

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, March 10, 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 Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Leean, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 32.

Absent — Senator Adelman — 1.

Absent with leave — None. — 0.

LEAVE OF ABSENCE

Senator Helbach, with unanimous consent, asked that Senator Adelman be granted a leave of absence until 10:45 A.M..

The Senate stood for the prayer which was offered by Father Jim Davis of St. Andrew's Episcopal Church of Madison.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 551

Relating to payment of certain sales commissions upon termination of employment.

By Senators Adelman, Roshell and Leean; cosponsored by Representatives Vrakas and Rutkowski.

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

Senate Bill 552

Relating to public assistance verification, evaluation of the standard of assistance in the aid to dependent children program, child support and welfare fraud.

By Senators Moen, Risser and Roshell; cosponsored by Representatives Young, Hauke, Plache, Hough, Moore, Boyle, Carpenter, Roberts, Seery, Holperin, Turner, Bell and Robson.

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

Senate Bill 553

Relating to environmental quality in the Great Lakes and their tributaries.

By Senators Burke, Van Sistine, Andrea, Jauch, Cowles, Feingold, Risser and Chvala; cosponsored by Representatives Seery, Notestein, Turner, Boyle, Black, Rohan, Gruszynski, Young, Fortis, Potter, Loucks, Plache, Baldus and Hinkfuss.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 555

Relating to causing harm or death to an unborn child and providing penalties.

By Senators Plewa, Roshell, Weeden, Breske, Lasee, Petak and Buettner; cosponsored by Representatives Wood, Vergeront, Grobschmidt, Carpenter, Medinger, Robson, Holschbach, Hamilton, Ourada, Brandemuehl, Duff, Musser, Ott, Urban, Goetsch, Lehman, Van Gorden, Johnsrud, Lorge, Zien, Nass and Silbaugh, by request of Tracy Black and family.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

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

DEJMEK, LINDA, of Appleton, as a member of the Optometry Examining Board to serve for the term ending July 1, 1996.

Confirmation:

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

Noes, 0 -- None.

Senate Bill 554

Relating to the regulation of chiropractors 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 511

Relating to the regulation of red deer and fallow deer.

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.

Rodney C. Moen
Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 118

Relating to designating March as Women's History Month.

Concurrence:

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

Noes, 0 -- None.

Assembly Joint Resolution 126

Relating to saluting Gaiashkibos upon his election as president of the National Congress of American Indians.

Concurrence:

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

Noes, 0 -- None.

Fred A. Risser
Chair

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

GARLOCK, JOEL D., of Winneconne, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1996.

Confirmation:

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

Noes, 0 -- None.

PROBST, FRANK R., of Milwaukee, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1996.

Confirmation:

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

Noes, 0 -- None.

Senate Joint Resolution 72

Relating to observing the week of May 3 to 9, 1992, as 'Small Business Week'.

Adoption:

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

Noes, 0 -- None.

Senate Bill 514

Relating to fire inspection requirements, the use and distribution of fire department dues and granting rule-making authority.

Passage:

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

Noes, 0 -- None.

Assembly Bill 798

Relating to veterans benefits for enrollment in part-time classroom study in an institution located within 50 miles of the state border.

Concurrence:

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

Noes, 0 -- None.

Senate Bill 527

Relating to excepting the Wisconsin veterans home at King from certain laws relating to review and approval of certain construction, capital expenditure, plans and specifications and conveyances, leases and subleases.

Passage:

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

Noes, 0 -- None.

Jerome Van Sistine
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Joint Resolution 27

For the purpose of requesting appropriate action by the congress to propose an amendment to the U.S. constitution prohibiting the physical desecration of the flag of the United States.

Concurrence:

Ayes, 2 -- Senators Stitt and Buettner;

Noes, 3 -- Senators Adelman, Feingold and Chvala.

Assembly Bill 567

Relating to pupils' right to freedom of expression in public schools.

Concurrence:

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

Noes, 1 -- Senator Buettner.

Lynn S. Adelman
Chair

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

Assembly Bill 899

Relating to exceptions from competitive bidding for the construction, repair or maintenance of harbors or harbor facilities.

Concurrence:

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

JOURNAL OF THE SENATE [March 10, 1992]

Noes, 0 -- None.

Brian Burke
Chair

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

BARTLEY, DOUGLASS H., of Mequon, as a member of the Tax Appeals Commission, to serve for the interim term ending March 1, 1993.

Confirmation:

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

Noes, 0 -- None.

WILLOUGHBY, E. RAY, of Eau Claire, as a member of the Banking Review Board, to serve for the term ending May 1, 1997.

Confirmation:

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

Noes, 0 -- None.

Senate Joint Resolution 40

Relating to earmarking the net proceeds of the state lottery for residential and agricultural property tax relief (first consideration).

Adoption:

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

Noes, 0 -- None.

Senate Bill 244

An act relating to a legislative council study of land value taxation.

Passage:

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

Noes, 1 -- Senator Petak.

Senate Bill 476

Relating to adopting a uniform funds transfers statute.

Passage:

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

Noes, 0 -- None.

Senate Bill 484

Relating to requiring landlords to fill out or provide information for homestead credit forms.

Passage:

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

Noes, 0 -- None.

Senate Bill 486

Relating to the method by which an extension of the time to file an individual or fiduciary income tax return may be obtained.

Passage:

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

Noes, 0 -- None.

Assembly Bill 107

Relating to changing the procedures by which a later tax return filing fee is imposed on persons.

Concurrence:

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

Noes, 1 -- Senator Petak.

Assembly Bill 629

Relating to requiring buildings on leased land to be assessed as real property.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 635

Relating to duties of the department of revenue to taxpayers who receive erroneous written advise from the department.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 638

Relating to providing individual income taxpayers with the option of receiving a postcard with an identification label instead of a tax form and booklet.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 770

Relating to imposing the controlled substances tax on marijuana plants.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 801

Relating to organizations engaged in fiduciary operations.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 802

Relating to regulating credit services organizations and providing a penalty.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

Senate Bill 543

An act relating to specifying that the rates for the motor fuel and special fuel taxes will not be indexed in 1992.

Passage:

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

Noes, 0 -- None.

Russell D. Feingold
Chair

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

March 4, 1992

To the Honorable, the Senate:

Upon the request of ROBERT S. GAISWINKLER of Brookfield, I am withdrawing his nomination for re-appointment to the Savings and Loan Review Board.

Thank you for your attention to this matter.

Respectfully,
Tommy Thompson
Governor

CALENDAR OF MARCH 10, 1992

DEJMEK, LINDA, of Appleton, as a member of the Optometry Examining Board to serve for the term ending July 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. — 0.

Absent or not voting — None. — 0.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 91-72

Relating to appeals of determinations made by the department of employe trust funds to the employe trust funds board, deferred compensation board, group insurance board, teachers retirement board or Wisconsin retirement board.

Submitted by Department of Employee Trust Funds.
Report received from agency, March 6, 1992.

Referred to committee on Housing, Government Operations and Cultural Affairs, March 10, 1992.

Senate Clearinghouse Rule 92-10

Relating to program revenue fees.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, March 5, 1992.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, March 10, 1992.

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 748

Assembly Bill 848

Concurred in:

Senate Bill 262

**MESSAGE FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 748

Relating to cable television consumer rights, cable television system franchise transfers and renewals and providing a penalty.

By Representatives Black, Bock, Grobschmidt, Holperin, Cullen, Young, Hough, Fortis, Huber, Hubler, Van Dreel, Urban, Potter, Moore, Robson and Bolle, cosponsored by Senators Barrett, Decker, Chvala and Weeden.

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

Assembly Bill 848

Relating to establishing an open season for hunting deer with firearms.

By Representatives Hubler, Lorge, Reynolds, Hamilton, Ourada, Lehman and Johnsrud, cosponsored by Senators Roshell and Cowles.

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

**SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS**

Senate Joint Resolution 80

Relating to congratulating Charles M. Phillips on his contributions to the well-being of the citizens of Wisconsin.

Read.

Adopted.

JOURNAL OF THE SENATE [March 10, 1992]

Senate Joint Resolution 82

Relating to proclaiming May 3, 1992, Trzeciego Maja Day.

Read.

Adopted.

Senate Bill 178

Relating to the closure of preliminary examinations in criminal cases involving sexual assault, sexual exploitation or incest.

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 178

Read a third time and passed.

Senate Bill 213

Relating to access to information and documents regarding civil actions.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 213** offered by Senator Chvala.

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

Adopted.

Senator George, with unanimous consent, asked that **Senate Bill 213** be referred to joint committee on Finance.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 904** be withdrawn from committee on Senate Organization and be referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Senator Roshell, with unanimous consent, asked that the Senate recess until 11:50 A.M..

10:55 A.M.

RECESS

11:50 A.M.

The Senate reconvened.

Senator Helbach, with unanimous consent, asked that **Senate Bill 292** be placed at the foot of the calendar.

Senate Bill 353

Relating to return of fingerprint and related records.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator Adelman, with unanimous consent, asked that Senate substitute amendment 1 be laid on the table.

Senate substitute amendment 2 to **Senate Bill 353** offered by Senator Adelman.

The question was: Adoption of Senate substitute amendment 2?

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 353

Read a third time and passed.

Senate Bill 511

Relating to the regulation of red deer and fallow deer.

Read a second time.

Senator Schultz, with unanimous consent, asked that he be listed as a co-author of **Senate Bill 511**.

Senator George, with unanimous consent, asked that **Senate Bill 511** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 511** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 511** offered by Senator Breske.

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

Adopted.

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 511

Read a third time.

Senator Helbach, with unanimous consent, asked that **Senate Bill 511** be placed at the foot of the calendar.

Senate Bill 517

Relating to replacement of adversely affected wetlands and granting rule-making authority.

Read a second time.

Senator Helbach, with unanimous consent, asked that the Senate recess until 2:03 P.M..

11:56 A.M.

RECESS

2:03 P.M.

The Senate reconvened.

Senator Helbach, with unanimous consent, asked that **Senate Bill 292**, **Senate Bill 511**, **Senate Bill 517**, **Senate Bill 519**, **Assembly Joint Resolution 91** and **Assembly Bill 771** be referred to committee on Senate Rules.

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

Senator Ellis, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Senator Leean who is celebrating his 50th birthday.

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 2:00 P.M. Wednesday, March 11.

2:05 P.M.

STATEMENT OF POSITION

Pursuant to Senate Rule 75, I wish to have the journal show that had I been present on March 3, 1992, I would have voted as follows:

- Aye on Confirmation of appointments.
- Aye on adoption of **Senate Joint Resolution 41**.
- Aye on concurrence in **Assembly Bill 145**.

Sincerely,
Czarnecki
Senator

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Joint Resolution 12.

Report correctly enrolled and deposited in the Office of the Secretary of State on March 9, 1992.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 152** offered by Senator Andrea.

Senate amendment 1 to **Senate Bill 480** offered by Senator Decker.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 292** offered by Senator Chvala.

Senate amendments 3, 4, 5 and 6 to Senate substitute amendment 1 to **Senate Bill 292** offered by Senator Adelman.

Senate amendments 1, 2 and 3 to **Senate Bill 517** offered by Senator Stitt.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 203

Assembly Substitute Amendment 1

In engrossing, the following corrections were made:

1. Item 29 of Assembly amendment 3 and Item 3 of Assembly amendment 5, as affected by Assembly amendment 1 thereto, were merged; and on page 2, line 15, of Assembly amendment 5, subsection "(1)" is renumbered subsection "(2)".