affairs.

Senate Resolution 7

Relating to memorializing Congress to reject proposals to accept nonveterans into veterans medical care facilities.

By Senators Roshell, Moen, Breske, Schultz and Buettner.

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

Senate Joint Resolution 67

Relating to memorializing Congress to reject proposals to accept nonveterans into veterans medical care facilities.

By Senators Roshell, Breske, Schultz and Buettner; cosponsored by Representatives Musser, Boyle, Lorge, Nass, Freese, Van Gorden, Radtke, Goetsch, Kaufert, Harsdorf, Gronemus and Zien.

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

Senate Joint Resolution 68

Relating to observing the week of April 26 to May 2, 1992, as 'Victims' Rights Week'.

By Senators Ulichny, Rude, Burke, Buettner, Potter, Petak, Moen, Lorman, Huelsman, Breske, Berndt, Van Sistine and Czarnecki; cosponsored by Representatives Plache, M. Coggs, Darling, Clarenbach, Brandemuehl, Boyle, Duff, Goetsch, Grobschmidt, Harsdorf, Gronemus, Van Dreel, Zien, Van Gorden, Urban, Huber, Klusman, Krug, Lorge, Moore, Musser, Loucks, Notestein, Potter, Radtke, Rohan, Rosenzweig, Schneiders, Hisrich and Stower.

To committee on Senate Organization.

Senate Joint Resolution 69

Relating to observing the week of May 10 to 16, 1992, as 'Women in Human Resources Week'.

By Senators Ulichny, Burke, Breske, Potter, Rude, Moen, Lorman, Buettner, Berndt, Czarnecki, Huelsman and Van Sistine; cosponsored by Representatives Plache, M. Coggs, Brandemuehl, Grobschmidt, Goetsch, Gronemus, Boyle, Darling, Huber, Klusman, Krug, Loucks, Moore, Musser, Notestein, Potter, Radtke, Rohan, Rosenzweig, Schneiders, Urban, Van Dreel, Van Gorden, Zien, Hisrich and Stower.

To committee on Senate Organization.

Senate Joint Resolution 70

Relating to proclaiming May 15, 16 and 17, 1992, Syttende Mai Weekend.

By Senators Ulichny, Breske, Berndt, Burke, Huelsman, Llean, Moen, Lorman, Petak, Potter, Rude and Van Sistine; cosponsored by Representatives Silbaugh, Cullen, Brandemuehl, Goetsch, Grobschmidt, Gronemus, Huber, Johnsrud, Klusman, Loucks, Moore, Musser, Potter, Radtke, Rohan, Rosenzweig, Schneiders, Zien, Urban, Van Gorden, Hisrich and Stower.

To committee on Senate Organization.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 491

Relating to eliminating the fee for bonus deer hunting permits issued to residents.

By Senators Decker, Burke, Breske, Roshell, Rude, Schultz, Stitt, Lasee and Cowles; cosponsored by Representatives Springer, Reynolds, Grobschmidt,

Hamilton, Gronemus, Hasenohrl, Lehman, Kaufert, Brandemuehl, Johnsrud, Holschbach, Ainsworth, Lorge, Huber and Harsdorf.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 492

Relating to the right-of-way privileges of pedestrians and bicyclists in crosswalks.

By Senators Risser, Roshell, Schultz and Andrea; cosponsored by Representatives Roberts, Boyle, Brandemuehl, Ainsworth and Musser, by request of Helen Zawacki and the Pedestrian Rights Coalition.

To committee on Transportation and Utilities.

Senate Bill 493

Relating to the approval of solid and hazardous waste facilities, the environmental repair fee for generators of hazardous wastes and granting rule-making authority.

By Senator Adelman; cosponsored by Representatives Hough, Wineke, Reynolds, Black, Turner, Stower, Springer, Robson and Potter.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 494

Relating to the presence of underage persons on premises for which a temporary Class 'B' license is issued.

By Senators Risser, Breske, Chvala, Roshell, Ulichny and Feingold; cosponsored by Representatives Clarenbach, Black, Travis, Boyle, Lehman, Duff, Musser, Ainsworth, Schneiders, Hahn, Lorge and Zien.

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

Senate Bill 495

Relating to the payment by municipalities of certain costs of improvement projects on connecting highways.

By Senator Helbach; cosponsored by Representative Hasenohrl, by request of Jerome Sernau of Mosinee, Wisconsin.

To committee on Transportation and Utilities.

COMMITTEE REPORTS

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

Senate Bill 496

Relating to the regulation of barbers or cosmetologists, aestheticians, electrologists and manicurists and schools of barbering or cosmetology, aesthetics, electrology and manicuring and granting rule-making authority.

By request of Department of Regulation and Licensing.

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.

Senate Bill 302

Relating to dairy plant payments to milk producers for milk received from those milk producers.

Introduction and adoption of Senate substitute amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

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.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Senate Bill 395

Relating to exempting certain patient health care records from transfer to the state historical society.

Passage:

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

Noes, 0 -- None.

Senate Bill 396

Relating to certain information on voluntary physician acceptance of assignment.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

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Passage as amended:

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

Noes, 0 -- None.

Senate Bill 410

Relating to funding a grant program in the department of health and social services to match elderly persons with providers of house maintenance and making an appropriation.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 6 -- Senators Moen, Decker, Feingold, Jauch Barrett and Breske;

Noes, 3 -- Senators Berndt, Lorman and Schultz.

Passage as amended:

Ayes, 6 -- Senators Moen, Decker, Feingold, Jauch Barrett and Breske;

Noes, 3 -- Senators Berndt, Lorman and Schultz.

Assembly Bill 49

Relating to jail and correctional system impact estimates.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 125

Relating to the regulation of social workers, marriage and family therapists and professional counselors, creating an examining board of social workers, marriage and family therapists and professional counselors, requiring insurance coverage of services performed by an independent clinical social worker, marriage and family therapist or professional counselor, a patient's privilege in a court proceeding to refuse to disclose communications made during or information obtained from a diagnosis or treatment of the patient's condition by certain health or mental health professionals, granting rule-making authority and providing penalties.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 414

Relating to establishing a grant program in the department of health and social services to fund devices to prevent accidental puncture in health care settings, requiring health care providers to dispose of, in specific ways, certain devices used in health care settings, granting rule-making authority and making an appropriation.

Concurrence:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Lorman and Schultz;

Noes, 1 -- Senator Berndt.

Rodney C. Moen
Chair

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

Senate Bill 345

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

Passage:

Ayes, 4 -- Senators Feingold, Moen, Buettner and Petak;

Noes, 1 -- Senator Burke.

Russell D. Feingold
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 105

Relating to the life and career of Bob Johnson.

Concurrence:

Ayes, 5 -- Senators Risser, Helbach, Chvala, Ellis and Rude;

Noes, 0 -- None.

Fred A. Risser
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Health and Social Services

February 3, 1992

To the Honorable the Legislature:

In accordance with section 9125(14e) of 1991 Wisconsin Act 39, you will find enclosed the Department of Health and Social Services' report on Early Intervention Services, commonly known as the Birth to Three program. The report summarizes the Department's activities regarding implementation of the Birth to Three program. In addition, the report contains the Department's recommendation to continue implementation of the program at the fourth year level, as allowed under federal reauthorization of the Birth to Three program.

Included with the Department's report are two separate reports which provide additional information about the Birth to Three program. The first report is the Birth to Three "Annual Report" to the Governor and the U.S. Department of Education Secretary for federal fiscal year 1991. This report describes the State's early intervention system and provides current information regarding the number of children served, the personnel providing services, and the cost of these services. The second report is the "Performance Report" to the U.S. Department of Education for federal fiscal year 1991. The report describes Wisconsin's progress in meeting the

Birth to Three program requirements of Part H of the Individuals with Disabilities Education Act (IDEA).

Although Wisconsin began fourth year implementation of the Birth to Three program in October 1991, most counties began fourth year implementation on January 1992. As a result, the Department has been unable to collect the detailed information regarding current resources available to support early intervention services or information necessary to estimate the fiscal impact of implementing the fifth year of the program. Such information will be needed prior to making an informed recommendation on Wisconsin's continued participation in the Birth to Three program.

Sincerely,
Gerald Whitburn
Secretary
State of Wisconsin
Legislative Audit Bureau

February 5, 1992

To the Honorable the Legislature:

We have completed an audit of the Medical College of Wisconsin, Inc., for the 1989-91 biennium, as required by s. 39.15, Wis. Stats. State funds paid to the Medical College for tuition aids totaled \$7,603,431 for the biennium.

Our audit included tests to ensure that the Medical College has complied with statutory requirements set forth in s. 39.15 and 39.155, Wis. Stats. We reviewed the tuition rate and the residency and enrollment status of students claimed for tuition aids to determine whether they were certified Wisconsin residents and had not been claimed for aid payments for more than four years. We also reviewed whether the Medical College gave first preference in admissions to Wisconsin residents and whether minority student access was promoted. We found the Medical College was in compliance with these statutory requirements.

We appreciate the courtesy and cooperation extended to us by the Medical College of Wisconsin administrators and the staff of the Higher Educational Aids Board during this audit.

Sincerely,
Dale Cattanach
State Auditor
State of Wisconsin
Legislative Audit Bureau

February 5, 1992

To the Honorable the Legislature:

We have completed an audit of the dental education contract between the State of Wisconsin and the Marquette University School of Dentistry for the 1989-91 biennium, as required by s. 39.46, Wis. Stats. State funds paid to the Marquette School of Dentistry for tuition aids totaled \$1,011,900 for the biennium.

Our audit included tests to ensure that the Marquette University School of Dentistry has complied with contract and statutory requirements set forth in s. 39.46, Wis. Stats. This included reviewing the residency certification and enrollment status of students claimed for tuition aids, the admissions preference given to Wisconsin residents, the tuition rate, and the promotion of minority student access. We found that Marquette University was in compliance with s. 39.46, Wis. Stats., and the state funds were expended only for the undergraduate dental school program.

We appreciate the courtesy and cooperation extended to us by the Marquette University administrators and the staff of the Higher Educational Aids Board during this audit.

Sincerely,
Dale Cattanach
State Auditor

Senate Petition 16

A petition by 1375 residents of the state of Wisconsin in opposition to Senate Bill 411, relating to the use of certain firearms during open season in Shawano county for hunting deer with firearms.

By committee on Urban Affairs, Environmental Resources and Elections.

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

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

January 28, 1992

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DAGOBERTO IBARRA of Milwaukee, as a member of the Public Defender Board pursuant to the statute governing, to serve for the term ending May 1, 1995.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin
Office of the Governor

January 28, 1992

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARC McCrory of Janesville, as a member of the Public Defender Board

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pursuant to the statute governing, to serve for the term ending May 1, 1995.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin
Office of the Governor

January 28, 1992

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint **LYNDA S. CULLEY** of Superior, as a member of the Public Defender Board pursuant to the statute governing, to serve for the term ending May 1, 1995.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

Senator Helbach, with unanimous consent, asked that **Senate Bill 465** be withdrawn from committee on Agriculture, Corrections, Health and Human Services and be referred to select committee on Health Care Access and Affordability.

CALENDAR OF FEBRUARY 6, 1992

NEITZEL, SCOTT A., of Madison, as a member of the Public Service Commission, to serve for the interim term ending March 1, 1993.

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.

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

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

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

Senate Clearinghouse Rule 91-20

Relating to the regulation of hazardous air contaminants.

No action taken.

Senate Clearinghouse Rule 91-128

Relating to atrazine management areas and atrazine prohibition areas.

No action taken.

Brian Burke
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 113

Passed and asks concurrence in:

Assembly Bill 258

Assembly Bill 542

Assembly Bill 657

Assembly Bill 691

Assembly Bill 792

Concurred in:

Senate Bill 167

Senate Bill 203

Amended and concurred in as amended:

Senate Bill 92, Assembly amendment 1

Senate Bill 130, Assembly amendment 3 to Assembly substitute amendment 1 and Assembly substitute amendment 1

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 113

Relating to recalling 1991 Senate Bill 102 to the assembly for further action.

By Representative Travis.

Read.

Considered as privileged and taken up.

Concurred in.

Assembly Bill 258

Relating to business development on Indian reservations, providing for a study and making appropriations.

By Legislative Council.

Read first time and referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Assembly Bill 542

Relating to mutilating or hiding a corpse and providing penalties.

By Representatives Huber, Kunicki, Turner, Wineke, Lautenschlager, Zweck, Grobschmidt, Hamilton, Hisrich, Travis, Stower, Van Dreel, Urban, Baldus, Notestein, Rohan, Hasenohrl and Plache, cosponsored by Senators Decker, Czarnezki and Huelsman.

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

Assembly Bill 657

Relating to increasing the fees received by court commissioners for supplementary examinations.

By Representatives Wimmer, Rutkowski, Deininger, Prosser, Bolle, Brancel, Rosenzweig, Goetsch, Turba, Brandemuehl, Duff, Vergeront, Klusman, Darling, Ainsworth, Kaufert, Lorge and Schneiders, cosponsored by Senators Adelman, Huelsman, Farrow, Buettner and Lorman.

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

Assembly Bill 691

Relating to parking privileges for disabled persons unable to carry property.

By Representatives Hasenohrl, Vanderperren, Swoboda, Baldus, Clarenbach, Van Gorden, Brandemuehl, Wood, Hubler, Linton, Hamilton, Holperin, Schwartz, Lorge, Barca, Hinkfuss, Moore, Medinger, S. Coggs, Fortis, Stower, Turner, Vander Loop, Schneider and Porter, cosponsored by Senators Helbach and Potter.

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

Assembly Bill 792

Relating to adult school crossing guards signaling traffic to stop at school crossings.

By Representative Schneider.

Read first time and referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Senator Roshell, with unanimous consent, asked that the Senate recess until 11:10 A.M..

10:29 A.M.

RECESS

11:10 A.M.

The Senate reconvened.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

CALENDAR OF FEBRUARY 6, 1992

Senate Joint Resolution 64

Relating to urging President Bush to prepare a national plan of action to implement the goals of the World Summit for Children Declaration.

Read.

Adopted.

Senate Bill 166

Relating to establishing a records pilot grant program and making appropriations.

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 bill be considered for final action at this time.

Senate Bill 166

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weedon — 32.

Noes — None.

Absent or not voting — Senator Leraan — 1.

Passed.

Senate Bill 236

Relating to custodial trusts.

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 236

Read a third time and passed.

Senate Bill 308

Relating to the alcohol concentration of vehicle operators.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to Senate Bill 308 offered by Senator Lorman.

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

Senator George, with unanimous consent, asked that Senate Bill 308 be referred to joint committee on Finance.

Senate Bill 326

Relating to requiring the use of safety belts or child safety restraint systems for certain children in motor vehicles.

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 326

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes _ Senators Adelman, Barrett, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasec, Llean, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden _ 30.

Noes _ Senators Andrea, Berndt and Schultz _ 3.

Absent or not voting _ None.

Passed.

Senate Bill 336

Relating to making a university of Wisconsin system teacher who is employed in a position that is covered by the Wisconsin retirement system eligible for state contribution toward group health insurance premiums on the first day of the month immediately after being hired.

Read a second time.

Senator George, with unanimous consent, asked that Senate Bill 336 be referred to joint committee on Finance.

Senate Bill 346

Relating to juvenile restitution and supervised work programs.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 346

Read a third time and passed.

Senate Bill 356

Relating to judgment docket entries in large claims court and removing information from the citation form used for certain forfeitures (suggested as remedial legislation by the director of state courts).

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 356

Read a third time and passed.

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).

Read a second time.

Senator George, with unanimous consent, asked that Senate Bill 358 be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that Senate Bill 358 be withdrawn from the joint committee on Finance and taken up.

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 358

Read a third time and passed.

Senate Bill 361

An act relating to the costs of educating inmates at vocational, technical and adult education schools and making an appropriation.

Read a second time.

Senator George, with unanimous consent, asked that Senate Bill 361 be referred to joint committee on Finance.

Senate Bill 374

Relating to eligibility for civil service veterans' preference points (suggested as remedial legislation by the department of employment relations).

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 374

Read a third time and passed.

Senate Bill 378

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

Read a second time.

Senate amendment 2 to **Senate Bill 378** offered by Senators Rude and Huelsman.

The question was: Adoption of Senate amendment 2?

Senate substitute amendment 1 to **Senate Bill 378** offered by Senators Burke and Leean.

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 378

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Leean, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Ulichny, Van Sistine and Weeden — 29.

Noes — Senators Berndt, Ellis, Lasee and Stitt — 4.

Absent or not voting — None.

Passed.

Senate Bill 388

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

Read a second time.

Senator Andrea, with unanimous consent, asked that **Senate Bill 388** be referred to committee on Senate Rules.

Senate Bill 401

Relating to duties of the regional transportation authority concerning public transit security.

Read a second time.

Senator Adelman, with unanimous consent, asked that **Senate Bill 401** be placed after **Assembly Bill 388**.

Senate Bill 425

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

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 425** be referred to joint committee on Finance.

Senate Bill 426

Relating to the regulation of certain nonprofit schools by the educational approval board.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 426** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 426** 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 bill be considered for final action at this time.

Senate Bill 426

Read a third time and passed.

Senate Bill 442

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

Read a second time.

Senator Plewa, with unanimous consent, asked that **Senate Bill 442** be laid on the table.

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.

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 453

Read a third time and passed.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 16

Relating to the effective date for any legislative compensation increase (2nd consideration).

Read a second time.

Ordered to a third reading.

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

Assembly Joint Resolution 16

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Barrett, Berndt, Buettner, Burke, Cowles, Decker, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Petak, Plewa, Potter, Roshell, Rude, Ulichny, Van Sistine and Weeden — 25.

Noes — Senators Adelman, Breske, Chvala, Czarnecki, Feingold, Risser, Schultz and Stitt — 8.

Absent or not voting — None.

Concurred in.

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.

Read a second time.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 4** be referred to committee on Senate Rules.

Senator Helbach, with unanimous consent, asked that the Senate recess until 2:07 P.M..

11:46 A.M.

RECESS

2:07 P.M.

The Senate reconvened.

Assembly Bill 320

Relating to collective bargaining units consisting of supervisors.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 320

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

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

Noes — Senators Adelman, Berndt, Buettner, Cowles, Farrow, Huelsman, Lasee, Leean, Lorman, Petak, Schultz, Stitt and Weeden — 13.

Absent or not voting — Senator Ellis — 1.

Concurred in.

Assembly Bill 362

Relating to appeals of judgments or orders in contempt of court cases.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 362

Read a third time and concurred in.

Assembly Bill 363

Relating to judgments in ordinance violation cases where the defendant fails to appear in circuit court.

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 363

Read a third time and concurred in.

Assembly Bill 377

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

Read a second time.

Senate amendment 1 to **Assembly Bill 377** offered by Senators Weeden, Rude, Farrow and Petak.

The question was: Adoption of Senate amendment 1?

Senator Andrea moved rejection of Senate amendment 1.

The question was: Rejection of Senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Burke, Chvala, Cowles, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Lasee, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 22.

Noes — Senators Buettner, Ellis, Farrow, Huelsman, Leean, Lorman, Petak, Rude, Schultz, Stitt and Weeden — 11.

Absent or not voting — None.

Rejected.

Senator Ellis, with unanimous consent, asked that the journal show he would have voted no on final concurrence of **Assembly Bill 320**.

Ordered to a third reading.

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

Assembly Bill 377

Read a third time and concurred in.

Assembly Bill 379

Relating to various changes affecting the Wisconsin retirement system and group insurance and other benefit plans for public employes and granting rule-making authority.

Read a second time.

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

Ordered to a third reading.

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

Assembly Bill 379

Read a third time and concurred in as amended.

Assembly Bill 388

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

Read a second time.

Senate amendment 1 to **Assembly Bill 388** offered by Senators Van Sistine and Roshell.

Senate amendment 1 to Senate amendment 1 to **Assembly Bill 388** offered by Senator Helbach.

Senator George, with unanimous consent, asked that **Assembly Bill 388** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Assembly Bill 388** be withdrawn from the joint committee on Finance and taken up.

Senator Ellis objected.

Senator Helbach moved that **Assembly Bill 388** be withdrawn from the joint committee on Finance and referred to the committee on Senate Rules.

The question was: Shall **Assembly Bill 388** be withdrawn from the joint committee on Finance and referred to the committee on Senate Rules?

Senator Leean, raised a point of order under Joint Rule 41 and 49(1) requesting the President to determine if **AB 388** requires a fiscal estimate.

The Chair took the point under advisement.

Senator Andrea, with unanimous consent, asked that he be made a co-author of **Senate Joint Resolution 68**, **Senate Joint Resolution 69** and **Senate Joint Resolution 70**.

Senator Plewa, with unanimous consent, asked that he be made a co-author of **Senate Joint Resolution 68**, **Senate Joint Resolution 69** and **Senate Joint Resolution 70**.

Senate Bill 401

Relating to duties of the regional transportation authority concerning public transit security.

Read a second time.

Senate amendment 1 to **Senate Bill 401** offered by Senator Adelman.

Senate substitute amendment 1 to **Senate Bill 401** offered by Senators Burke and Farrow.

Senate amendments 1 and 2 to Senate substitute amendment 1 to **Senate Bill 401** offered by Senator Adelman.

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

Senator Burke raised the point of order that Senate amendment 1 to Senate substitute amendment 1 was not germane.

The Chair ruled the point well taken.

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

Senator Burke raised the point of order that Senate amendment 2 to Senate substitute amendment 1 was not germane.

The Chair ruled the point well taken.

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 401

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Barrett, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 24.

Noes — Senators Adelman, Berndt, Ellis, Lasee, Lekan, Rude, Schultz, Stitt and Weeden — 9.

Absent or not voting — None.

Passed.

Assembly Bill 436

Relating to contracts for commissions on real estate transactions.

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 436

Read a third time and concurred in.

Assembly Bill 524

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

Read a second time.

Senate amendment 1 to **Assembly Bill 524** offered by Senators Huelsman and Breske.

The question was: Adoption of Senate 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.

Assembly Bill 524

Read a third time and concurred in as amended.

Assembly Bill 573

Relating to creating a small business improvement council.

Read a second time.

Senator George, with unanimous consent, asked that **Assembly Bill 573** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Assembly Bill 573** 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 Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 573

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Lekan, Lorman, Moen, Plewa, Potter, Risser, Roshell, Ulichny, Van Sistine and Weeden — 25.

Noes — Senators Ellis, Farrow, Huelsman, Lasee, Petak, Rude, Schultz and Stitt — 8.

Absent or not voting — None.

Concurred in as amended.

Assembly Bill 674

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

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 674

Read a third time and concurred in.

JOURNAL OF THE SENATE [February 6, 1992]

Earlier today the Senator from the 14th, Senator LEEAN raised a point of order under Joint Rule 41 and 49 (1) requesting the President to determine if AB 388 requires a fiscal estimate. The Chair has reviewed the bill, looked at past precedent for a bill of this subject and reviewed the requirements of Joint Rule 41 and s. 13.093 (2) of the Statutes.

Joint Rule 41 (1) (a) All bills making an appropriation and any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues shall carry a fiscal estimate.

Section 13.093 (2) Reads in part:

(2) Any bill making an appropriation and any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues shall, before any vote is taken thereon by either house of the legislature if the bill is not referred to a standing committee or before any public hearing is held before any standing committee or, if no public hearing is held, before any vote is taken by the committee, incorporate a reliable estimate of the anticipated change in appropriation authority or state or general local government fiscal liability.

A bill similar to this, has been reviewed in the past as to whether or not a bill of this nature requires a fiscal estimate. This very same bill has not been noted as requiring a fiscal estimate.

The Chair has read the bill and it relates to increasing awards in certain wrongful death actions. It does not of itself create a liability for any state or local unit or government. Nor could a "reliable" estimate be determined, as judicial review or action is required and that cannot be predicted.

Therefore, it is the opinion of the Chair, that Assembly Bill 388 does not require a fiscal estimate.

Senator George, with unanimous consent, asked that Assembly Bill 388 be withdrawn from the joint committee on Finance and taken up.

Assembly Bill 388

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

Read a second time.

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

Senator Rude moved rejection of Senate amendment 1 to Senate amendment 1.

The question was: Rejection of Senate amendment 1 to Senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, LEEAN, Lorman, Petak, Roshell, Rude, Schultz, Stitt, Van Sistine and Weeden — 17.

Noes — Senators Adelman, Barrett, Breske, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser and Ulichny — 16.

Absent or not voting — None.

Rejected.

The question was: Adoption of Senate amendment 1?

Senator Chvala moved that Assembly Bill 388 be laid on the table.

The question was: Shall Assembly Bill 388 be laid on the table?

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Breske, Burke, Chvala, Cowles, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Lasee, LEEAN, Moen, Petak, Plewa, Potter, Risser, Roshell, Schultz, Ulichny, Van Sistine and Weeden — 25.

Noes — Senators Berndt, Buettner, Ellis, Farrow, Huelsman, Lorman, Rude and Stitt — 8.

Absent or not voting — None.

Tabled.

MOTIONS

Senator Jauch, with unanimous consent, asked that he be listed as a co-sponsor of Senate Bill 280.

Senator Farrow, with unanimous consent, asked that she be listed as a co-sponsor of Senate Bill 361.

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

ANNOUNCEMENTS

Senator Weeden, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the 22 U.S. adult athletes who will be competing in the XVI Winter Olympic Games in Albertville.

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:15 A.M. Tuesday, February 11.

3:50 P.M.

JOURNAL OF THE SENATE [February 6, 1992]

AMENDMENTS OFFERED

Senate amendment 2 to **Assembly Bill 388** offered by
Senator Huelsman.

Senate amendment 1 to **Assembly Joint Resolution
105** offered by Senator Chvala.