

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

10:00 A.M.

Wednesday, June 2, 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, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien - 32.

Absent - Senator Lorman - 1.
Absent with leave - None.

The Senate stood for a moment of silent meditation.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 29

Requesting the legislative council to conduct a study of the children's code and the formula used to allocate youth aids funds to counties.

By Senators Potter, Moen, Weeden, Moore, Breske and Lorman; cosponsored by Representatives Ziegelbauer, Brandemuehl, Grobschmidt, Krusick, Gronemus, Holperin, Carpenter, Musser, Schneiders, Plache, Ryba, Cullen, Krug, Robson, La Fave, Hinkfuss, Riley and Potter.

To committee on Judiciary and Insurance.

Senate Joint Resolution 30

Relating to the commencement of the term of office for the state superintendent of public instruction (first consideration).

By Senators Clausing, Potter, Breske, Moen and Moore; cosponsored by Representatives Meyer, Grobschmidt, Baldus, Notestein, Lorge, Musser, Black, Roberts, Urban, Robson, Hasenohrl, Bock, Nass and Swoboda.

Read first time and referred to committee on Education.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 320

Relating to managed forest lands; the designation of a managed forest reserve south of USH 10; allowing land to be added to the woodland tax program; granting rule-making authority; and providing penalties.

By Legislative Council.

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

Senate Bill 321

Relating to the conversion of lands that are entered on the tax roll as forest croplands to lands that are entered on the tax roll as managed forest lands.

By Legislative Council.

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

Senate Bill 322

Relating to various changes to the compulsory school attendance and truancy laws, short-term detention and electronic monitoring for juveniles, extended juvenile court jurisdiction, the payment of restitution by a juvenile, the liability of a parent for acts committed by a juvenile, contempt of court by a juvenile, venue and time limits in juvenile court proceedings, taking juveniles into custody, the maximum forfeiture that may be imposed on a juvenile and providing a penalty.

By Senators Potter, Breske, Buettner, Moen, Rosenzweig and Andrea; cosponsored by Representatives Ziegelbauer, Grobschmidt, Brandemuehl, Krusick, Gronemus, Holperin, Carpenter, Musser, Schneiders, Plache and Ryba.

To committee on Judiciary and Insurance.

Senate Bill 323

Relating to designating and marking a certain highway route as the "Purple Heart Memorial Highway".

By Senators Rude, Moen, Schultz and Breske; cosponsored by Representatives Johnsrud, Meyer, Stower, Porter, Dobyms, Turner, Williams, Wirch, Coleman, Lorge and Ryba.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin Senator Petak

May 26, 1993

To the Honorable the Senate:

Representative Lolita Schneiders should have been listed as the chief Assembly sponsor of Senate Bill 155, relating to crimes against judges and their families and providing penalties.

I appreciate your assistance.

Sincerely,
George Petak
Senator 21th District

State of Wisconsin
Department of Agriculture, Trade and Consumer
Protection

May 25, 1992

To the Honorable the Legislature:

Pursuant to s. 710.02(4)(b), Stats., as amended by 1989 Wisconsin Act 31, I am pleased to submit to the senate the attached reports entitled "Status of Alien Land Ownership in the State of Wisconsin, January 1, 1992" and "Status of Alien Land Ownership in the State of Wisconsin, January 1, 1993."

Under s. 710.02(4)(a), Stats., DATCP must annually submit this report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172(3), Stats. The report summarizes information received under s.710.02(4)(a), Stats.

Under s. 710.02(4)(a), Stats., all foreign persons (including individuals, corporations, companies, firms, partnerships, trusts, and any other legal entity) who acquire or transfer land in Wisconsin must submit a report to DATCP not later than 90 days after the date of acquisition or transfer. The same report must also be filed under federal law, under 7 USC 3501 to 3508. Aliens initially file the ASCS-153 forms with their county ASCS office, the reports are then forwarded to Washington, DC, to be verified and recorded before they are filed with DATCP.

The attached reports summarizes ownership of Wisconsin land as of January 1, 1992 and January 1, 1993 and purchases during the 1991 and 1992 calendar years. Copies of this report may be obtained by contacting Kathy Schmitt in the Office of Policy and Program Analysis, Secretary's Office, at 608-264-6102.

Sincerely,

Alan T. Tracy

Secretary

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

State of Wisconsin
Department of Administration

May 28, 1993

To the Honorable the Legislature:

Enclosed is a copy of the Wisconsin Acid Deposition Research Council Third Biennial Report: A Status Report of Acid Rain Research in Wisconsin which was originally filed in July 1992 pursuant to 1985 Wisconsin Act 296. This report summarizes the results of the Council's six-year effort, emphasizing the last two years and outlining the role of acid rain research in the future.

The Wisconsin Acid Deposition Research Council was created by 1985 Wisconsin Act 296 and is attached to the Department of Administration. The Council was

impaneled in May of 1986 and its seven members represent industry, electric utilities, environmental organizations, academia, and state government.

As the 1992 Biennial Report indicates, Wisconsin continues to lead the nation in acid deposition policy, research and monitoring activities. As we approach the 1993 compliance date for the fifty percent reduction of sulfur dioxide emissions, the Council's major emphasis will be to assess the effectiveness of that reduction and to address any remaining research issues and concerns. The Council believes that long term monitoring will be required to fully evaluate the benefits to the environment and to the overall quality of life for Wisconsin's citizens.

Should you have additional questions, or wish to discuss this report in further detail, please do not hesitate to contact Jolene Anderson at 608-266-7375.

Sincerely,

James R. Klauser

Secretary

Senate Petition 3

A petition by approximately 300 residents of the State of Wisconsin requesting that the construction project on North 35th Street from Wisconsin Avenue to Park Hill Avenue in the City of Milwaukee be deferred until 1994 or until the Wisconsin Avenue Bridge project is completed. By Senator Burke.

Read and referred to committee on Transportation, Agriculture, Local and Rural Affairs.

Senate Petition 4

A petition by 92 residents of the State of Wisconsin in support of increasing the state cigarette tax by \$1.00. By Senator Lorman.

Read and referred to committee on State Government Operations and Corrections.

EXECUTIVE COMMUNICATIONS

CALENDAR OF WEDNESDAY, JUNE 2, 1993

Senator Moen, with unanimous consent, asked that the Senate recess until 11:26 A.M..

10:08 A.M.

RECESS

11:26 A.M.

The Senate reconvened.

LEAVE OF ABSENCE

Senator Farrow, with unanimous consent, asked that Senator Lorman be granted a leave of absence for the balance of today's session.

Senator Ellis, with unanimous consent, asked that all the appointments be taken up en masse.

CONNER, LEROY E., Jr., of Sun Prairie, as Administrator of the Division of Emergency Government, to serve for the term ending at the pleasure of the Governor.

Read.

EARL, ANTHONY S., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 1994.

Read.

LUNDBERG, WILLIAM S., of Wisconsin Rapids, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 1996.

Read.

OSBORNE, PATRICK J., of Madison, as a member of the Great Lakes Protection Fund, to serve for the interim term ending October 11, 1993 and for the full term ending October 11, 1995.

Read.

The question was: Confirmation?

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, Lekan, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 32.

Noes — None.

Absent or not voting — Senator Lorman — 1.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 92-146

Relating to fuel tax collection for qualified motor vehicles operating in Wisconsin.

Submitted by Department of Transportation.

Report received from agency, June 1, 1993.

Referred to committee on Transportation, Agriculture, Local and Rural Affairs, June 2, 1993.

Senate Clearinghouse Rule 92-147

Relating to vehicle registration and fuel trip permits for foreign-registered vehicles.

Submitted by Department of Transportation.

Report received from agency, June 1, 1993.

Referred to committee on Transportation, Agriculture, Local and Rural Affairs, June 2, 1993.

Senate Clearinghouse Rule 93-15

AN ORDER to amend Tax 13.08 (2) (intro.) and (f) and (7) (a) and 13.10 (7); to repeal and recreate Tax 13.06 (3); and to create Tax 13.03 (20) and (21) and 13.05 (4), regarding notice of intent payments.

Submitted by Department of Revenue.

Report received from agency, June 1, 1993.

Referred to committee on State Government Operations and Corrections, June 2, 1993.

Senate Clearinghouse Rule 93-54

Relating to probationary periods for employes brought into the state classified civil service.

Submitted by Department of Employment Relations.

Report received from agency, May 28, 1993.

Referred to committee on State Government Operations and Corrections, June 2, 1993.

Senate Clearinghouse Rule 93-69

AN ORDER to repeal Tax 13.03 (4) (b) and (15), 13.05 (3) (e) and 13.06 (2) (a) 2 and 3 and (b) (intro.), 1 and 2 a and (5) (e); to renumber Tax 13.06 (2) (b) 2 b; to renumber and amend Tax 13.03 (4) (a); to amend Tax 13.05 (3) (c) and 13.06 (2) (intro.) and (a) (intro.) and 1; and to create Tax 13.05 (3) (a) 3, regarding construction period and permit period payments.

Submitted by Department of Revenue.

Report received from agency, June 1, 1993.

Referred to committee on State Government Operations and Corrections, June 2, 1993.

Senate Clearinghouse Rule 93-70

AN ORDER to repeal Tax 13.03 (17), 13.05 (1) (a), 13.06 (1) (d) 2 and 13.08 (2); to renumber Tax 13.08 (1) 11; to amend Tax 13.03 (3), (10) and (11) (a) and (b) 1, 13.06 (1), 13.07 (2) (9) a, 13.08 (1), 13.10 (9) and (13) and 13.11 (3) (a) and (5) (c); and to create Tax 13.08 (1) (L), regarding minor revisions and corrections.

Submitted by Department of Revenue.

Report received from agency, June 1, 1993.

Referred to committee on State Government Operations and Corrections, June 2, 1993.

Senate Clearinghouse Rule 93-71

Relating to the waste management fund, first dollar payments, fiscal guidelines and federal mining revenue distribution.

Submitted by Department of Revenue.

Report received from agency, June 1, 1993.

Referred to committee on State Government Operations and Corrections, June 2, 1993.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

Senate Joint Resolution 7

Relating to memorializing Congress to repeal the earnings limits for social security recipients.

Read.

Adopted.

Senate Joint Resolution 8.

Relating to the administration and investment of the public employe trust fund administered by the state and prohibiting the diversion of funds from such a trust fund (first consideration).

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Senator Buettner, with unanimous consent, asked that she be listed as a co-author of **Senate Bill 25**.

Senator Adelman moved that **Senate Joint Resolution 8** be referred to committee on Judiciary and Insurance.

The question was: Shall **Senate Joint Resolution 8** be referred to committee on Judiciary and Insurance?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Clausing, Cowles, Drzewiecki, Ellis, Farrow, George, Huelsman, Lasee, Leean, Moore, Stitt, Wineke and Zien — 14.

Noes — Senators Andrea, Breske, Buettner, Burke, Chvala, Darling, Decker, Helbach, Jauch, Moen, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz and Weeden — 18.

Absent or not voting — Senator Lorman — 1.

Referral Refused.

Ordered to a third reading.

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

Senate Joint Resolution 8

Read a third time.

The question was: Adoption?

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Darling, Decker, Helbach, Jauch, Moen, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden and Wineke — 20.

Noes — Senators Adelman, Cowles, Drzewiecki, Ellis, Farrow, George, Huelsman, Lasee, Leean, Moore, Stitt and Zien — 12.

Absent or not voting — Senator Lorman — 1.

Adopted.

Senate Joint Resolution 20

Relating to memorializing the President of the United States and the Congress to fully fund the Pell Grant program.

Read.

Senator Moore, with unanimous consent, asked that she be listed as a co-author of **Senate Joint Resolution 20**.

Adopted.

Senate Joint Resolution 21

Relating to Bone Marrow Donor Week.

Read.

Adopted.

Senate Joint Resolution 27

Relating to the life and public service of Cesar Chavez.

Read.

Adopted.

Senate Joint Resolution 28

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

Read.

Senator Moen, with unanimous consent, asked that he be listed as a co-author of **Senate Joint Resolution 28**.

Adopted.

Senate Bill 25

Relating to permitting persons designated by school boards to take truants into custody.

Read a second time.

The question was: Adoption of Senate amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 25

Read a third time and passed.

Senate Bill 115

Relating to burning yard waste.

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 115

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 Breske, Buettner, Cowles, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Jauch, Lasee, Leraan, Moen, Petak, Rude, Schultz, Stitt, Wineke and Zien — 19.

Noes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Darling, George, Moore, Plewa, Potter, Risser, Rosenzweig and Weeden — 13.

Absent or not voting — Senator Lorman — 1.

Passed.

Senate Bill 147

Relating to transferring the powers and duties of a county department of developmental disabilities services to a county department of human services and removal of a member of the county human services board.

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 147

Read a third time and passed.

Senate Bill 162

Relating to crimes concerning alcohol beverages, cigarettes or tobacco products and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1?

Adopted.

Senate amendment 2 to **Senate Bill 162** offered by Senator Adelman.

The question was: Adoption of Senate amendment 2?

Senator Huelsman moved rejection of Senate amendment 2.

The question was: Rejection of Senate amendment 2?

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 162

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Huelsman, Jauch, Lasee, Leraan, Moen, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 28.

Noes — Senators Adelman, George, Helbach and Moore — 4.

Absent or not voting — Senator Lorman — 1.

Passed.

Senate Bill 186

Relating to the filing and durability of the statutory form power of attorney.

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 186

Read a third time and passed.

Senate Bill 189

Relating to discharging a firearm from a vehicle and providing penalties.

Read a second time.

Senate amendment 1 to **Senate Bill 189** offered by Senator Adelman.

The question was: Adoption of Senate amendment 1?

Adopted.

Senator Adelman, with unanimous consent, asked that **Senate Bill 189** be referred to committee on Judiciary and Insurance.

Senator Ellis objected.

Senator Adelman moved that **Senate Bill 189** be referred to committee on Judiciary and Insurance.

The question was: Shall **Senate Bill 189** be referred to committee on Judiciary and Insurance?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Breske, Clausing, Cowles, Decker, George, Helbach, Jauch, Moen, Moore, Risser, Rude, Weeden and Wineke — 14.

Noes — Senators Andrea, Buettner, Burke, Chvala, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leraan, Petak, Plewa, Potter, Rosenzweig, Schultz, Stitt and Zien — 18.

Absent or not voting — Senator Lorman — 1.

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 189

Read a third time and passed.

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.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator Zien, with unanimous consent, asked that **Senate Bill 214** be laid on the table.

Senate Bill 221

Relating to possession of glass containers in the lower Wisconsin state riverway.

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 221

Read a third time and passed.

Senate Bill 230

Relating to reports needed for renewal of private fish hatchery licenses.

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 230

Read a third time and passed.

Senate Bill 239

Relating to cellular telephone regulation.

Read a second time.

Senate amendment 1 to **Senate Bill 239** offered by Senators Farrow and Stitt.

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

Ordered to a third reading.

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

Senate Bill 239

Read a third time and passed.

Senate Bill 249

Relating to interest on escrow accounts.

Read a second time.

Senate amendment 1 to **Senate Bill 249** offered by Senator Adelman.

The question was: Adoption of Senate amendment 1?

Senator Leean, with unanimous consent, asked that **Senate Bill 249** be laid on the table.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 47

Relating to proclaiming Wisconsin Police Week.

Read.

Concurred in.

Assembly Joint Resolution 49

Relating to proclaiming an 'Older Wisconsinites Week'.

Read.

Concurred in.

Assembly Joint Resolution 55

Relating to proclaiming May 17 to 23, 1993, as 'Wisconsin Try Transit Week'.

Read.

Concurred in.

Assembly Joint Resolution 56

Relating to proclaiming May as Motorcycle Safety Awareness Month.

Read.

Senate amendment 1 to **Assembly Joint Resolution 56** offered by Senators Drzewiecki and Zien.

The question was: Adoption of Senate amendment 1?

Adopted.

Assembly Joint Resolution 56

Concurred in as amended.

MOTIONS

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

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, June 3, 1993.

12:58 P.M.