



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Second Regular Session

10:00 A.M.

TUESDAY, June 20, 1995

The Senate met.

The Senate was called to order by Senator Brian Rude.

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, Leean, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Wineke and Zien – 33.

Absent – None.

Absent with leave – None.

The prayer this morning was offered by Pastor Gary Daines of Our Saviors Lutheran Church and Skogdale Lutheran Church in Westby.

The Senate remained standing and Senator Zien 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 32

Relating to: designating the first Sunday after the first Saturday in October of each year as Wisconsin's "Ethnic Trail Day".

By Senators C. Potter, Panzer, Rude, Burke, Huelsman, Plewa, Andrea, Darling, Cowles, Moen and Clausing; cosponsored by Representatives Hoven, Hahn, Otte, Grobschmidt, Hanson, Dobyns, Owens, Wirch, Kreuser, Porter, Turner and Ryba, by request of Wisconsin's Ethnic Settlement Trail, Inc..

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 256

Relating to: annuities for eleemosynary institutions.

By Senators Huelsman and C. Potter; cosponsored by Representatives Albers and Baldus.

To committee on **Insurance**.

#### Senate Bill 257

Relating to: revocation of a child's work permit.

By Senator Adelman, by request of Muskego–Norway School Board.

To committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**.

Senator Moen asked unanimous consent that the Senate stand recessed.

The senate stood recessed.

10:17 A.M.

### RECESS

11:35 A.M.

The senate reconvened.

Senator Rude in the chair.

### PETITIONS AND COMMUNICATIONS

#### Senate Petition 8

A petition by 876 residents of the State of Wisconsin in opposition to ILHR–83 revisions for privately owned treatment systems.

By Senator Rude.

To committee on **Environment and Energy**.

#### Senate Petition 9

A petition by 2,464 parents, guardians, family and friends, of the developmentally disabled, in opposition to the budget proposal regarding the CIP 1A reduction rate for the three State Centers for the Developmentally Disabled.

By Senator Rude.

To joint committee on **Finance**.

#### Senate Petition 10

A petition by 31 residents of the State of Wisconsin in opposition to Assembly Bill 150, the executive budget bill.

By Senator Rude.

To joint committee on **Finance**.

### EXECUTIVE COMMUNICATIONS CALENDAR OF JUNE 20, 1995

BLANCHARD, JAMES D., of Sun Prairie, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1998.

Read.

COLE, KEN, of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1997.

Read.

DEJNO, BONNIE J., of Franklin, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1996.

Read.:

DENSOW, DANIEL P., of Appleton, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 1998.

Read.

HAASE, BRONSON J., of Milwaukee, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1997.

Read.

HANNA, DONALD, of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1996.

Read.

KEENAN, ARTHUR F., of Kendall, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1998.

Read.

KELLEY, DANIEL T., of Beloit, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1996.

Read.

KLAUSER, JAMES R., of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1998.

Read.

KNEGENDORF, LARRY E., of Baldwin, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1996.

Read.

LARKIN, DAVID M., of Beaver Dam, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1997.

Read.

LEONHART, JAMES L., of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1998.

Read.

PERLEBERG, GARY G., of Randolph, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1997.

Read.

POLEBITSKI, MARK, of Waupaca, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1996.

Read.

SCHAEFFER, ROBERT J., of Fond du Lac, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1997.

Read.

WIGDALE, JAMES B., of Milwaukee, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for an initial term ending May 1, 1998 and a one year term as President.

Read.

YORK, DWIGHT, of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1998.

Read.

YOUNG-HOLMES, PAMELA, of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 1997.

Read.

The question was: Confirmation of the appointments?

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, Huelsman, Jauch, A. Lasee, Leean, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Wineke and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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

### Senate Clearinghouse Rule 95-052

Relating to fee exemptions from inventory fees due under s. 166.20, Stats.

Submitted by State Emergency Response Board.

Report received from Agency, June 15, 1995.

Referred to committee on **State Government Operations and Corrections**, June 20, 1995 .

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## MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

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

### Assembly Bill 247

### Assembly Bill 370

Has concurred in:

Senate substitute amendment 2 to **Assembly Bill 73**

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### Assembly Bill 247

Relating to: the hunting of elk and providing a penalty.

By Representatives Linton, Hasenohrl, Baldus, Freese, Wirch, Dobyns, Bock, Musser, Travis, Ott, Krug, Underheim, Riley, Grothman, R. Potter, Vrakas, Robson, Notestein, F. Lasee and Baldwin; cosponsored by Senators Jauch, Andrea, Burke, Chvala and Clausing.

Read first time and referred to committee on **Environment and Energy**.

**Assembly Bill 370**

Relating to: establishing a hospital at King.

By Representatives Musser, Brancel and Lorge; cosponsored by Senators Zien and LEEAN.

Read first time and referred to committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs.**

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

**CALENDAR OF JUNE 20, 1995**

**Senate Bill 113**

Relating to: grounds for suspending or expelling a pupil from school.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 113**?

Adopted.

Senate amendment 2 to **Senate Bill 113** offered by Senator Jauch.

The question was: Adoption of Senate amendment 2 to **Senate Bill 113**?

Senator Petak moved rejection of Senate amendment 2 to **Senate Bill 113.**

The question was: Rejection of Senate amendment 2 to **Senate Bill 113**?

Senator Petak moved that Senate amendment 2 to **Senate Bill 113** be laid on the table.

The question was: Shall Senate amendment 2 to **Senate Bill 113** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Buettner, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Huelsman, A. Lasee, LEEAN, Moen, Moore, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien – 20.

Noes – Senators Andrea, Breske, Burke, Chvala, Clausing, Jauch, Moen, Moore, Plewa, C. Potter, Risser, Shibilski and Wineke – 13.

Absent or not voting – None.

Tabled.

Senator Fitzgerald, with unanimous consent, asked to be added as a coauthor of **Senate Bill 113.**

Ordered to a third reading.

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

**Senate Bill 113**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, Jauch, A. Lasee, LEEAN, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Wineke and Zien – 32.

Noes – Senator George – 1.

Absent or not voting – None.

Passed.

**Senate Bill 120**

Relating to: liens against boats.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 120**?

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 120**

Read a third time and passed.

**Senate Bill 183**

Relating to: establishing a hospital at King.

Read a second time.

Senator Shibilski, with unanimous consent, asked to be added as a coauthor of **Senate Bill 218.**

Senator Shibilski, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 48.**

Senator Shibilski, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 130.**

Ordered to a third reading.

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

**Senate Bill 183**

Read a third time.

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, Huelsman, Jauch, A. Lasee, LEEAN, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Wineke and Zien – 33.

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 218**

Relating to: the requirement that an agent of a corporation or limited liability company have completed an alcohol beverage server training course.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 218**?

Adopted.

Senate amendment 2 to **Senate Bill 218** offered by Senator Petak.

The question was: Adoption of Senate amendment 2 to **Senate Bill 218**?

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 218**

Read a third time and passed.

**Senate Bill 249**

Relating to: use of the net worth method of establishing proof of responsibility for compliance with requirements to take corrective action because of a discharge from a hazardous waste facility.

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 249**

Read a third time and passed.

Senator Farrow, 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 48**

Relating to: commending Wisconsin's dairy industry.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 48**.

Read.

Senator Jauch, with unanimous consent, asked that **Assembly Joint Resolution 48** be placed at the foot of the calendar.

**Assembly Bill 15**

Relating to: court-ordered payments to crime prevention organizations.

Read a second time.

Senate amendment 1 to **Assembly Bill 15** offered by Senator Risser.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 15**?

Adopted.

Ordered to a third reading.

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

**Assembly Bill 15**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes – Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Farrow, Fitzgerald, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Petak, C. Potter, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Wineke and Zien – 27.

Noes – Senators Adelman, Ellis, George, Leean and Risser – 5.

Absent or not voting – Senator Plewa – 1.

Concurred in as amended.

**Assembly Bill 91**

Relating to: the use of red and white lights on privately owned motor vehicles being used by fire department personnel or volunteer fire fighters.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 91**?

Adopted.

Senate amendment 2 to **Assembly Bill 91** offered by Senators Breske and A. Lasee.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 91**?

Adopted.

Ordered to a third reading.

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

**Assembly Bill 91**

Read a third time and concurred in as amended.

**Assembly Bill 130**

Relating to: creating a juvenile justice code, granting rule-making authority, making appropriations and providing penalties.

Read a second time.

Senator Leean asked unanimous consent that **Assembly Bill 130** be referred to the Joint Committee on **Finance**.

**Assembly Bill 166**

Relating to: the labeling of certain gasoline.

Read a second time.

Senate amendment 1 to **Assembly Bill 166** offered by Senator Adelman.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 166**?

Senator Panzer moved rejection of Senate amendment 1 to **Assembly Bill 166**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 166**?

The ayes and noes were demanded and the vote was: ayes, 18; 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, Shibilski, Weeden and Zien – 18.

Noes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, C. Potter, Risser and Wineke – 14.

Absent or not voting – Senator Plewa – 1.

Rejected.

Senate amendment 2 to **Assembly Bill 166** offered by Senator Adelman.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 166**?

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 166**.

Senator Panzer raised the point of order that Senate amendment 2 to **Assembly Bill 166** is not germane.

The Chair ruled the point well taken.

Ordered to a third reading.

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

**Assembly Bill 166**

Read a third time and concurred in.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 166**.

**Assembly Bill 230**

Relating to: regulation of grain dealers and warehouse keepers.

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.

**Assembly Bill 230**

Read a third time.

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, Huelsman, Jauch, A. Lasee, Leean, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Wineke and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

**Assembly Bill 233**

Relating to: modifying the definition of authorized emergency vehicle to include bicycles being operated by law enforcement officers.

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.

**Assembly Bill 233**

Read a third time and concurred in.

**Assembly Bill 291**

Relating to: the employe trip reduction program.

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.

**Assembly Bill 291**

Senator Petak and Panzer, with unanimous consent, asked to be made cosponsors of **Assembly Bill 291**.

The question was: Shall **Assembly Bill 291** be concurred in?

Concurred in.

**Assembly Joint Resolution 48**

Relating to: commending Wisconsin's dairy industry.

Read.

Senate amendment 1 to **Assembly Joint Resolution 48** offered by Senator Clausing.

The question was: Adoption of Senate amendment 1 to **Assembly Joint Resolution 48**?

Senator A. Lasee raised the point of order that Senate amendment 1 to **Assembly Joint Resolution 48** is not germane.

The Chair ruled the point well taken.

Senator Jauch appealed 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, 17; noes, 16; 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, Shibilski and Wineke – 16.

Absent or not voting – None.

The Decision of the Chair stands as the judgement of the Senate.

The question was: Shall **Assembly Joint Resolution 48** be concurred in?

Concurred in.

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

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**ADJOURNMENT**

Senator Ellis, with unanimous consent, asked that the Senate adjourn until Thursday, June 22 at 10:00 A.M..

Adjourned.

1:40 P.M.

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**Chief Clerk's Report**

The Chief Clerk records:

**Senate Joint Resolution 31**

Deposited in the office of the Secretary of State on 6-15-95.