

STATE OF WISCONSIN

Senate Journal

June 1994 Special Session

10:00 A.M.

Wednesday, June 15, 1994

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, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Moore, Panzer, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 32.

- Absent — Senator Darling — 1.

Absent with leave — None.

The Senate stood for the prayer which was offered by Senator Barbara Lorman of the 13th Senate District.

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

Senator Lasee, with unanimous consent, asked that Senate Rule 8(1) relating the wearing of jackets be suspended for the balance of the days session.

So ordered.

LEAVE OF ABSENCE

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

Senator Moen, with unanimous consent, asked that the Senate recess until 11:48 A.M..

10:16 A.M.

RECESS

11:48 A.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 adopted and asks concurrence in:

- Special Session Assembly Joint Resolution 1
Special Session Assembly Joint Resolution 2
Special Session Assembly Joint Resolution 3

Passed and asks concurrence in:

- Special Session Assembly Bill 1
Special Session Assembly Bill 2

MESSAGE FROM THE ASSEMBLY CONSIDERED

Special Session Assembly Joint Resolution 1

Relating to the life and public service of Orlando Bell. By committee on Assembly Organization. Read.

Special Session Assembly Joint Resolution 2

Relating to the life and public service of Deputy Jeffrey Sheets. By committee on Assembly Organization, by request of Representatives Huber and Springer, and Senator Decker. Read.

Special Session Assembly Joint Resolution 3

Relating to the life and public service of James R. Donoghue. By committee on Assembly Organization, by request of Representative Travis. Read.

Special Session Assembly Bill 1

Relating to testing defendants in certain criminal actions and children in certain delinquency proceedings for HIV infection and certain diseases and requiring certain counseling and referral for persons infected with HIV or acquired immunodeficiency syndrome.

By Joint Committee on Finance, by request of Governor Tommy G. Thompson. Read first time.

Special Session Assembly Bill 2

Relating to regulation of the telecommunications industry, statutes affecting telecommunications, creating a telecommunications retraining board, surveillance of state agencies and authorities, fraudulent data alteration,

confidentiality of pharmaceutical records, state master lease agreements, granting rule-making authority, providing an exemption from emergency rule procedures, extending the time limit for emergency rules, making appropriations and providing penalties.

By Joint Committee on Finance, by request of Governor Tommy G. Thompson.

Read first time.

Senator Ellis, with unanimous consent, asked that Special Session **Assembly Bill 2** be taken up.

### Special Session **Assembly Bill 2**

Relating to regulation of the telecommunications industry, statutes affecting telecommunications, creating a telecommunications retraining board, surveillance of state agencies and authorities, fraudulent data alteration, confidentiality of pharmaceutical records, state master lease agreements, granting rule-making authority, providing an exemption from emergency rule procedures, extending the time limit for emergency rules, making appropriations and providing penalties.

Read a second time.

Senate amendments 1, 2 and 3 to Special Session **Assembly Bill 2** offered by Senator Chvala.

The question was: Adoption of Senate amendment 1?

Senator Risser moved that Special Session **Assembly Bill 2** be referred to the joint committee on Finance.

The question was: Shall Special Session **Assembly Bill 2** be referred to the joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 7; noes, 25; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Risser and Wineke — 7.

Noes — Senators Breske, Buettner, Cowles, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Moore, Panzer, Petak, Plewa, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien — 25.

Absent or not voting — Senator Darling — 1.

Refused referral.

The question was: Adoption of Senate amendment 1?

Senator Panzer moved that Senate amendment 1 be laid on the table.

The question was: Shall Senate amendment 1 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 15.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Cowles, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 17.

Absent or not voting — Senator Darling — 1.

Refused to lay on table.

The question was: Adoption of Senate amendment 1?

Senator Panzer moved rejection of Senate amendment 1.

The question was: Rejection of Senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 15.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Cowles, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 17.

Absent or not voting — Senator Darling — 1.

Rejection refused.

The question was: Adoption of Senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Cowles, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 17.

Noes — Senators Buettner, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 15.

Absent or not voting — Senator Darling — 1.

Adopted.

The question was: Adoption of Senate amendment 2?

Senator Panzer moved that Senate amendment 2 be laid on the table.

The question was: Shall Senate amendment 2 be laid on the table?

Tabled.

The question was: Adoption of Senate amendment 3?

Senator Panzer moved that Senate amendment 3 be laid on the table.

The question was: Shall Senate amendment 3 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes — Senators Breske, Buettner, Cowles, Drzewiecki, Farrow, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Panzer, Petak, Potter, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 20.

Noes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Decker, George, Helbach, Moore, Plewa and Risser — 11.

Absent or not voting — Senators Darling and Ellis — 2.

Tabled.

Senate amendments 4 and 5 to Special Session **Assembly Bill 2** offered by Senators Adelman and Andrea.

The question was: Adoption of Senate amendment 4?

Senator Panzer moved that Senate amendment 4 be laid on the table.

The question was: Shall Senate amendment 4 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Cowles, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 16.

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

Absent or not voting — Senator Darling — 1.

Refused to lay on table.

The question was: Adoption of Senate amendment 4?

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

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Lorman, Moen, Moore, Plewa, Potter, Risser, Rosenzweig, Weeden and Wineke — 20.

Noes — Senators Cowles, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Panzer, Petak, Rude, Schultz and Zien — 12.

Absent or not voting — Senator Darling — 1.

Adopted.

The question was: Adoption of Senate amendment 5?

Senator Panzer 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, 20; noes, 12; absent or not voting, 1; as follows:

Ayes — Senators Breske, Buettner, Burke, Cowles, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Plewa, Rosenzweig, Rude, Weeden, Wineke and Zien — 20.

Noes — Senators Adelman, Andrea, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Potter, Risser and Schultz — 12.

Absent or not voting — Senator Darling — 1.

Rejected.

Senate amendment 6 to Special Session **Assembly Bill 2** offered by Senator Adelman.

The question was: Adoption of Senate amendment 6?

CHAIR

1:42 P.M.

Senator Lasee in the Chair.

The question was: Adoption of Senate amendment 6?

Senator Panzer moved rejection of Senate amendment 6.

The question was: Rejection of Senate amendment 6?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Burke, Cowles, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Panzer, Petak, Plewa, Potter, Rude, Schultz, Weeden, Wineke and Zien — 21.

Noes — Senators Adelman, Andrea, Breske, Chvala, Clausing, Decker, George, Moen, Moore, Risser and Rosenzweig — 11.

Absent or not voting — Senator Darling — 1.

Rejected.

Senate amendment 7 to Special Session **Assembly Bill 2** offered by Senators Clausing, Chvala and Jauch.

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Senate amendment 1 to Senate amendment 7 to Special Session **Assembly Bill 2** offered by Senators Chvala and Clausing.

The question was: Adoption of Senate amendment 1 to Senate amendment 7?

Adopted.

Senate amendment 2 to Senate amendment 7 to Special Session **Assembly Bill 2** offered by Senator Drzewiecki.

The question was: Adoption of Senate amendment 2 to Senate amendment 7?

Adopted.

Senator Jauch moved that the vote by which Senate amendment 2 to Senate amendment 7 to Special Session **Assembly Bill 2** was adopted be reconsidered.

The question was: Shall the vote by which Senate amendment 2 to Senate amendment 7 to Special Session **Assembly Bill 2** was adopted be reconsidered?

Reconsidered.

The question was: Adoption of Senate amendment 2 to Senate amendment 7?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Burke, Chvala, Cowles, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Plewa, Potter, Rude, Schultz, Weeden and Zien — 22.

Noes — Senators Adelman, Breske, Clausing, George, Jauch, Moen, Moore, Risser, Rosenzweig and Wineke — 10.

Absent or not voting — Senator Darling — 1.

Adopted.

The question was: Adoption of Senate amendment 7?

Senator Panzer moved rejection of Senate amendment 7.

The question was: Rejection of Senate amendment 7?

Senate amendment 8 to Special Session **Assembly Bill 2** offered by Senator Clausing.

Senate amendments 9, 10, 11 and 12 to Special Session **Assembly Bill 2** offered by Senator Jauch.

Senator Panzer, with unanimous consent, asked that consideration of Senate amendment 7 be placed after consideration of Senate amendment 12.

The question was: Adoption of Senate amendment 8?

Senator Panzer moved rejection of Senate amendment 8.

The question was: Rejection of Senate amendment 8?  
Rejected.

The question was: Adoption of Senate amendment 9?  
Senator Leean raised the point of order that the amendment was not germane.

The Chair ruled the point well taken.

The question was: Adoption of Senate amendment 10?

Senator Jauch, with unanimous consent, asked that Senate amendment 10 be returned to the author.

The question was: Adoption of Senate amendment 11?

Adopted.

The question was: Adoption of Senate amendment 12?

Senator Jauch, with unanimous consent, asked that Senate amendment 12 be returned to the author.

The question was: Rejection of Senate amendment 7?

Senate amendment 13 to Special Session **Assembly Bill 2** offered by Senator Clausing.

Senator Panzer, with unanimous consent, asked that consideration of Senate amendment 7 be placed after consideration of Senate amendment 13.

The question was: Adoption of Senate amendment 13?

Senator Leean moved rejection of Senate amendment 13.

The question was: Rejection of Senate amendment 13?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

Ayes — Senators Buettner, Cowles, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 16.

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

Absent or not voting — Senators Darling and Risser — 2.

Rejected.

The question was: Rejection of Senate amendment 7?

Senator Moen, with unanimous consent, asked that the Senate recess until 3:51 P.M..

3:01 P.M.

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RECESS

The Senate reconvened.

CHAIR

Senator Rude in the Chair.

Senator Ellis, with unanimous consent, asked that the Senate recess until 4:29 P.M..

RECESS

The Senate reconvened.

The question was: Rejection of Senate amendment 7?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes — Senators Breske, Buettner, Cowles, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 17.

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

Absent or not voting — Senator Darling — 1.

Rejected.

Senate amendment 14 to Special Session **Assembly Bill 2** offered by Senators Moore, Clausing, Wineke, Andrea and Plewa.

The question was: Adoption of Senate amendment 14?

Senator Panzer moved rejection of Senate amendment 14.

The question was: Rejection of Senate amendment 14?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes — Senators Breske, Buettner, Cowles, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Panzer, Petak, Rude, Schultz, Weeden and Zien — 16.

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

Absent or not voting — Senator Darling — 1.

Rejection refused.

The question was: Adoption of Senate amendment 14?

Senate amendment 1 to Senate amendment 14 to Special Session **Assembly Bill 2** offered by Senator Helbach.

The question was: Adoption of Senate amendment 1 to Senate amendment 14?

Adopted.

The question was: Adoption of Senate amendment 14?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

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

Noes — Senators Breske, Buettner, Cowles, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Panzer, Petak, Rude, Schultz, Weeden and Zien — 16.

Absent or not voting — Senator Darling — 1.

Adoption refused.

Senate amendment 15 to Special Session **Assembly Bill 2** offered by Senators Clausing and Chvala.

The question was: Adoption of Senate amendment 15?

Senator Llean moved rejection of Senate amendment 15.

The question was: Rejection of Senate amendment 15?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Cowles, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 17.

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

Absent or not voting — Senator Darling — 1.

Rejected.

Senate amendment 16 to Special Session **Assembly Bill 2** offered by Senator Jauch.

Senator Jauch, with unanimous consent, asked that the record on Senate amendment 11 be expunged.

Senator Jauch, with unanimous consent, asked that Senate amendment 11 be laid on the table.

The question was: Adoption of Senate amendment 16?

Adopted.

Ordered to a third reading.

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

**Special Session Assembly Bill 2**

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes — Senators Breske, Buettner, Burke, Chvala, Clausing, Cowles, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Llean, Lorman, Moen, Moore, Panzer, Petak, Plewa, Potter,

Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 29.

Noes — Senators Adelman, Andrea and Risser — 3.

Absent or not voting — Senator Darling — 1.

Concurred in as amended.

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

Senator Farrow, with unanimous consent, asked that Special Session **Assembly Bill 1** be taken up.

**Special Session Assembly Bill 1**

Relating to testing defendants in certain criminal actions and children in certain delinquency proceedings for HIV infection and certain diseases and requiring certain counseling and referral for persons infected with HIV or acquired immunodeficiency syndrome.

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.

**Special Session Assembly Bill 1**

Read a third time and concurred in.

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

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 9:30 A.M. Thursday, June 16.

5:19 P.M.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Special Session Assembly Bill 2**

Assembly amendment 3

To Assembly substitute amendment 1

1. Page 2, line 13: on lines 13 and 22, delete 'technology' and substitute 'policy'.