



# STATE OF WISCONSIN

# Senate Journal

## Ninety—Second Regular Session

10:00 A.M.

WEDNESDAY, February 15, 1995

The Senate met.

The Senate was called to order by Senator 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, Fitzgerald, George, Helbach, Huelsman, Jauch, A.Lasee, Leean, Moen, Moore, Panzer, Petak, Plewa, C.Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 33.

Absent — None.

Absent with leave — None.

The Senate stood for the prayer which was offered by Senator Joseph Leean.

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 AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 8

Relating to the life and public service of Elmer C. Peterson.

By Senator Jauch; cosponsored by Representative Boyle.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

#### Senate Joint Resolution 9

Relating to the life and public service of Henry Maier.

By Senators George, Helbach, Moen, Burke, Jauch, Rude, Schultz, Darling, Andrea, Rosenzweig, Clausing and Plewa; cosponsored by Representatives L. Young, Ziegelbauer, Cullen, Notestein, Schneiders, Albers, Seratti, Dobyns, Zukowski, Hahn, Boyle, Bell, R. Potter, Ainsworth, Vrakas and Coggs.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

#### Senate Joint Resolution 10

Relating to: the life and public service of Raymond Bice.

By Senators Rude and Risser; cosponsored by Representatives Huebsch, Meyer and Johnsrud.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 71

Relating to: the purchase of health care coverage by private employers through the group insurance board, granting rule-making authority and making an appropriation.

By Senator Adelman.

To committee on **Insurance**.

#### Senate Bill 72

Relating to: persons who are ordered to be confined as a condition of probation and providing a penalty.

By Senators C. Potter, Panzer and Andrea; cosponsored by Representatives Otte, Goetsch, Ziegelbauer, Baumgart, Dobyns, Brandemuehl, Ryba, Boyle and Seratti.

To committee on **Judiciary**.

#### Senate Bill 73

Relating to: the eligibility of the governor and members of the legislature for group health insurance coverage under a plan offered by the group insurance board.

By Senator Clausing; cosponsored by Representatives Bock, Baldwin, R. Young and Boyle.

To committee on **Insurance**.

#### Senate Bill 74

Relating to: sexual contact.

By Senators Burke, Andrea, Clausing, Moore, Plewa and Wineke; cosponsored by Representatives Krusick, Walker, R. Potter, Carpenter, Turner, Notestein, Riley, Plache, Hasenohrl, Cullen, Vander Loop, Wasserman and Baldus.

To committee on **Judiciary**.

#### Senate Bill 75

Relating to: grants to emergency response teams, creating immunity from civil liability for local agencies that sponsor regional or county emergency response teams and making an appropriation.

By Senators Cowles, Farrow, Andrea, Buettner, Drzewiecki, Fitzgerald, Huelsman, Jauch, A. Lasee, Moen, C. Potter, Rude, Schultz and Zien; cosponsored by

Representatives Ourada, Johnsrud, Ainsworth, Baumgart, Ott, Black, Gunderson, Baldus, Boyle, Duff, Gard, Goetsch, Grobschmidt, Hahn, Harsdorf, Kreibich, Lehman, Musser, Owens, Plombon, Porter, Reynolds, Ryba, Schneider, Seratti, Silbaugh, Turner, Underheim, Wilder, Wirch and Zukowski.

To committee on **Environment and Energy**.

**REPORT OF COMMITTEES**

The committee on **Education and Financial Institutions** reports and recommends:

**Senate Bill 30**

Relating to: the calculation of revenue limits for school district expenditures.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators Darling, Petak, Huelsman, Rosenzweig, Helbach, C. Potter and Wineke.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Darling, Petak, Huelsman, Rosenzweig, Helbach, C. Potter and Wineke.

Noes, 0 – None.

**Senate Bill 37**

Relating to: teacher tenure in populous counties.

Passage.

Ayes, 4 – Senators Darling, Petak, Huelsman and Rosenzweig.

Noes, 3 – Senators Helbach, C. Potter and Wineke.

Alberta Darling

Chairperson

The committee on **Judiciary** reports and recommends:

CROOKS, JUDGE N. PATRICK, of Green Bay, as a member of the Study Committee on Juvenile Justice Issues, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 7 – Senators Huelsman, Petak, Drzewiecki, Darling, Risser, Adelman and Burke.

Noes, 0 – None.

Joanne Huelsman

Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Natural Resources**

January 23, 1995

The Honorable, The Legislature:

Enclosed is a study required in Section 9142(8) of 1993 Wisconsin Act 16. The section requires the Department of Natural Resources to submit recommendations regarding the appropriate allocation of support program funding within the conservation and environmental funds. The study is to be transmitted to you per section 13.172(2) of the statutes, which permits you to distribute the study to the Legislature. As required, the study is also being transmitted to the Governor.

If you have any questions about this transmittal, please contact Joy Stewart in DNR's Bureau of Management and Budget at 266-2159.

Sincerely,

GEORGE E. MEYER

Secretary

**State of Wisconsin  
Department of Health and Social Services**

February 8, 1995

The Honorable, The Senate:

The biennial budget bill, 1983 Wisconsin Act 27, enacted s. 46.275, Community Integration Program (CIP) for Residents of State Centers. The intent of this program "is to relocate persons from the state centers for the developmentally disabled into appropriate community settings with the assistance of home and community-based services and with continuity of care. The intent of the program is also to minimize its impact on state employees through redeployment of employees into vacant positions. S. 46. 275 (5m) requires the Department to submit a report to the Joint Committee on Finance and the Chief Clerk of each house of the Legislature describing the program's impact during the preceding calendar year on state employees, including the Department's efforts to redeploy employees into vacant positions and the number of employees laid off.

For the period of January 1, 1994 to December 31, 1994, there were 70 CIP placements, 5 CIP returnees, and 1 CIP diversion. For fiscal year 1994, reductions of \$1,405,472 and 63.12 FTE were made in the budget for the purpose of CIP placements. For the period July 1, 1994 through December 31, 1994, sufficient reductions will be made in the fiscal year 1995 operating budget to reflect reductions for CIP placements. Reductions of positions and dollars have been made for calendar year 1994 with no layoff of employees

Sincerely,

RICHARD W. LORANG

Acting Secretary

**EXECUTIVE COMMUNICATIONS  
CALENDAR OF FEBRUARY 14, 1995**

MCCALLUM, LAURIE R., of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 1999.

Read.

Senator Ellis, with unanimous consent, asked that the Senate stand recessed for.

The Senate stood recessed.

10:16 A.M.

**RECESS**

12:03 P.M.

The Senate reconvened.

Senator Ellis, with unanimous consent, asked that the Senate stand informal for 2 minutes.

The Senate stood informal.

12:04 P.M.

**RECESS**

12:06 P.M.

The Senate reconvened.

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

Senator Risser objected.

Senator Ellis, with unanimous consent, asked that the appointments of Christine Nuernberg, Sharon Porter and Roger D. Roslansky be taken up en masse.

NUERNBERG, CHRISTINE, of Mequon, as a member of the Real Estate Examining Board, to serve for the interim term ending July 1, 1997.

Read.

PORTER, SHARON, of Brookfield, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 1998.

Read.

ROSLANSKY, ROGER D., of La Crosse, as a member of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 1997.

Read.

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

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

Noes – None.

Absent or not voting – None.

Confirmed.

MCCALLUM, LAURIE R., of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 1999.

Read.

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

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

Noes – None.

Absent or not voting – None.

Confirmed.

MCCOSHEN, WILLIAM J., of Madison, as the Secretary of the Department of Development, effective December 19, 1994, to serve for the term ending at the pleasure of the Governor.

Read.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Helbach, Huelsman, Jauch, A. Lasee, Leean, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien – 31.

Noes – Senators Burke and Chvala – 2.

Absent or not voting – None.

Confirmed.

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

### Senate Joint Resolution 3

Relating to: authorizing a sports lottery, with the proceeds dedicated to athletic facilities (2nd consideration).

Read a second time.

Senate substitute amendment 1 to **Senate Joint Resolution 3** offered by Senators Decker and Clausing.

Senate substitute amendment 2 to **Senate Joint Resolution 3** offered by Senators Decker and Clausing.

Senator Decker, with unanimous consent, asked that Senate substitute amendment 2 to **Senate Joint Resolution 3** be taken up.

The question was: Adoption of Senate substitute amendment 2 to **Senate Joint Resolution 3**?

Senator Burke moved rejection of Senate substitute amendment 2 to **Senate Joint Resolution 3**.

The question was: Rejection of Senate substitute amendment 2 to **Senate Joint Resolution 3**?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Burke, Cowles, Darling, Ellis, Farrow, Fitzgerald, George, Helbach, Huelsman, A. Lasee, Moore, Panzer, Petak, Plewa, Rosenzweig, Rude, Schultz, Weeden and Zien – 23.

Noes – Senators Chvala, Clausing, Decker, Drzewiecki, Jauch, Leean, Moen, C. Potter, Risser and Wineke – 10.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate substitute amendment 1 to **Senate Joint Resolution 3**?

Senator Farrow moved rejection of Senate substitute amendment 1 to **Senate Joint Resolution 3**.

The question was: Rejection of Senate substitute amendment 1 to **Senate Joint Resolution 3**?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Burke, Cowles, Darling, Ellis, Farrow, Fitzgerald, George, Helbach, Huelsman, A. Lasee, Leean, Moore, Panzer, Petak, Plewa, C. Potter, Rosenzweig, Schultz, Weeden and Zien – 24.

Noes – Senators Chvala, Clausing, Decker, Drzewiecki, Jauch, Moen, Risser, Rude and Wineke – 9.

Absent or not voting – None.

Rejected.

Senate amendment 1 to **Senate Joint Resolution 3** offered by Senator Risser.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 3**?

Senator Farrow moved rejection of Senate amendment 1 to **Senate Joint Resolution 3**.

The question was: Rejection of Senate amendment 1 to **Senate Joint Resolution 3**?

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

Ayes – Senators Adelman, Andrea, Breske, Burke, Darling, Ellis, Farrow, Fitzgerald, George, Helbach, Huelsman, A. Lasee, Moore, Panzer, Petak, Plewa, C. Potter, Rosenzweig, Rude, Schultz, Weeden and Zien – 22.

Noes – Senators Buettner, Chvala, Clausing, Cowles, Decker, Drzewiecki, Jauch, Leraan, Moen, Risser and Wineke – 11.

Absent or not voting – None.

Rejected.

Senate amendment 2 to **Senate Joint Resolution 3** offered by Senator Risser.

The question was: Adoption of Senate amendment 2 to **Senate Joint Resolution 3**?

Senator Farrow moved rejection of Senate amendment 2 to **Senate Joint Resolution 3**.

The question was: Rejection of Senate amendment 2 to **Senate Joint Resolution 3**?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Burke, Cowles, Darling, Ellis, Farrow, Fitzgerald, George, Helbach, Huelsman, A. Lasee, Moore, Panzer, Petak, Plewa, Rosenzweig, Rude, Schultz, Weeden and Zien – 23.

Noes – Senators Chvala, Clausing, Decker, Drzewiecki, Jauch, Leraan, Moen, C. Potter, Risser and Wineke – 10.

Absent or not voting – None.

Rejected.

Senate amendment 3 to **Senate Joint Resolution 3** offered by Senator Moen.

The question was: Adoption of Senate amendment 3 to **Senate Joint Resolution 3**?

Senator Burke moved rejection of Senate amendment 3 to **Senate Joint Resolution 3**.

The question was: Rejection of Senate amendment 3 to **Senate Joint Resolution 3**?

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, Breske, Buettner, Burke, Darling, Ellis, Farrow, Fitzgerald, George, Huelsman, Moore, Panzer, Petak, Plewa, Rosenzweig, Rude, Schultz and Zien – 19.

Noes – Senators Chvala, Clausing, Cowles, Decker, Drzewiecki, Helbach, Jauch, A. Lasee, Leraan, Moen, C. Potter, Risser, Weeden and Wineke – 14.

Absent or not voting – None.

Rejected.

Senate amendment 4 to **Senate Joint Resolution 3** offered by Senator Risser.

The question was: Adoption of Senate amendment 4 to **Senate Joint Resolution 3**?

Senator Farrow moved rejection of Senate amendment 4 to **Senate Joint Resolution 3**.

The question was: Rejection of Senate amendment 4 to **Senate Joint Resolution 3**?

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

Ayes – Senators Adelman, Andrea, Breske, Burke, Darling, Ellis, Farrow, Fitzgerald, George, Huelsman, Moore, Panzer, Petak, Plewa, Rosenzweig, Rude, Schultz and Zien – 18.

Noes – Senators Buettner, Chvala, Clausing, Cowles, Decker, Drzewiecki, Helbach, Jauch, A. Lasee, Leraan, Moen, C. Potter, Risser, Weeden and Wineke – 15.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

Senator Risser objected.

Senator Ellis moved that the rules be suspended and **Senate Joint Resolution 3** be considered for final action at this time.

The question was: Shall the rules be suspended and **Senate Joint Resolution 3** be considered for final action at this time?

### CHAIR

Senator Lasee in the Chair

2:00 P.M.

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, Breske, Buettner, Burke, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Helbach, Huelsman, Jauch, A. Lasee, Leraan, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien – 29.

Noes – Senators Chvala, Clausing, Decker and Risser – 4.

Absent or not voting – None.

Rules suspended.

### Senate Joint Resolution 3

The question was: **Senate Joint Resolution 3** having been read three times, shall the joint resolution be adopted?

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

Ayes – Senators Adelman, Andrea, Burke, Darling, Ellis, Farrow, Fitzgerald, George, Huelsman, Jauch, Moore, Panzer, Petak, Plewa, C. Potter, Rosenzweig, Rude and Zien – 18.

Noes – Senators Breske, Buettner, Chvala, Clausing, Cowles, Decker, Drzewiecki, Helbach, A. Lasee, Leraan, Moen, Risser, Schultz, Weeden and Wineke – 15.

Absent or not voting – None.

Adopted.

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

### Senate Bill 40

Relating to: fees for admission to historic sites.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 40** offered by Senator Burke.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 40**?

Senator Wineke moved rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 40**.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 40**?

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

Ayes – Senators Adelman, Clausing, Cowles, Ellis, Helbach, Jauch, A. Lasee, Llean, Moen, Weeden and Wineke – 11.

Noes – Senators Andrea, Breske, Buettner, Burke, Chvala, Darling, Decker, Drzewiecki, Farrow, Fitzgerald, George, Huelsman, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz and Zien – 22.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 40**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 40**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 40**

The question was: **Senate Bill 40** having been read three times, shall the bill pass?

The ayes and noes were required and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Breske, Burke, Chvala, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Huelsman, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz and Zien – 21.

Noes – Senators Andrea, Buettner, Clausing, Cowles, Helbach, Jauch, A. Lasee, Llean, Moen, Moore, Weeden and Wineke – 12.

Absent or not voting – None.

Passed.

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

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## **SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

### **Assembly Joint Resolution 1**

Relating to: the life and public service of Cletus Vanderperren.

Read.

Concurred in by unanimous rising vote.

### **Assembly Joint Resolution 2**

Relating to: the life and public service of Fred Reger.

Read.

Concurred in by unanimous rising vote.

### **Assembly Joint Resolution 3**

Relating to: the life and public service of Thomas P. Fox.

Read.

Concurred in by unanimous rising vote.

Senator Ellis, with unanimous consent, asked that the entire membership of the Senate be added as cosponsors of **Assembly Joint Resolution 3**.

Senator Buettner, with unanimous consent, asked that she be added as a cosponsor of **Assembly Joint Resolution 1**.

### **Assembly Joint Resolution 11**

Relating to: the life and public service of Jerry Wing.

Read.

Concurred in by unanimous rising vote.

### **Assembly Joint Resolution 18**

Relating to: the service to the Assembly of Thomas T. Melvin.

Read.

Concurred in.

Senator Darling, with unanimous consent, asked that entire membership of the Senate be added as cosponsors of **Assembly Joint Resolution 18**.

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## **ANNOUNCEMENTS, ADJOURNMENT HONORS AND REMARKS UNDER SPECIAL PRIVILEGE**

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

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## **ADJOURNMENT**

Senator Ellis, with unanimous consent, asked that the Senate adjourn until Friday, February 17, 10:00 A.M..

Adjourned.

3:06 P.M.