

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

10:00 A.M.

TUESDAY, May 18, 1993

The Senate met.

The Senate was called to order by Brian D. Rude, President of the Senate.

The roll was called and the following Senators answered to their names:

Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz Stitt, Weeden, Wineke and Zien — 33.

Absent — None.

Absent with leave — None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Moen 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 292

Relating to prohibiting smoking in the state capitol building and on the state capitol grounds.

By Senators Clausing, Burke, Darling and Risser; cosponsored by Representatives R. Young, L. Young, Lorge, Dobyms, Urban, Boyle, Duff, Underheim and Freese.

To committee on State Government Operations and Corrections.

Senate Bill 293

Relating to the age at which a child may be adjudicated delinquent.

By Senators Rosenzweig, Buettner, Huelsman, Stitt, Farrow, Rude, Petak, Schultz, Weeden, Lorman, Darling and Zien; cosponsored by Representatives Ladwig, Krusick, Ourada, Bolle, Boyle, Underheim, Dobyms, Musser, Owens, Ott, Brandemuehl, Harsdorf, Vrakas, Klusman, Freese, Ziegelbauer, Silbaugh, Duff, Goetsch, Schneiders and Ryba.

To committee on Judiciary and Insurance.

Senate Bill 294

Relating to creating the medical assistance services council and making an appropriation.

By Senators Rosenzweig, Rude, Farrow, Darling, Cowles and Buettner; cosponsored by Representatives Ourada, Carpenter, Robson, Holperin, Boyle, Porter, Schneiders, Ladwig, Harsdorf, Dobyms, Urban,

Underheim, Klusman, Lehman, Ainsworth, Hahn, Vrakas, Gard and Ott.

To committee on Health, Human Services and Aging.

Senate Bill 295

Relating to notice of unredeemed lands in populous counties.

By Senators Rosenzweig, Burke, Farrow and Darling; cosponsored by Representatives Carpenter, Bock, Lehman, Dobyms, Duff and Schneiders.

To committee on Business, Economic Development and Urban Affairs.

Senate Bill 296

Relating to admissibility of evidence regarding the manner of dress of a complaining witness.

By Senators Rosenzweig, Potter, Buettner, Moore, Stitt, Lasee, Darling, Huelsman, Lorman and Wineke; cosponsored by Representatives Brancel, Black, Carpenter, Lehman, Lorge, Porter, Baldus, Ourada, Goetsch, Jensen, Schneiders, Reynolds, Musser, Gruszynski, Klusman, Ward and Brandemuehl.

To committee on Judiciary and Insurance.

COMMITTEE REPORTS

The committee on Human Resources, Labor, Tourism, Veterans and Military Affairs reports and recommends:

Senate Bill 214

Relating to the coverage under the prevailing wage rate and hours-of-labor law of truck drivers who work on state highway projects.

Introduction and adoption of Senate amendment 1:

Ayes, 4 -- Senators Zien, Drzewiecki, Lasee and Breske;

Noes, 1 -- Senator Decker.

Passage as amended:

Ayes, 4 -- Senators Zien, Drzewiecki, Lasee and Breske;

Noes, 1 -- Senator Decker.

David A. Zien  
Chair

PETITIONS AND COMMUNICATIONS  
STATE OF WISCONSIN  
ETHICS BOARD

May 11, 1993

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.

**Bell Ambulance**

Subjects: Any matter affecting the company in any way by any state agency, or the legislature.

Fitzgerald, Moira

**County Police Assoc. Limited, Wisconsin**

Subjects: Matters affecting the organization in any way by any state agency, or the legislature. Any matter affecting law enforcement.

Katzman, William

**Head Start Directors Assoc., Wisconsin**

Subjects: The Directors Association will attempt to secure state funding in order to serve more of the eligible children throughout Wisconsin who currently are not enrolled in Head Start.

Gau, Linda

Hilbert, Lisa

**New Hope Project, Inc., The**

Subjects: Welfare reform; health care reform; child care; tax policy.

Kerksick, Julie

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

May 11, 1993

To the Honorable the Senate:

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

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

**Businesses, Inc., Wisconsin Independent**

Antoniewicz, Gary

**Children's Hospital**

Morris, Leigh

**Concerned Auto Recyclers of Wisconsin**

Katzman, William

**Great Lakes Higher Education Corp.**

Gerrard, M. William

**Labor Assoc. of Wisconsin, Inc.**

Katzman, William

**Newspaper Association, Wisconsin**

Spellmeyer, Grant

**Philip Morris U.S.A.**

Pressl, Lance

**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.

**Philip Morris U.S.A.**

Cramer, Mary T. 5/10/93

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

Department of Development

May 10, 1992

To the Honorable the Legislature:

The Department of Development has available two reports involving technology development in Wisconsin and the United States.

The High Technology Sector in Wisconsin examines the extent of, and changes in, high technology business in Wisconsin for the period 1983-1991.

The Report on Emerging Technologies provides an overview of the most critical "emerging technologies" that will continue to fuel economic growth in the United States.

Copies of these reports may be obtained by calling Bev Haberman at 608-266-5381.

Sincerely,

Robert N. Trunzo

Secretary

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

May 12, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JACQUELYN J. LAHN of Osseo, as a member of the Board of Veterans Affairs pursuant to the statute governing, to serve for the term ending May 1, 1999.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs.

State of Wisconsin  
Office of the Governor

May 12, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEWIS B. M.D. HARNED of Madison, as a member of the Board of Veterans Affairs pursuant to the statute governing, to serve for the term ending May 1, 1999.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs.

State of Wisconsin  
Office of the Governor

May 12, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BETTY JO NELSEN of Shorewood, as a member of the Natural Resources Board pursuant to the statute governing, to serve for the term ending May 1, 1999.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Environment and Energy.

State of Wisconsin  
Office of the Governor

May 12, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NEAL W. SCHNEIDER of Janesville, as a member of the Natural

Resources Board pursuant to the statute governing, to serve for the term ending May 1, 1999.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Environment and Energy.

State of Wisconsin  
Office of the Governor

May 12, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TRYGVE A. SOLBERG of Minocqua, as a member of the Natural Resources Board pursuant to the statute governing, to serve for the term ending May 1, 1999.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Environment and Energy.

Senator Moen, with unanimous consent, asked that the Senate recess until 11:22 A.M..

10:12 A.M.

RECESS

11:22 A.M.

The Senate reconvened.

CALENDAR OF TUESDAY, MAY 18, 1993

ANDERSON, PAMELA I., of Madison, as a member of the Labor and Industry Review Board, to serve for the term ending March 1, 1999.

Read.

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, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 32.

Noes — None.

Absent or not voting — Senator Moore — 1.

Confirmed.

DRZEWIECKI, GARY, of Pulaski, as a member of the Fox River Management Commission, to serve for the interim term ending March 1, 1994.

Read.

Senator Drzewiecki asked that he be excused from voting in accordance with Senate Rule 73(1).

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, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Lorean, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 32.

Noes — None.

Absent or not voting — Senator Drzewiecki — 1.

Confirmed.

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### SENATE CLEARINGHOUSE ORDERS

#### Senate Clearinghouse Rule 92-139

Relating to electrical inspection of farms.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, May 13, 1993.

Referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs, May 18, 1993.

#### Senate Clearinghouse Rule 93-64

Relating largemouth and smallmouth bass sport fishing in lower Clam Lake, Burnett county.

Submitted by Department of Natural Resources.

Report received from agency, May 17, 1993.

Referred to committee on Environment and Energy, May 18, 1993.

#### Senate Clearinghouse Rule 92-87

Relating to the loss of USDA certification by veterinarians as being unprofessional conduct.

Submitted by Department of Regulation and Licensing.

Report received from agency, May 13, 1993.

Referred to committee on Transportation, Agriculture, Local and Rural Affairs, May 18, 1993.

The committee on Business, Economic Development and Urban Affairs reports and recommends:

#### Senate Clearinghouse Rule 92-176

Relating to the regulation of boxing.

No action taken.

George Petak  
Chair

The committee on State Government Operations and Corrections reports and recommends:

#### Senate Clearinghouse Rule 92-223

Relating to the sales and use tax treatment of containers and packaging materials.

No action taken.

Gary Drzewiecki  
Chair

The committee on Health, Human Services and Aging reports and recommends:

#### Senate Clearinghouse Rule 92-201

Relating to certification requirements for physician's assistants.

No action taken.

#### Senate Clearinghouse Rule 92-203

Relating to ear molds and equipment used to measure human hearing.

No action taken.

#### Senate Clearinghouse Rule 92-218

Relating to use of diagnostic pharmaceutical agents and therapeutic pharmaceutical agents by licensed optometrists.

No action taken.

#### Senate Clearinghouse Rule 93-3

Relating to early intervention services for children in the age group birth through 2 who are found to be developmentally delayed or to have a diagnosed condition for which there is a high probability that it will result in developmental delay.

No action taken.

Carol A. Buettner  
Chair

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

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CALENDAR OF TUESDAY, May 18, 1993

#### Senate Bill 35

Relating to environmental education grants, environmental assessments and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator Lorean, with unanimous consent, asked that **Senate Bill 35** be referred to joint committee on Finance.

#### Senate Bill 39

Relating to the regulation of chiropractors and granting rule-making authority.

Read a second time.

Senator Lorean, with unanimous consent, asked that **Senate Bill 39** be referred to the joint committee on Finance.

Senator Leean, with unanimous consent, asked that **Senate Bill 39** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 39**

Read a third time and passed.

**Senate Bill 135**

Relating to stacking of motor vehicle insurance coverage and drive-other-car exclusions under motor vehicle policies.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 135** be placed after **Senate Bill 278**.

**Senate Bill 211**

Relating to changing the name of the youth apprenticeship council to the council on workforce excellence, expanding the membership and duties of that council and making an appropriation.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 211** be referred to committee on Senate Organization.

**Senate Bill 212**

Relating to the authority of the division of equal rights in the department of industry, labor and human relations to dismiss complaints under the fair employment law, the authority of the division of equal rights in the department of industry, labor and human relations and of the personnel commission to resolve complaints involving public employe safety and health, discrimination in public accommodations and discrimination in employment, and the place for holding a hearing on a complaint charging discrimination in housing, public accommodations or employment.

Read a second time.

Senator George moved that **Senate Bill 212** be referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs.

The question was: Shall **Senate Bill 212** be referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs?

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

Ayes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 14.

Noes — Senators Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 19.

Absent or not voting — None.

Referral refused.

Ordered to a third reading.

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

**Senate Bill 212**

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 Breske, Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 19.

Noes — Senators Adelman, Andrea, Burke, Chvala, Clausing, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 14.

Absent or not voting — None.

Passed.

**Senate Bill 213**

Relating to exempting from the minimum wage laws certain persons who perform services for the state or for a local unit of government and authorizing the state and local units of government to provide compensatory time in lieu of overtime pay.

Read a second time.

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

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

Ordered to a third reading.

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

**Senate Bill 213**

Read a third time and passed.

**Senate Bill 278**

Relating to postponing implementation of automatic reinstatement assessments for the suspension of motor vehicle operating privileges.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 278**

Read a third time and passed.

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

**Senate Bill 135**

Relating to stacking of motor vehicle insurance coverage and drive-other-car exclusions under motor vehicle policies.

Read a second time.

Senate amendment 1 to **Senate Bill 135** offered by Senator Wineke.

The question was: Adoption of Senate amendment 1?

Senator Huelsman moved rejection of Senate amendment 1.

The question was: Rejection of Senate amendment 1?

Senator Adelman, with unanimous consent, asked that **Senate Bill 135** be referred to committee on Judiciary and Insurance.

Senator Huelsman objected.

Senator Adelman moved that **Senate Bill 135** be referred to committee on Judiciary and Insurance.

The question was: Shall **Senate Bill 135** be referred to committee on Judiciary and Insurance?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Risser and Wineke — 13.

Noes — Senators Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Plewa, Potter, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 20.

Absent or not voting — None.

Referral refused.

The question was: Rejection of Senate amendment 1?

Rejected.

Senate amendment 2 to **Senate Bill 135** offered by Senators Adelman, Burke and Moore.

The question was: Adoption of Senate amendment 2?

Senator Adelman, with unanimous consent, asked that Senate amendment 2 be returned to the author.

Senate amendment 3 to **Senate Bill 135** offered by Senator Adelman.

The question was: Adoption of Senate amendment 3?

Senator Huelsman moved rejection of Senate amendment 3.

The question was: Rejection of Senate amendment 3?

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

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.

Absent or not voting — None.

Rejected.

Senate amendments 4 and 5 to **Senate Bill 135** offered by Senators Chvala and Burke.

The question was: Adoption of Senate amendment 4?

Senator Huelsman moved rejection of Senate amendment 4.

The question was: Rejection of Senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes — Senators Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 18.

Noes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 15.

Absent or not voting — None.

Rejected.

The question was: Adoption of Senate amendment 5?

Senator Huelsman moved rejection of Senate amendment 5.

The question was: Rejection of Senate amendment 5?

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

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.

Absent or not voting — None.

Rejected.

Ordered to a third reading.

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

**Senate Bill 135**

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 Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasec, Leean, Lorman, Petak, Potter, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 19.

Noes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Risser and Wineke — 14.

Absent or not voting — None.

Passed.

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**MOTIONS**

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

Senator Moore, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Attorney and Former State Representative Lloyd Barbee.

Senator Schultz, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the 11 member delegation from Taldom, Russia.

Senator Lasec, with unanimous consent, asked that when the Senate adjourns today it do so in honor of William Engler and Kaytee Products Inc. of Chilton, Wisconsin

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**ADJOURNMENT**

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, May 20.

1:20 P.M.