



# STATE OF WISCONSIN

# Senate Journal

## Ninety—Second Regular Session

10:00 A.M.

THURSDAY, February 23, 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, Huelsman, Jauch, A. Lasee, Lekan, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 32.

Absent — None.

Absent with leave — None.

The Senate stood for the prayer which was offered by Senator Gary Drzewiecki.

The Senate remained standing and Senator Moore 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 12

Relating to: requesting the federal Environmental Protection Agency to suspend the requirement that reformulated gasoline be sold in Southeastern Wisconsin.

By Senator Adelman.

To committee on **Environment and Energy**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 80

Relating to: sexual assault, crimes against children and providing penalties.

By Senators Darling, Huelsman, Rude, Rosenzweig, Drzewiecki, Petak, A. Lasee and Cowles; cosponsored by Representatives Schneiders, Ladwig, Goetsch, Porter, Gard, Duff, Ott, Brandemuehl, Urban, Underheim, Hanson, Krusick, Ward, Musser, Coleman, Handrick, Ryba, Jensen, Plache, Riley, Kreibich, Klusman, Lazich, Seratti, Robson, Meyer, Albers and Hasenohrl.

To committee on **Judiciary**.

#### Senate Bill 81

Relating to: allowing courts to order criminal defendants to make a contribution to a youth organization.

By Senator Moen, by request of Jack Buswell of Sparta.

To committee on **Judiciary**.

#### Senate Bill 82

Relating to: limiting medical malpractice noneconomic damage awards, medical malpractice settlements and judgments and granting rule-making authority.

By Senators Huelsman, Petak, Lekan, Rude, Farrow, Zien, Darling, Rosenzweig, Cowles, Schultz, Weeden, Fitzgerald, Buettner, Drzewiecki and A. Lasee; cosponsored by Representatives Green, Albers, Wasserman, Black, Goetsch, Freese, Zukowski, Schneiders, Seratti, Ladwig, Ainsworth, Owens, Gard, Urban, Kreibich, Duff and Klusman.

To committee on **Judiciary**.

#### Senate Bill 83

Relating to: emergency youth aids and making an appropriation.

By Senator Breske; cosponsored by Representative Handrick.

To committee on **Health, Human Services and Aging**.

### REPORT OF COMMITTEES

The committee on **Environment and Energy** reports and recommends:

#### Senate Bill 39

Relating to: the definition of a small telecommunications utility.

Passage.

Ayes, 5 — Senators Cowles, Panzer, Farrow, Burke and Clausing.

Noes, 0 — None.

#### Senate Bill 52

Relating to: acquisition of equipment for the cutting and removing of nuisance aquatic plants.

Passage.

Ayes, 5 — Senators Cowles, Panzer, Farrow, Burke and Clausing.

Noes, 0 — None.

Robert Cowles  
Chairperson

The special committee on **State and Federal Relations** reports and recommends:

#### Senate Joint Resolution 6

Relating to: convening a Conference of the States.

Adoption.

Ayes, 5 — Senators Ellis, Jauch, Rosenzweig, Darling and Panzer.

Noes, 2 — Senators Risser and Moore.

Michael Ellis  
Chairperson

The committee on **Transportation, Agriculture and Local Affairs** reports and recommends:

JOHNSTON, DR. ROBERT H., of Stoughton, as a member of the Veterinary Examining Board, to serve for the interim term ending July 1, 1997.

Confirmation.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

**Senate Bill 38**

Relating to: vehicles transporting Christmas trees in loads that exceed vehicle width limitations.

Passage.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

**Senate Bill 48**

Relating to: increasing forfeitures for speeding committed in highway maintenance or construction area and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

**Senate Bill 7**

Relating to: trespass to land.

Passage.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

**Senate Bill 8**

Relating to: the sale of calves at livestock markets and by livestock dealers and the identification of slaughter calves.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Alan Lasee  
Chairperson

**REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 94–223**

Relating to the requirements for medicare risk contracts sold in Wisconsin.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, February 22, 1995.

Referred to committee on **Insurance**, February 23, 1995.

The Committee on **Insurance** reports and recommends:

**Senate Clearinghouse Rule 94–196**

Relating to disclosure of confidential claims information to the risk manager for the patients compensation fund and prohibiting further disclosure.

No action taken.

Peggy Rosenzweig  
Chairperson

The Committee on **State Government Operations and Corrections** reports and recommends:

**Senate Clearinghouse Rule 94–135**

Relating to detection of use of an intoxicating substance through a body contents search or possession of an intoxicating substance by a person on probation or parole supervision.

No action taken.

Gary Drzewiecki  
Chairperson

The Committee on **Transportation, Agriculture and Local Affairs** reports and recommends:

**Senate Clearinghouse Rule 94–126**

Relating to dairy product advertising and labeling.

No action taken.

Alan Lasee  
Chairperson

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

**CALENDAR OF FEBRUARY 23, 1995**

Senator Moen asked unanimous consent that the Senate stand recessed.

The senate stood recessed.

10:11 A.M.

**RECESS**

11:45 A.M.

The senate reconvened.

**Senate Bill 39**

Relating to: the definition of a small telecommunications utility.

Read a second time.

Ordered to a third reading.

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

Senator Risser objected.

**Senate Bill 45**

Relating to: liability of shareholders to corporate employees.

Read a second time.

Senator Risser, with unanimous consent, asked **Senate Bill 45** be placed after **Senate Bill 52**.

**Senate Bill 52**

Relating to: acquisition of equipment for the cutting and removing of nuisance aquatic plants.

Read a second time.

Ordered to a third reading.

Senator Cowles, with unanimous consent, asked to be made a coauthor of **Senate Bill 52**.

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

**Senate Bill 52**

Read a third time and passed.

**Senate Bill 45**

Relating to: liability of shareholders to corporate employees.

Read a second time.

Senate amendment 1 to **Senate Bill 45** offered by Senator Adelman.

The question was: Adoption of Senate amendment 1 to **Senate Bill 45**?

Senator Moore, with unanimous consent, asked that her name be withdrawn as a coauthor.

Senator Huelsman moved rejection of Senate amendment 1 to **Senate Bill 45**.

The question was: Rejection of Senate amendment 1 to **Senate Bill 45**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Leean, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden, and Zien – 17.

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

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.

The question was: **Senate Bill 45** having been read three times, shall the bill pass?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Leean, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden, and Zien – 17.

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

Absent or not voting – None.

Passed.

**Senate Bill 54**

Relating to: sexual assault of a child and providing a penalty.

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 54**

Read a third time and passed.

**Senate Bill 55**

Relating to: granting visitation rights to grandparents under certain circumstances and who may bring a paternity action.

Read a second time.

Senate amendment 1 to **Senate Bill 55** offered by Senators Weeden, Rosenzweig and Risser.

The question was: Adoption of Senate amendment 1 to **Senate Bill 55**?

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 55**

Read a third time and passed.

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**CHAIR**

Senator Lasee in the Chair.

12:30 P.M.

Senator Leean, with unanimous consent, asked that **Senate Bill 39** be referred to a second reading.

**Senate Bill 39**

Relating to: the definition of a small telecommunications utility.

Read a second time.

Senate amendment 1 to **Senate Bill 39** offered by Senators Jauch, Moen, Decker, Chvala and Andrea.

Senator Rude raised the point of order that Senate amendment 1 is not germane.

The Chair ruled the point well taken.

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**LEAVES OF ABSENCE**

Senator Ellis, with unanimous consent, asked for a leave of absence for the balance of today's session for Senator Panzer.

Senator Jauch appeals the ruling of the Chair.

The question was: Shall the decision of the Chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 16; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Leean, Petak, Rosenzweig, Rude, Schultz, Weeden, and Zien – 16.

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

Absent or not voting – Senator Panzer – 1.

The decision stands.

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**

The question was: **Senate Bill 39** having been read three times, shall the bill pass?

The ayes and noes were demanded and the vote was: ayes, 30; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Huelsman, Jauch, A. Lasee, Leean, Moen, Moore, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien – 30.

Noes – Senator Adelman – 1.

Absent or not voting – Senator Panzer – 1.

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 12**

Relating to: removing from the constitution unnecessary references to the masculine gender (2nd consideration).

Read a second time.

Senator Risser, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 12**.

Ordered to a third reading.

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

**Assembly Joint Resolution 12**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 3; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Ellis, Farrow, Fitzgerald, George, Huelsman, Jauch, Moen, Moore, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien – 28.

Noes – Senators Drzewiecki, A. Lasee and Leean – 3.

Absent or not voting – Senator Panzer – 1.

Concurred in.

**Assembly Joint Resolution 15**

Relating to: permitting a judge to assume a nonjudicial office of public trust after vacating the judicial office during that term of office (2nd consideration).

Read a second time.

Ordered to a third reading.

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

**Assembly Joint Resolution 15**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

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

Noes – None.

Absent or not voting – Senator Panzer – 1.

Concurred in.

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**MOTIONS MAY BE OFFERED**

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

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS NAD REMARKS UNDER SPECIAL  
PRIVILEGE**

Senator Rude, with unanimous consent, asked that when the Senate adjourn today it do so in honor of Mara Graven, who is leaving the Senate.

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**ADJOURNMENT**

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 10:00 A.M., Tuesday, February 28.

Adjourned.

1:27 P.M.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1995 ASSEMBLY JOINT RESOLUTION 15**

Prepared by the Legislative Reference Bureau  
(February 17, 1995)

1. Page 2, line 5: substitute “*senate*” for “*Senate*”.

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY AMENDMENT 7,  
TO 1995 ASSEMBLY BILL 21**

Prepared by the Legislative Reference Bureau  
(February 17, 1995)

1. Page 1, line 1: substitute “amendment” for “bill”.

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY AMENDMENT 15,  
TO 1995 ASSEMBLY BILL 6**

Prepared by the Legislative Reference Bureau  
(February 17, 1995)

1. Page 1, line 1: substitute “amendment” for “bill”.

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY AMENDMENT 3,  
TO 1995 ASSEMBLY BILL 6**

Prepared by the Legislative Reference Bureau  
(February 17, 1995)

1. Page 1, line 1: substitute “amendment” for “bill”.

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY JOINT RESOLUTION 6**

Prepared by the Legislative Reference Bureau  
(February 17, 1995)

1. Page 1, line 1: substitute “substitute amendment” for “joint resolution”.

**CORRECTIONS IN:**

**1995 ASSEMBLY JOINT RESOLUTION 12**

Prepared by the Legislative Reference Bureau  
(February 17, 1995)

1. Page 7, line 1: substitute “*senate*” for “*Senate*”.

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY JOINT RESOLUTION 7**

Prepared by the Legislative Reference Bureau  
(February 17, 1995)

1. Page 1, line 1: substitute “substitute amendment” for “joint resolution”.