



STATE OF WISCONSIN
Senate Journal
Ninety—Second Regular Session

10:00 A.M.

WEDNESDAY, March 1, 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, Llean, 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 Alice Clausing

The Senate remained standing and Senator Jauch 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 13

Relating to: proclaiming May 19, 20 and 21, 1995, Syttende Mai Weekend.

By Senators Moen, Breske, Chvala, C. Potter, Schultz, Jauch, Rude, Clausing, Andrea, Plewa, Rosenzweig, Risser, Huelsman, Burke, Zien, Panzer, Drzewiecki, Llean and George; cosponsored by Representatives Silbaugh, Urban, Boyle, R. Young, Baldus, Gunderson, Hanson, Hahn, Dobyns, Gronemus, Musser, Skindrud, Groschmidt, Turner, Ryba, Olsen, Huebsch, Zukowski, Owens and Seratti.

To committee on **Senate Organization**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 88

Relating to: the use of methyl tertiary butyl ether in reformulated gasoline.

By Senators A. Lasee, C. Potter, Andrea and Huelsman; cosponsored by Representatives Hutchison, F. Lasee, Hahn, Owens, Goetsch, Otte, Grothman, Lazich, Ladwig, Plache, Lehman, Musser, Urban, Schneiders and Ziegelbauer.

To committee on **Environment and Energy**.

EXECUTIVE COMMUNICATIONS

Calendar of March 1, 1995

Senator Moen asked unanimous consent that the Senate stand recessed for 1 hour and 37 minutes. Granted.

The senate stood recessed.

10:10 A.M.

RECESS

11:47 A.M.

The senate reconvened.

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

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; 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, Huelsman, Jauch, A. Lasee, Llean, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien – 32.

Noes – None.

Absent or not voting – None.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 94–179

Relating to increased fees for air permits and gaseous fuel exemption levels.

Submitted by Department of Natural Resources.

Report received from Agency, February 28, 1995.

Referred to committee on **Environment and Energy**, March 1, 1995.

Senate Clearinghouse Rule 94–184

Relating to permits for indirect sources.

Submitted by Department of Natural Resources.

Report received from Agency, February 28, 1995.

Referred to committee on **Environment and Energy**, March 1, 1995.

Senate Clearinghouse Rule 94-197

Relating to lake management planning grants and lake protection grants.

Submitted by Department of Natural Resources.

Report received from Agency, February 28, 1995.

Referred to committee on **Environment and Energy**, March 1, 1995.

Senate Clearinghouse Rule 94-219

Relating to boating safety and waterway markers.

Submitted by Department of Natural Resources.

Report received from Agency, February 28, 1995.

Referred to committee on **Environment and Energy**, March 1, 1995.

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, assistant chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 124

Assembly Bill 39

Assembly Bill 56

Assembly Bill 60

Adopted and asks concurrence in:

Assembly Joint Resolution 17

Assembly Joint Resolution 21

Concurred in:

Senate Joint Resolution 8

Senate Joint Resolution 9

Senate Joint Resolution 10

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 124

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

By Representatives Klusman, Ott, Ainsworth, Brancel, Albers, Dobyns, Gard, Goetsch, Harsdorf, Powers, Reynolds, Musser, Nass, Ladwig, Owens, Kreibich, Hahn, Seratti, Zukowski, Freese, Ourada, Ward, Olsen, Prosser, Hubler, Ziegelbauer, Huebsch, F. Lasee, Skindrud, Lehman, Hutchison, Johnsrud, Porter, Green, Baumgart and Gunderson; cosponsored by Senators A. Lasee, Drzewiecki, Rude and Buettner.

Read first time and referred to committee on **Transportation, Agriculture and Local Affairs**.

Assembly Bill 39

Relating to: statement of fertilizer and commercial feed fees on invoices.

By Representatives Ward, Olsen, Zukowski, Skindrud, Ott, Klusman, Gronemus, Ott, Hahn, Ainsworth and Reynolds; cosponsored by Senators Fitzgerald, A. Lasee and Zien.

Read first time and referred to committee on **Transportation, Agriculture and Local Affairs**.

Assembly Bill 56

Relating to: extending the agricultural production loan guarantee program.

By Representatives Ott, Klusman, Ward, Coleman, Dobyns, Brandemuehl, Albers, Gronemus, Johnsrud, Ott, Hutchison, Reynolds, Springer, Hahn, Freese, Goetsch, Silbaugh, Musser, Gunderson, Baldus, Grothman, Harsdorf, Lehman, Kreibich, Ainsworth, Zukowski, Ladwig and Ziegelbauer; cosponsored by Senators Buettner, Darling, Schultz, Clausing, Andrea, Moen and Breske.

Read first time and referred to committee on **Transportation, Agriculture and Local Affairs**.

Assembly Bill 60

Relating to: requirements for legal fences and the use of markers instead of fences between adjoining properties at least one of which is used for farming or grazing.

By Representatives Hahn, Ward, Owens, Musser, Grothman, Ott, F. Lasee, Silbaugh, Skindrud, Goetsch and Klusman; cosponsored by Senator Rude.

Read first time and referred to committee on **Transportation, Agriculture and Local Affairs**.

Assembly Joint Resolution 17

Relating to: requesting Congress and the federal Secretary of Agriculture, Daniel Glickman, to revise the milk marketing system.

By Representatives Ott, Gronemus, Harsdorf, F. Lasee, Hutchison, Ainsworth, Gard, Goetsch, Hahn, Ott, Gunderson, Coleman, Zukowski, Brandemuehl, Silbaugh, Owens, Ladwig, Skindrud, Ward, Dobyns, Freese, Springer, Linton, Musser, Plombon, Boyle, Ryba, Hasenohrl, Turner, Vander Loop, Huber, Krug, Grobschmidt, Krusick, Hubler, Reynolds, Klusman, Olsen, Grothman, Ziegelbauer, Powers, Seratti, Kreibich, Ourada, Albers, Porter, Prosser, Duff and Lorge; cosponsored by Senators A. Lasee, Fitzgerald, Schultz, Cowles, C. Potter, Moen, Clausing, Burke and Chvala.

Read and referred to special committee on **State and Federal Relations**.

Assembly Joint Resolution 21

Relating to: celebrating March 1, 1995, as St. David's Day.

By Representatives Owens, Grothman, Ward, Coleman, Hahn, Silbaugh and Dobyns.

Read and referred to committee on **Senate Organization**.

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

Calendar of March 1, 1995

Senate Bill 7

Relating to: trespass to land.

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 7

Read a third time and passed.

Senate Bill 8

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

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 8**?

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 8

Read a third time and passed.

Senate Bill 11

Relating to: comparative negligence and punitive damages.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 11** be placed at the foot of the calendar.

Senate Bill 38

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

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 38

Read a third time and passed.

Senate Bill 48

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

Read a second time.

Senator Jauch, with unanimous consent, asked that **Senate Bill 2** be taken up in place of **Senate Bill 48**.

Senator Ellis objected.

Senator Jauch, with unanimous consent, asked that all of the authors of the **Senate Bill 48** be made coauthors of **Senate Bill 2**.

Senator Ellis objected.

Senator Leean, with unanimous consent, asked that Senator Burke the primary author of **Senate Bill 2** be made a primary author of **Senate Bill 48**.

Senator Jauch objected.

Senator Jauch, with unanimous consent, asked that Senator Burke and Senator Lasee be made the primary authors of **Senate Bill 48**.

The question was: Adoption of Senate amendment 1 to **Senate Bill 48**?

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 48

Read a third time and passed.

Senate Bill 11

Relating to: comparative negligence and punitive damages.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 11** offered by Senator Huelsman.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 11**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 11** offered by Senators Burke, Chvala, Wineke, Decker, Jauch, Risser, George, Moore and Adelman.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 11**?

Senator Huelsman moved rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 11**.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 11**?

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, Breske, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plewa, C. Potter, Risser and Wineke – 15.

Absent or not voting – None.

Rejected.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 11** offered by Senator Adelman.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 11**?

Senator Huelsman moved rejection of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 11**.

Senator Drzewiecki in the Chair.

12:40 P.M.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 11**?

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, Breske, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plewa, C. Potter, Risser and Wineke – 15.

Absent or not voting – None.

Rejected.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 11** offered by Senator Adelman.

The question was: Adoption of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 11**?

Senator Huelsman moved rejection of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 11**.

The question was: Rejection of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 11**?

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, Breske, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plewa, C. Potter, Risser and Wineke – 15.

Absent or not voting – None.

Rejected.

Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 11** offered by Senator Adelman.

The question was: Adoption of Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 11**?

Senator Adelman, with unanimous consent, asked that Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 11** be laid on the table.

Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 11** offered by Senator Adelman.

The question was: Adoption of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 11**?

Senator Huelsman moved rejection of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 11**.

The question was: Rejection of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 11**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 1 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, Breske, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Plewa, C. Potter, Risser and Wineke – 14.

Absent or not voting – Senator Moore – 1.

Rejected.

Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 11** offered by Senators Chvala, Burke, Adelman and C. Potter.

The question was: Adoption of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 11**?

Senator Rude in the Chair.

1:08 P.M.

Senator Huelsman moved rejection of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 11**.

The question was: Rejection of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 11**?

Rejected.

Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 11** offered by Senators Huelsman, Panzer and Buettner.

The question was: Adoption of Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 11** be laid on the table?

Senator Huelsman, with unanimous consent, asked that Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 11** be laid on the table.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 11**?

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 11

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 8; absent or not voting, 0 as follows:

Ayes – Senators Andrea, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, Jauch, A. Lasee, Leean, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Rosenzweig, Rude, Schultz, Weeden and Zien – 24.

Noes – Senators Adelman, Burke, Chvala, Clausing,

Decker, George, Risser and Wineke – 8.

Absent or not voting – None.

Passed.

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

The Chair, with unanimous consent, asked that the Senate return to the third order of business.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 89

Relating to: the sale and purchase of reformulated gasoline containing methyl tertiary butyl ether or ethyl tertiary butyl ether and the labeling of certain reformulated gasoline.

By Senators Panzer and Cowles.

To committee on **Environment and Energy**.

MOTIONS MAY BE OFFERED

Senator Burke, with unanimous consent, asked that the Milwaukee County District Attorney's Office, the Milwaukee Common Council Task Force on Sexual Assault and Domestic Violence and Attorney General James Doyle be made a requestor of **Senate Bill 74**.

ANNOUNCEMENTS, ADJOURNMENT HONORS AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Jauch, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Yoshifumi Fujimaki who will be returning to New York.

Senator Darling, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Frankie Fuller who will be leaving her staff.

Senator Farrow, with unanimous consent, asked that the Senate return to the fourteenth order of business.

MOTIONS MAY BE OFFERED

Senator Farrow, with unanimous consent, asked that **Assembly Joint Resolution 6** be withdrawn from the committee on **Senate Organization** and referred to the special committee on **State and Federal Relations**.

Senator Farrow, with unanimous consent, asked that **Assembly Joint Resolution 8** be withdrawn from the committee on **Senate Organization** and referred to the special committee on **State and Federal Relations**.

ANNOUNCEMENTS, ADJOURNMENT HONORS AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Schultz, with unanimous consent, asked that when the Senate adjourns today it do so in honor of three high school wrestlers who earned State Champion Titles in the high school wrestling tournament last weekend, Tim Miller; 135 pounds from Riverdale; Ryan Breninger; 125 pounds from Richland Center; and Joe Wong; 275 pounds from Platteville.

ADJOURNMENT

Senator Farrow, with unanimous consent, asked that the Senate adjourn until 10:00 A.M., Thursday, March 2.

Adjourned.

1:46 P.M.