

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

10:00 A.M.

TUESDAY, May 25, 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 the prayer which was offered by Father Bill Connell of St. Judes Catholic Church in Beloit.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 27

Relating to the life and public service of Cesar Chavez.

By Senators Moore, Clausing, Wineke, Jauch, George, Burke, Moen, Adelman, Risser, Chvala, Helbach, Andrea, Breske, Decker and Petak; cosponsored by Representatives Bock, Baldwin, L. Young, Turner, Carpenter, R. Young, Black, Kunicki, Baldus, La Fave, Riley, Hasenohrl, Ryba, Notestein, Roberts, Potter, Hinkfuss, Lorge, Huber and Bolle.

To committee on Senate Organization.

Senate Joint Resolution 28

Relating to proclaiming June 6, 1993, as 'Wisconsin Veterans Museum Day'.

By Senator Zien; cosponsored by Representative Bolle.

To committee on Human Resources, Labor, Tourism, Veterans and Military Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 306

Relating to admissibility of evidence of sexual conduct in civil actions involving incest or sexual assault or exploitation.

By Senators Buettner, Burke, Risser, Breske and Andrea; cosponsored by Representatives Bell, Robson, Riley, Ryba, Wirch, Plache, Barca, Boyle, Klusman and Musser.

To committee on Judiciary and Insurance.

Senate Bill 307

Relating to the pupil membership count used to calculate state aid to school districts.

By Senators Lorman, Huelsman and Drzewiecki; cosponsored by Representatives Krusick, Schneiders, Goetsch, Ryba, Musser, Underheim and Meyer.

To committee on Education.

Senate Bill 308

Relating to sexual assault and providing penalties.

By Senators Weeden, Rosenzweig, Leraan, Farrow, Lasee, Petak, Cowles and Lorman; cosponsored by Representatives Coleman, Ryba, Klusman, Musser, Schneiders, Porter, Goetsch, Ladwig and Ward.

To committee on Judiciary and Insurance.

Senate Bill 309

Relating to issuance of worthless checks and retail theft.

By Senator Adelman; cosponsored by Representative R. Young.

To committee on Judiciary and Insurance.

Senate Bill 310

Relating to a refundable income and franchise tax credit for certain contributions made to certain public schools and for education expenses incurred for dependents who attend public or certain private elementary and secondary schools and making an appropriation.

By Senators Plewa, Farrow, Andrea, Buettner, Burke and Lasee; cosponsored by Representatives Hinkfuss, Schneiders, Krusick, Lorge, Ryba, Jensen, Urban, Bolle, Hahn, Gronemus, Krosnicki, Vergeront, Ladwig, Coleman and Otte.

To Joint Survey committee on Tax Exemptions.

Senate Bill 311

Relating to updating terminology used in the laws pertaining to special education.

By Senators Potter, Lorman, Helbach, Darling and Clausing; cosponsored by Representatives Grobschmidt, Krusick, R. Young, Riley, Swoboda, Coleman, Brandemuehl, Otte, Notestein, Potter, Hanson, Stower, Porter, Baldus, Robson, Wirch, Lorge, Nass and Duff.

To committee on Education.

Senate Bill 312

Relating to children with exceptional educational needs who reside in child caring institutions and granting rule-making authority.

By Senators Potter, Lorman, Helbach and Darling; cosponsored by Representatives Grobschmidt, Krusick, Cullen, Swoboda, Riley, R. Young, Brandemuehl, Otte, Duff, Holperin, Wirch, Lorge, Huber and Hanson.

To committee on Education.

Senate Bill 313

Relating to changing certification of first responders to be only for the performance of certain defibrillation.

By Senators Rude, Risser and Petak; cosponsored by Representatives Harsdorf, Robson, Johnsrud and Boyle.

To committee on Health, Human Services and Aging.

Senate Bill 314

Relating to the limits on liability for improvements to real property.

By Senators Ellis, Rude, Jauch and Leean; cosponsored by Representatives Kunicki, Travis, Prosser and Linton, by request of Governor Tommy G. Thompson.

To committee on Judiciary and Insurance.

Senate Bill 315

Relating to relocation benefits payable to persons displaced when a condemnor acquires property for a public purpose.

By Senators Ellis, Rude, Jauch and Leean; cosponsored by Representatives Kunicki, Travis, Prosser and Linton, by request of Governor Tommy G. Thompson.

To committee on Transportation, Agriculture, Local and Rural Affairs.

Senate Bill 316

Relating to permissible charges in consumer credit transactions.

By Senators Darling, Potter, Rosenzweig, Stitt, Buettner and Chvala.

To committee on Financial Institutions and Cultural Affairs.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 73

An act to direct expenditure of \$8,659.33 from the general fund for payment of a claim against the state made by Tom Kuenster.

Passage:

Ayes, 12 -- Senators Leean, Stitt, Weeden, Schultz, Cowles and Chvala; Representatives Linton, Holperin, Cogg, Krug, Huber and Brancel;

Noes, 0 -- None.

Joseph Leean
Co-chair

Barbara J. Linton
Co-chair

EXECUTIVE COMMUNICATIONS

CALENDAR OF TUESDAY, MAY 25, 1993

McNEER, CHARLES S., of Milwaukee, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 1999.

Read.

Senator Moen, with unanimous consent, asked that the Senate recess until 11:47 A.M..

10:12 A.M.

RECESS

11:47 A.M.

The Senate reconvened.

McNEER, CHARLES S., of Milwaukee, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 1999.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, ; absent or not voting, 0; as follows:

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

Noes — None.

Absent or not voting — None.

Confirmed.

METTNER, JOSEPH P., of St. Francis, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 1999.

Read.

Senator Ellis, with unanimous consent, asked that the appointment of Joseph P. Mettner be placed at the foot of the calendar.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 92-220

Relating to fees for copies of health care provider records.

Submitted by Department of Health and Social Services.

Report received from agency, May 24, 1993.

Referred to committee on Health, Human Services and Aging, May 25, 1993.

Senate Clearinghouse Rule 93-30

Relating to transcription fees and notice of hearing.

Submitted by Department of Regulation and Licensing.

Report received from agency, May 20, 1993.

Referred to committee on Business, Economic Development and Urban Affairs, May 25, 1993.

Senate Clearinghouse Rule 93-53

Relating to the test of English as a foreign language for physical therapist applicants.

Submitted by Department of Regulation and Licensing.

Report received from agency, May 20, 1993.

Referred to committee on Business, Economic Development and Urban Affairs, May 25, 1993.

MESSAGE FROM THE ASSEMBLY

CALENDAR OF TUESDAY, MAY 25, 1993

Senate Joint Resolution 26

Relating to the life and public service of Warren Knowles.

Read.

The question was: Concurrence of Assembly amendment 1?

Concurred in.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

Senate Bill 73

An act to direct expenditure of \$8,659.33 from the general fund for payment of a claim against the state made by Tom Kuenster.

Read a second time.

Ordered to a third reading.

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

Senate Bill 73

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, ; absent or not voting, 0; as follows:

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

Noes — None.

Absent or not voting — None.

Passed.

Senate Bill 80

An act relating to creating a committee to study the feasibility of establishing a regional high school of excellence and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator Darling, with unanimous consent, asked that Senate amendment 1 be returned to the author.

Senator Leean, with unanimous consent, asked that **Senate Bill 80** be referred to joint committee on Finance.

Senate Bill 81

Relating to the determination of necessity for condemnation by a school district.

Read a second time.

Senator Clausing, with unanimous consent, asked that she be listed as a co-author of **Senate Bill 81**.

Ordered to a third reading.

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

Senate Bill 81

Read a third time and passed.

Senate Bill 87

Relating to the appointment of cooperative educational service agency administrators.

Read a second time.

Ordered to a third reading.

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

Senate Bill 87

Read a third time and passed.

Senate Bill 88

Relating to alternative education programs, children-at-risk programs, granting rule-making authority and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator Leean, with unanimous consent, asked that **Senate Bill 88** be referred to joint committee on Finance.

Senate Bill 89

Relating to assessment periods for certain pupils, high school graduation requirements, alternative education program teacher licensure, education for employment programs and granting rule-making authority.

Read a second time.

Senator Leean, with unanimous consent, asked that **Senate Bill 89** be referred to joint committee on Finance.

Senate Bill 163

Relating to the persons who may serve alcohol beverages.

Read a second time.

Senate amendment 1 to **Senate Bill 163** offered by Senator Adelman.

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 163

Read a third time and passed.

Senate Bill 169

Relating to suspension of the privilege of operating state-owned or state-leased vehicles.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 169** be referred to committee on Senate Organization.

Senate Bill 263

Relating to restrictions on on-property signs.

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 263

Read a third time and passed.

Senate Bill 265

Relating to motor vehicle dealer letters of credit.

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 265

Read a third time and passed.

Senate Bill 266

Relating to the powers and duties of state traffic patrol officers and motor vehicle inspectors.

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 266

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 Andrea, Breske, Buettner, Burke, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Stitt, Weeden, Wineke and Zien — 29.

Noes — Senators Adelman, Chvala, Rude and Schultz — 4.

Absent or not voting — None.

Passed.

Senate Bill 276

Relating to special registration fees for publicly leased vehicles.

Read a second time.

Senator Leean, with unanimous consent, asked that **Senate Bill 276** be referred to the joint committee on Finance.

Senator Leean, with unanimous consent, asked that **Senate Bill 276** 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 276

Read a third time and passed.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Bill 491

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 1991-93 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

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.

Assembly Bill 491

Read a third time.

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

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

Noes — Senator Drzewiecki — 1.

Absent or not voting — None.

Concurred in.

Assembly Bill 492

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 1993-95 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

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.

Assembly Bill 492

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, ; absent or not voting, 0; 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, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 33.

Noes — None.

Absent or not voting — None.

Concurred in.

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

METTNER, JOSEPH P., of St. Francis, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 1999.

Read.

The question was: Confirmation?

Senator Plewa moved that the appointment of Joseph P. Mettner be referred to the committee on State Government Operations and Corrections.

The question was: Shall the appointment of Joseph P. Mettner be referred to the committee on State Government Operations and Corrections?

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

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

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

Absent or not voting — None.

Referral refused.

The question was: Confirmation.

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

Ayes — Senators Andrea, Breske, Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Lasee, Leraan, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 22.

Noes — Senators Adelman, Burke, Chvala, Clausing, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 11.

Absent or not voting — None.

Confirmed.

MOTIONS

Senator Farrow, with unanimous consent, asked that **Senate Bill 178** be withdrawn from committee on State Government Operations and Corrections and be referred to Joint Survey committee on Retirement Systems.

Senator Huelsman, with unanimous consent, asked that **Senate Bill 84** be withdrawn from committee on Judiciary and Insurance and be referred to committee on Environment and Energy.

Senator Moen with unanimous consent, asked that when the Senate adjourns today it do so in honor of Senator Decker who is celebrating a Birthday today.

Senator Petak, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the St. Catherine's State Champion Girls Softball Team and also the Burlington State Champion Boys Baseball Team.

Senator Zien, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Memorial Day.

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, May 27.
1:25 P.M.

Senate amendment 1 to **Senate Bill 166** offered by Senator Decker.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 44** offered by Senators Ellis, Rude, Jauch and Leean by request of Governor Tommy G. Thompson and Representatives Kunicki, Travis, Prosser and Linton