



STATE OF WISCONSIN

Senate Journal

Ninety—Second Regular Session

10:00 A.M.

TUESDAY, January 23, 1996

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, Clausung, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Petak, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke and Zien – 33.

Absent – None.

Absent with leave – None.

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

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 495

Relating to: a state minimum wage, overtime pay for executive, administrative and professional employes, granting rule-making authority and providing a penalty.

By Senators Chvala, Andrea, Moen, Risser, Decker, Clausung and Burke; cosponsored by Representatives Coggs, Baldwin, Notestein, R. Young, Krug, Bock, Riley, Plombon, L. Young, Black, Plache, Bell, Turner, Baldus, Boyle, Williams, Ryba, Hasenohrl, Kreuser, Gronemus and Robson.

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

Senate Bill 496

Relating to: qualifications for absentee voting.

By Senators Risser and Jauch; cosponsored by Representatives Baldwin, Albers, Turner, Lorge, Plombon, Ryba, Robson, Olsen, Boyle, Wasserman, Hasenohrl, Baldus, Bock, Krug, Duff, R. Young and R. Potter.

To committee on **State Government Operations and Corrections.**

Senate Bill 497

Relating to: criminal damage to certain property.

By Senators Schultz, Rude, Welch, Darling, Panzer, Grobschmidt, C. Potter and Risser; cosponsored by Representatives Freese, Boyle, Huber, Dobyms, Krug, Hasenohrl, Otte, Baumgart, Wirch, Silbaugh, Black, Lazich, Goetsch, Lorge, Robson, Green, Musser, Ott, Riley, Johnsrud, Gronemus, Wasserman, Gunderson, Seratti and Baldwin.

To committee on **Judiciary.**

REPORT OF COMMITTEES

The committee on **Senate Organization** reports and recommends:

Pursuant to Senate Rule 20 the following is a list of changes to Senate Standing Committees effective January 4, 1996.

1. Education and Financial Institutions, change membership from 7 to 9;
2. Judiciary, change membership from 7 to 5.

SENATOR MICHAEL ELLIS

Chair

The joint committee on **Finance** reports and recommends:

Senate Bill 177

Relating to: sale of certain products manufactured by state prisoners.

Passage.

Ayes, 13 – Senators Weeden, Schultz, Cowles, Panzer, Petak, Rosenzweig, George, Brancel, Foti, Porter, Schneiders, Ourada and Harsdorf.

Noes, 3 – Senators Decker, Linton and Coggs.

Senate Bill 379

Relating to: regulation of performing rights societies.

Adoption of Senate substitute amendment 1.

Ayes, 16 – Senators Weeden, Schultz, Cowles, Panzer, Petak, Rosenzweig, George, Decker, Brancel, Foti, Porter, Schneiders, Ourada, Harsdorf, Linton and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators Weeden, Schultz, Cowles, Panzer, Petak, Rosenzweig, George, Decker, Brancel, Foti, Porter, Schneiders, Ourada, Harsdorf, Linton and Coggs.

Noes, 0 – None.

Senate Bill 402

Relating to: legislative oversight of the investment board, structure and composition of the investment board, regulation of certain investments by the investment board, granting rule-making authority and making an appropriation.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 15 – Senators Weeden, Schultz, Cowles, Panzer, Petak, Rosenzweig, George, Decker, Brancel, Foti, Schneiders, Ourada, Harsdorf, Linton and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 15 – Senators Weeden, Schultz, Cowles, Panzer, Petak, Rosenzweig, George, Decker, Brancel, Foti, Schneiders, Ourada, Harsdorf, Linton and Coggs.

Noes, 0 – None.

Timothy Weeden
Senate Chairperson

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

Noes, 1 – Senator Adelman.

Assembly Bill 152

Relating to: termination of a decedent's interests in property.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Assembly Bill 211

Relating to: juries in misdemeanor cases.

Introduction and adoption of Senate amendment 1.

Ayes, 3 – Senators Huelsman, Welch and Darling.

Noes, 2 – Senators Risser and Adelman.

Introduction and adoption of Senate amendment 2.

Ayes, 3 – Senators Huelsman, Welch and Darling.

Noes, 2 – Senators Risser and Adelman.

Concurrence as amended.

Ayes, 3 – Senators Huelsman, Welch and Darling.

Noes, 2 – Senators Risser and Adelman.

Assembly Bill 256

Relating to: the return of lost money or goods.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Assembly Bill 364

Relating to: failure to pay for taxicab service.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Assembly Bill 428

Relating to: price refunds in the sale of a commodity or thing, price misrepresentation in the purchase, sale or advertising of any commodity, thing or service and providing a penalty.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Assembly Bill 448

Relating to: restitution payments for future counseling costs for sexual assault victims and certain child victims.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Assembly Bill 452

Relating to: intergovernmental cooperation in providing services to crime victims and witnesses.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Assembly Bill 465

Relating to: limiting appeals as a matter of right to traffic regulation cases in which the penalty is a forfeiture.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Risser.

Assembly Bill 466

Relating to: the award of litigation expenses in condemnation proceedings.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Assembly Bill 467

Relating to: restitution.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Senate Bill 421

Relating to: granting credit against child or family support.

Passage.

Ayes, 4 – Senators Huelsman, Welch, Darling and Risser.

Noes, 1 – Senator Adelman.

Senate Bill 422

Relating to: considering certain statutory factors in deviating from the child support percentage standard, treatment of child care expenses, ordering trusts for the support of children, order of disbursement of wages for Huber law inmates, reducing a payer's child support obligation if the child receives a federal benefit, a study of county child support agency staffing, ordering payment of postmajority support for a child with exceptional educational needs, requiring a report evaluating the adequacy of child support orders and paternity judgments and blood test costs.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Huelsman, Welch and Darling.

Noes, 2 – Senators Risser and Adelman.

Senate Bill 435

Relating to: the time to answer a summons in certain cases and requiring that the costs awarded to an individual represented by a unit of government be paid to the unit of government (suggested as remedial legislation by the department of justice).

Passage.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Adelman.

Noes, 0 – None.

Joanne Huelsman
Chairperson

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

Assembly Bill 96

Relating to: the operation and local regulation of bicycles and the operation and use of other vehicles.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 186

Relating to: eligibility for special registration plates and identification cards for parking privileges for physically disabled persons.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 231

Relating to: information contained in the files on licensees maintained by the department of transportation.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 251

Relating to: damage done by horses, sheep and goats.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 252

Relating to: requiring the use of safety belts or child safety restraint systems for children riding within cargo areas of motor trucks and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 483

Relating to: appraisal of and payment for animals that are destroyed because of infectious diseases, livestock remedies, violations of animal health laws, granting rule-making authority and providing a penalty.

Introduction and adoption of Senate substitute amendment 1.

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

Noes, 0 – None.

Concurrence as amended.

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

Noes, 0 – None.

TRACY, ALAN T., of Madison, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Confirmation.

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

Noes, 0 – None.

Senate Bill 271

Relating to: designating STH 33 as the “84th Division ‘Raisplitters’ Memorial Highway”.

Introduction and adoption of Senate substitute 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 466

Relating to: bringing honeybees and related items into this state and granting rule-making authority.

Passage.

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

Noes, 0 – None.

Senate Bill 470

Relating to: substituting “phosphate” for “phosphoric acid” in the fertilizer control law, prohibited practices in installing, servicing, testing or calibrating weights and measures and due dates for payment of tonnage fees (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

Passage.

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

Noes, 0 – None.

Alan Lasee
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Revenue**

January 16, 1996

The Honorable, The Senate:

A summary report containing 1994 individual income tax statistics for Wisconsin school districts, which the Department of Revenue is required by law to provide you, is enclosed.

Sections 73.03 (29) and (30), Wis. Stats., require the Department to collect and analyze information from individual income taxfilers concerning the school district in which they resided during the taxable year, and to notify the presiding officers of both houses of the Legislature and the co-chairs of the Joint Committee on Finance of the results of the analysis.

Space was provided on all individual income tax returns for taxpayers to indicate, using a four-digit code, the school district in which they resided. These codes conform to the codes used by the Department of Public Instruction. School district information was not requested of Homestead credit claimants unless the claimant also filed an individual income tax return. Also, nonresidents filing Wisconsin income tax returns were directed not to enter a school district code.

The error rate for the data is high – 244,000, or 11.8%, of the 2,084,000 returns used in compiling the report have an invalid numeric school district code, that is, the code was inconsistent with the municipality of residence reported by the taxfiler. This does not include returns skipped for other reasons, for example, because they have an unknown code or non-numeric code. The Department of Revenue is not able to edit the school district code because it would substantially slow the processing of

income tax returns. The municipality of residence reported by the taxfiler and the zip code on the return label are of limited usefulness in editing the school district codes because school districts typically encompass several municipalities and zip codes, and a single municipality or zip code area may lie in more than one school district. Further, there is a high incidence of error in the reporting of the municipality of residence by taxfilers.

If you have any questions about the summary report, please let me know.

Sincerely,

MARK D. BUGHER
Secretary

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

January 17, 1996

The Honorable, The Senate:

In accordance with ss. 46.027 and 13.172(3), Stats., I hereby submit the first annual report of the Gang Violence Prevention Council. The Gang Violence Prevention Council was created by 1993 Wisconsin Act 98, enacted December 10, 1993. Attached to the Department of Health and Social Services, the 15-member Council is charged with three specific functions, one of which is to submit an annual report to the appropriate standing committees of the legislature.

The enclosed report conveys the goals, objectives and strategies developed by the Gang Violence Prevention Council and summarizes the Council's activities during the first year of operation. Through this report, the Council attempts to set the groundwork and provide a forum by which existing successful gang prevention and gang intervention strategies and programs can be duplicated, and new ideas and strategies to prevent children from becoming influenced by and involved with gangs can be presented.

Should you have any questions regarding any of the material contained in this report, please feel free to contact me at 267-3691, or Merry Ament, staff to the Council, at 261-6953.

Sincerely,

SILVIA R. JACKSON
Chairperson
Gang Violence Prevention Council

Referred to the committee on **Health, Human Services and Aging**.

EXECUTIVE COMMUNICATIONS

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

BREWER, ANN, of Madison, as a member of the Board of Nursing, to serve for the term ending July 1, 1999.

Read.

CASH, MAE, of Sun Prairie, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 1999.

Read.

HEINRICH, ANN GMEINER, of Menasha, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 1998.

Read.

HOFMANN, JOHN R., of Green Bay, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 1999.

Read.

The question was: Confirmation?

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, Clausung, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Petak, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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

Senate Clearinghouse Rule 95-219

Relating to determining clients' ability to pay for the cost of legal representation, referring uncollected accounts to the department of administration for collections and requiring the agency to provide written notice to clients of their repayment obligation.

Submitted by State Public Defender.

Report received from Agency, January 22, 1996.

Referred to committee on **Judiciary**, January 23, 1996.

The committee on **Business, Economic Development and Urban Affairs** reports and recommends:

Senate Clearinghouse Rule 95-078

Relating to occupational therapists and occupational therapy assistants.

No action taken.

Senate Clearinghouse Rule 95-135

Relating to licensing outpatient hospital pharmacies; to the time in which a controlled substance listed in schedule II must be dispensed; and to exempting certain pharmacies from the distributor licensing requirements when selling prescription drugs to practitioners for office dispensing.

No action taken.

Senate Clearinghouse Rule 95-138

Relating to examinations, educational and graduation requirements and late renewal.

No action taken.

Senate Clearinghouse Rule 95-164

Relating to a volume cap on private activity bonds.

No action taken.

Scott Fitzgerald
Chairperson

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

Senate Bill 457

Relating to: allotment of individual licensee catch quotas among holders of commercial fishing licenses and granting rule-making authority.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 457** be referred to committee on **Senate Organization**.

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

Assembly Bill 154

Relating to: breast-feeding.

Read a second time.

Senator Moore, Clausung and Rude, with unanimous consent, asked to be made cosponsors of **Assembly Bill 154**.

Ordered to a third reading.

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

Assembly Bill 154

Read a third time and concurred in.

Assembly Bill 164

Relating to: creating an exception to the nursing licensure requirements for certain persons.

Read a second time.

Senate amendment 1 to **Assembly Bill 164** offered by Senator Buettner.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 164**?

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 164**.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 164**?

Adopted.

Ordered to a third reading.

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

Assembly Bill 164

Read a third time and concurred in as amended.

Assembly Bill 189

Relating to: requiring county clerks, when issuing marriage licenses, to distribute pamphlets, if available, that describe the effects of tobacco use during pregnancy.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Assembly Bill 189** be referred to committee on **Senate Organization**.

Assembly Bill 280

Relating to: persons who may claim to render physical therapy or physiotherapy services.

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.

Senator Drzewiecki, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 280**.

Assembly Bill 280

Read a third time and concurred in.

Assembly Bill 325

Relating to: health care professional service corporations.

Read a second time.

Senator Welch, Moore and Drzewiecki, with unanimous consent, asked to be made cosponsors of **Assembly Bill 325**.

Ordered to a third reading.

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

Assembly Bill 325

Read a third time and concurred in.

Assembly Bill 418

Relating to: permitting parents of certain minors to limit access by a protection and advocacy agency to the minor's treatment and patient health care records and making limitations on access by a protection and advocacy agency to treatment and patient health care records inapplicable in certain situations.

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.

Assembly Bill 418

Read a third time and concurred in.

Assembly Bill 429

Relating to: the calibration of audiometric equipment, statutory references to hearing aid dealers and fitters and granting rule-making authority.

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.

Assembly Bill 429

Read a third time and concurred in.

Assembly Bill 430

Relating to: the requirements for persons applying for a certificate as a respiratory care practitioner.

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.

Assembly Bill 430

Read a third time and concurred in.

Assembly Bill 471

Relating to: the adoption of children with special needs and making an appropriation.

Read a second time.

Senator Drzewiecki, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 471**.

Ordered to a third reading.

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

Assembly Bill 471

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

Noes – None.

Absent or not voting – None.

Concurred in.

Assembly Bill 569

Relating to: credit union operation and authority, reorganizing the credit union chapter, granting rule-making authority and providing a penalty.

Read a second time.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 569**.

Ordered to a third reading.

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

Assembly Bill 569

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

Noes – None.

Absent or not voting – None.

Concurred in.

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

Senator Rude, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Fred “Fritz” Ahrens who is retiring today after 32 years with the Wisconsin Senate. Fritz began his career in the Senate on January 25, 1963. Fritz has been a familiar face in the Capitol, working in the Mail Room, on the Senate floor and in several other capacities over the years.

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until Thursday, January 25 at 10:00 A.M..

Adjourned.

12:42 P.M.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 46

Report correctly enrolled on January 22, 1996.