

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, April 14, 1992

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

In accordance with Joint Rule 81(2), it is moved

(1) That the Legislature meet in extraordinary session, convening at the Capitol at 10:00 A.M. on Tuesday, April 14, 1992, solely for the purpose of acting on congressional and legislative redistricting; and

(2) That the purpose of Floorperiod VI, scheduled to commence on Tuesday, May 19, 1992, is expanded to include completion of legislative action on redistricting if such action was not completed during the extraordinary session.

Senate:

Ayes, 3 -- Senators Risser, Helbach and Chvala; Noes, 0 -- None.

Assembly:

Ayes, 5 -- Representatives Kunicki, Travis, Clarenbach, Barca and Notestein;

Noes, 3 -- Representatives Prosser, Radtke and Welch.

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 the prayer which was offered by Reverend Jule Berndt father of the Senator from the 10th and a retired Lutheran minister now living in River Falls.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Senate Joint Resolution 92

Relating to recalling 1991 Senate Bill 209 form enrolling for corrective action in floorperiod VI.

Introduction:

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

Noes, 0 -- None.

Read.

Considered as privileged and taken up. Adopted.

Senate Bill 577

Relating to redistricting the congressional districts.

Introduction:

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

Noes, 0 -- None.

Read first time and referred to committee on Senate Rules.

Fred A. Risser Chair

Senator Helbach, with unanimous consent, asked that Senate Bill 577 be withdrawn form committee on Senate Rules and taken up.

Senate Bill 577

Relating to redistricting the congressional districts.

Read a second time.

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

10:17 A.M.

RECESS

11:11 A.M.

The Senate reconvened.

The question was: Shall the bill be ordered to a third reading?

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, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Leraan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Ulichny and Van Sistine - - 29.

Noes -- Senators Lasee, Schultz, Stitt and Weeden -- 4.

Absent or not voting -- None.

Ordered to a third reading.

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

Senate Bill 577

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Breske, Burke, Chvala, Czarnecki, Decker, Feingold, George,

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Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 19.

Noes — Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, Leraan, Lorman, Petak, Rude, Schultz, Stitt and Weeden — 14.

Absent or not voting — None.

Passed.

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

Senator Helbach, with unanimous consent, asked that the Senate recess until 2:47 P.M..

11:19 A.M.

RECESS

2:47 P.M.

The Senate reconvened.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Health and Social Services

April 3, 1992

To the Honorable the Legislature:

1989 Wisconsin Act-83 requires the Department of Health and Social Services to annually report to the Legislature on its Medicare Maximization efforts. The enclosed report addresses activities for 1991 and anticipated efforts for 1992.

Sincerely,
Gerald Whitburn
Secretary

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

April 10, 1992

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
15-----	158-----	April 10, 1992
310-----	159-----	April 10, 1992

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

April 13, 1992

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
258-----	170-----	April 13, 1992
370-----	171-----	April 13, 1992
412-----	172-----	April 13, 1992
460-----	173-----	April 13, 1992

Respectfully,
TOMMY G. THOMPSON
Governor
State of Wisconsin
Office of the Governor

April 14, 1992

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
248-----	180-----	April 14, 1992
269-----	181-----	April 14, 1992
296-----	182-----	April 14, 1992
315-----	183-----	April 14, 1992
360-----	184-----	April 14, 1992
395-----	185-----	April 14, 1992
499-----	186-----	April 14, 1992
514-----	187-----	April 14, 1992
519-----	188-----	April 14, 1992
559-----	189-----	April 14, 1992

Respectfully,
TOMMY G. THOMPSON
Governor

SENATE CLEARINGHOUSE ORDERS

The committee on Transportation and Utilities reports and recommends:

Senate Clearinghouse Rule 91-198
Relating to 3rd-party testers.
No action taken.

Thomas Barrett
Chair

The committee on Housing, Government Operations and Cultural Affairs reports and recommends:

Senate Clearinghouse Rule 91-124
Relating to procedures for disciplinary proceedings.
No action taken.

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.

No action taken.

John R. Plewa
Chair

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

Senate Clearinghouse Rule 91-35

Relating to hospices.

Review period waived:

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

Noes, 1 -- Senator Feingold.

Rodney C. Moen
Chair

Senate Clearinghouse Rule 91-158

Relating to the chemical and container collection grant program.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, April 9, 1992.

Referred to committee on Agriculture, Corrections, Health and Human Services, April 14, 1992.

Senate Clearinghouse Rule 92-7

Relating to standards for the inspection of bridges in Wisconsin.

Submitted by Department of Transportation.

Report received from agency, April 13, 1992.

Referred to committee on Transportation and Utilities, April 14, 1992.

Senate Clearinghouse Rule 92-8

Relating to the method of determining eligibility for funding the acceleration of the reconstruction or rehabilitation of seriously deteriorating local bridges.

Submitted by Department of Transportation.

Report received from agency, April 13, 1992.

Referred to committee on Transportation and Utilities, April 14, 1992.

Senate Clearinghouse Rule 92-23

Relating to supervision in communities of persons found not guilty of a crime by reason of mental disease or mental defect.

Submitted by Department of Health and Social Services.

Report received from agency, April 14, 1992.

Referred to committee on Agriculture, Corrections, Health and Human Services, April 14, 1992.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Senate Joint Resolution 92

Senate Bill 577

Senator Helbach, with unanimous consent, asked that the Senate recess until 4:32 P.M..

2:48 P.M.

RECESS

4:32 P.M.

The Senate reconvened.

The Chair, with unanimous consent, asked that the Senate return to the fourth order of business.

COMMITTEE REPORTS

In accordance with Joint Rule 81(2), it is moved

That in addition to Congressional and Legislative Redistricting the purpose of the April 14, 1992 Extraordinary Session of the Legislature is expanded to include a joint resolution proposing a constitutional amendment relating to the lottery and gambling in this state.

Senate:

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

Noes, 0 -- None.

Assembly:

Ayes, 4 -- Representatives Kunicki, Travis, Barca and Notestein.

Noes, 3 -- Representatives Prosser, Radtke and Welch.

The committee on Senate Organization reports and recommends:

Senate Joint Resolution 93

Relating to distinguishing the state lottery from prohibited gambling, defining 'lottery', and removing from the gambling section of the constitution the prohibition of individual divorce grants by the legislature (first consideration).

By request of Senators Adelman, Risser, Barrett, Burke, Czarnecki, Decker, Ulichny, Plewa, Chvala, Moen, Potter, Buettner, Lorman, Petak, Farrow, Lekan, Cowles, Lasee, Stitt, Huelsman, Schultz, Weeden, Berndt and Helbach.

Introduction:

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

Noes, 0 -- None.

Read first time and referred to committee on Senate Rules.

Fred A. Risser
Chair

Senator Helbach, with unanimous consent, asked that **Senate Joint Resolution 93** be withdrawn from committee on Senate Rules and taken up.

Senate Joint Resolution 93

Relating to distinguishing the state lottery from prohibited gambling, defining 'lottery', and removing from the gambling section of the constitution the prohibition of individual divorce grants by the legislature (first 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.

Senate Joint Resolution 93

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Lasee, Llean, Lorman, Moen, Petak, Plewa, Potter, Risser, Schultz, Stitt, Ulichny and Weeden — 28.

Noes — Senators Breske, Jauch, Roshell, Rude and Van Sistine — 5.

Absent or not voting — None.

Adopted.

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

The committee on Senate Organization reports and recommends:

Senate Bill 578

Relating to redistricting the legislative districts.

By request of Senator Helbach.

Introduction:

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

Noes, 0 -- None.

Read first time and referred to committee on Senate Rules.

Fred A. Risser
Chair

Senator Helbach, with unanimous consent, asked that **Senate Bill 578** be withdrawn from committee on Senate Rules and taken up.

Senator Ellis, with unanimous consent, asked that the Senate stand informal for one minute.

4:40 P.M.

4:41 P.M.

The Senate reconvened.

Senate Bill 578

Relating to redistricting the legislative districts.

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 578

Read a third time.

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

Ayes — Senators Adelman, Andrea, Breske, Burke, Chvala, Czarnezki, Decker, Feingold, Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 17.

Noes — Senators Barrett, Berndt, Buettner, Cowles, Ellis, Farrow, George, Huelsman, Lasee, Llean, Lorman, Petak, Rude, Schultz, Stitt and Weeden — 16.

Absent or not voting — None.

Passed.

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

Senator Helbach, with unanimous consent, asked that the Senate stand informal for two minutes.

4:53 P.M.

4:55 P.M.

The Senate reconvened.

Senator Helbach, with unanimous consent, asked that the Senate recess until 7:03 P.M..

4:56 P.M.

RECESS

7:03 P.M.

The Senate reconvened.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Senate Bill 578

MOTIONS

Senator Lorman, with unanimous consent, asked that when the Senate adjourn today it do so in honor of Gene "Cousin Otto" Lee who was inducted into the clown Hall of Fame on April 12, 1992. Cousin Otto was best known as America's favorite relative and we thank him for his gift of years of pleasure to both the young and the old.

Senator Lorman, with unanimous consent, asked that when the Senate adjourn today it do so in honor of Commander Daniel Brandenstein and the crew of the Space Shuttle Orbiter Endeavour which will be lifting off on May 7, 1992. We wish the crew a successful mission.

Senator Helbach upon the request of Senator Ulichny, with unanimous consent, asked that when the Senate adjourn today it do so in memory of the Reverend Al Burton Eliason.

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, April 16.

7:11 P.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 15.

Senate Bill 310.

Correctly enrolled and presented to the Governor on April 10, 1992.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 258.

Senate Bill 370.

Senate Bill 412.

Senate Bill 460.

Correctly enrolled and presented to the Governor on April 13, 1992.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 248.

Senate Bill 269.

Senate Bill 296.

Senate Bill 315.

Senate Bill 360.

Senate Bill 395.

Senate Bill 499.

Senate Bill 514.

Senate Bill 519.

Senate Bill 559.

Correctly enrolled and presented to the Governor on April 14, 1992.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 443

Senate Amendment 1

1. Page 2, line 23: delete "center"