



# STATE OF WISCONSIN

# Senate Journal

## Ninety—Second Regular Session

10:00 A.M.

THURSDAY, January 25, 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:

The Senate stood a moment of silent meditation.

The Senate remained standing and Senator Ellis 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:

#### Senate Joint Resolution 48

Relating to: commemorating the 3000th anniversary of Jerusalem.

By Senators Rude, Rosenzweig, Adelman, Chvala, Andrea, Breske, Buettner, Burke, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Petak, C. Potter, Risser, Schultz, Shibilski, Weeden, Welch, Wineke and Zien; cosponsored by Representatives Prosser, Jensen, Wasserman and Kunicki.

Senator Farrow, with unanimous consent, asked that the rules be suspended and **Senate Joint Resolution 48** taken up at this time.

#### Senate Joint Resolution 48

Relating to: commemorating the 3000th anniversary of Jerusalem.

Read.

Adopted.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 498

Relating to: subcontractor and supplier claims against private and public construction project payment bonds and defense of actions by prime contractors on construction liens.

By Senator Schultz; cosponsored by Representatives Freese, Goetsch, Ainsworth, Grothman and Musser.

To committee on **Business, Economic Development and Urban Affairs**.

#### Senate Bill 499

Relating to: liability for the inspection of property.

By Senators Darling, Drzewiecki, Buettner, Burke and Zien; cosponsored by Representatives Schneiders, Olsen, Silbaugh, Turner, F. Lasee, Springer and Hanson.

To committee on **Judiciary**.

### REPORT OF COMMITTEES

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

#### Assembly Bill 386

Relating to: fraudulent representations in the purchase, sale, hire, use or lease of real estate, merchandise, securities, services or employment.

Concurrence.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

BROWN, DENNIS G., of Waunakee, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 1999

Confirmation.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

FORBES, GEORGINA, of Madison, as a member of the Pharmacy Examining Board, to serve for the initial term ending July 1, 1996 and for the full term ending July 1, 2000.

Confirmation.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

HOFFMAN, MELVYN L., of La Crosse, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 1999

Confirmation.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

MARGITAN, JOHN, of Minocqua, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

MCCULLOUGH, W. CLINT, of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 1999

Confirmation.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

MICKELSON, DAVID M., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the initial term ending July 1, 1996 and for the full term ending July 1, 2000.

Confirmation.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

### Senate Bill 76

Relating to: changes in the laws regulating fireworks and granting rule-making authority.

Introduction of Senate substitute amendment 1.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

Introduction of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

Adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

Adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Fitzgerald, Buettner, Darling, Moore and Grobschmidt.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 1 – Senator Grobschmidt.

Scott Fitzgerald  
Chairperson

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

DITTMAR, BEVERLY, of Wausau, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998.

Confirmation.

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

Noes, 0 – None.

HILLIARD, SUSAN M., of Briggsville, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998.

Confirmation.

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

Noes, 0 – None.

LARSEN, MARK, of River Falls, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998.

Confirmation.

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

Noes, 0 – None.

RUEHLOW, DONALD C., of Prairie du Chien, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998.

Confirmation.

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

Noes, 0 – None.

VAN DUZEE, DIRK, of Wabeno, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998.

Confirmation.

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

Noes, 0 – None.

Robert Cowles  
Chairperson

The joint survey committee on **Retirement Systems** reports and recommends:

### Senate Bill 33

Relating to: granting credit for the payment of postretirement health insurance premiums under the state group health insurance program for accumulated unused sick leave earned for service in Wisconsin as a national guard technician prior to 1966 and making an appropriation.

#### Public Policy Involved

This bill is good public policy

Referred to committee on **State Government Operations and Corrections**.

### Senate Bill 449

Relating to: maximum benefit and contribution limits under the Wisconsin retirement system, granting rule-making authority and making an appropriation.

#### Public Policy Involved

This bill is good public policy

Referred to committee on **State Government Operations and Corrections**.

George Petak  
Senate Chairperson

## PETITIONS AND COMMUNICATIONS

### State of Wisconsin Committee on Senate Organization

January 17, 1996

The Honorable, The Senate:

Pursuant to Senate Rule 20, I have made the following appointment to Committee:

To the Council on Information Technology, Senator Gwendolynne Moore.

With regards to members of the minority party, the appointment reflects recommendations of that caucus.

Sincerely,

MICHAEL ELLIS  
Chair

**State of Wisconsin  
Legislative Audit Bureau**

January 23, 1996

The Honorable, The Legislature:

We have completed our review of the Preadmission Screening and Annual Resident Review (PASARR) process, which is administered by the Department of Health and Social Services. The process, which is federally required for all states participating in the Medical Assistance (MA) program, is used to screen nursing home applicants and residents for serious mental illness and developmental disabilities. PASARR screening requirements apply to both MA and privately paying individuals. The Department expended a total of \$5.1 million on the program in 1994, \$3.9 million of which was paid to five contractors.

Although some of the federal requirements, such as requiring every nursing home resident to be screened annually for developmental disability, appear to be unnecessary, it appears the Department has little latitude in implementing the program. It is evident, however, that the Department should have exercised more control over the establishment of reimbursement rates for the provision of second-level screening. Because control was limited, three of the five contractors were apparently overcompensated by more than \$1.5 million in 1994. Of this amount, more than \$1.2 million was paid to one contractor. According to an audit filed with the Department by the contractor, its sole officer was compensated more than \$1 million in 1994, with additional payments made for payroll taxes and retirement benefits.

The Department is currently seeking to recoup the overpayments. However, two of the three contractors, including the contractor from which the Department is seeking to recoup more than \$1.2 million, have challenged the Department's authority to recoup any of the funds. According to department staff, the third contractor, from which the Department is seeking \$200,514, is working cooperatively to reach a settlement. It is expected that the Department will undertake a similar recoupment effort for the 1995 contract year because identical contracts were in place.

Finally, although the Department has developed a data base designed to provide information about the outcomes of the PASARR program, the information generated is inconsistent. Therefore, it is not possible to provide definitive information about the outcomes of the screening process, such as how many individuals were removed or diverted from nursing homes as a result of it.

We appreciate the courtesy and cooperation extended to us by staff of the Department of Health and Social Services during the course of this review.

Sincerely,  
DALE CATTANACH  
State Auditor

**State of Wisconsin  
Department of Corrections**

January 22, 1996

The Honorable, The Legislature:

As required under Section 301.03 (6r) of the Wisconsin Statutes, I am submitting information relative to the number of prisoners the Department of Corrections considers violent and the total number of prisoners.

On December 31, 1995, the Department had 11,410 adult

inmates assigned to Type "1" prisons. Out of the 11,410 inmates, 8,827 or 77.3% had assaultive offenses.

Sincerely,  
MICHAEL J. SULLIVAN  
Secretary

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

January 19, 1996

The Honorable, The Senate:

1993 Wisconsin Act 16, Section 9126 (15d) provided funds to establish a pilot program for family preservation intensive in-home services for the purpose of preventing out-of-home placements of children who have been abused and/or neglected. Act 16 also directed the Department of Health and Social Services to evaluate the pilot and to submit an interim report of the evaluation to the governor and to the appropriate committees by July 1, 1996 and a final report by January 1, 1998.

Beginning January 1, 1996, the funding for this pilot was incorporated into the Community Aids allocation for the ten pilot counties. The pilot status ended and, therefore, the evaluation ended. Staff from the Office of Policy and Budget and the Bureau for Children, Youth and Families have agreed to submit a final report of the pilot at this time. The attached report fulfills that agreement.

Sincerely,  
JOE LEEAN  
Secretary

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

**State of Wisconsin  
Ethics Board**

January 23, 1995

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers.

**Organization's authorization of additional lobbyists:**  
The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

**Aurora Health Care, Inc**  
Bartels, Peggy

**Automobile Manufacturers Assn, American**  
Stitt, Donald

Hagerup, Christopher

Elliott, Brian

**Farmers Union, Wisconsin**  
Nispel, David

**Milwaukee Metropolitan Sewerage District**  
Hanson, Thomas

Jablonski, Ann

**Paper Council, Wisconsin**  
Rice, Scott

**Planned Parenthood Advocates of Wisconsin**  
Jablonski, Ann

Vagts, Amalia

**Planned Parenthood of Wisconsin, Inc**

Vagts, Amalia

**Railway Progress Institute**

Bergersen, Gunnar

**Sanifill of Wisconsin (formerly Land Reclamation)**

Essie, Patrick

**Strong Capital Management, Inc.**

Elliott, Brian

**Termination of lobbying authorizations:**

The following individuals are no longer authorized to lobby on behalf of the organizations listed below, as of the dates indicated.

**Planned Parenthood Advocates of Wisconsin**

Kelley, Helen 1/12/96

Sandve, Allison 1/12/96

**Planned Parenthood of Wisconsin, Inc**

Kelley, Helen 1/1/96

Sandve, Allison 1/1/96

**Schreiber Foods, Inc.**

Burns, Kathleen 1/18/96

**Organization's cessation of lobbying activity:**

The following organization previously registered with the Ethics Board as an employer of a lobbyist has indicated a cessation of all lobbying activity effective on the date shown.

**Plastic Container Recovery, National Assn for 1/23/96**

Mitchell, Brian 1/16/96

**Organization's modification or amendment of records:**

The registered organization listed below has indicated the following modification to its records:

**Land Reclamation Co** (old name) changed its name to **Sanifill of Wisconsin** (new name)

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

R. ROTH JUDD  
Executive Director

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

**Senate Clearinghouse Rule 95-113**

Relating to the rights of patients receiving treatment for mental illness, a developmental disability, alcohol abuse or dependency or other drug abuse or dependency and standards for grievance procedures for these patients.

Submitted by Department of Health and Social Services.

Report received from Agency, January 24, 1996.

Referred to committee on **Health, Human Services and Aging**, January 25, 1996.

**Senate Clearinghouse Rule 95-115**

Relating to the motor vehicle inspection and maintenance program.

Submitted by Department of Transportation.

Report received from Agency, January 24, 1996.

Referred to committee on **Transportation, Agriculture and Local Affairs**, January 25, 1996.

**Senate Clearinghouse Rule 95-186**

Relating to recovery of the cost of benefits from the estate of a person who was a client of the community options program or a participant in the aid program for persons with chronic renal disease, the aid program for persons with hemophilia or the aid program for adults with cystic fibrosis, or from the estate of the surviving spouse of that person.

Submitted by Department of Health and Social Services.

Report received from Agency, January 24, 1996.

Referred to committee on **Health, Human Services and Aging**, January 25, 1996.

**Senate Clearinghouse Rule 95-212**

Relating to the community-based economic development program.

Submitted by Department of Development.

Report received from Agency, January 24, 1996.

Referred to committee on **Business, Economic Development and Urban Affairs**, January 25, 1996.

**Senate Clearinghouse Rule 95-224**

Relating to the certification of private attorneys for appellate cases and to the certification equivalent for staff attorneys.

Submitted by State Public Defender.

Report received from Agency, January 24, 1996.

Referred to committee on **Judiciary**, January 25, 1996.

**Senate Clearinghouse Rule 95-230**

Relating to cost of counsel and partial indigency.

Submitted by State Public Defender.

Report received from Agency, January 24, 1996.

Referred to committee on **Judiciary**, January 25, 1996.

**MESSAGES FROM THE ASSEMBLY**

By Charles Sanders, chief clerk.

Mr. President:

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

**Assembly Bill 290**

**Assembly Bill 424**

**Assembly Bill 495**

**Assembly Bill 528**

**Assembly Bill 575**

**Assembly Bill 634**

**Assembly Bill 709**

**Assembly Bill 728**

Adopted and asks concurrence in:

**Assembly Joint Resolution 14**

Concurred in:

**Senate Bill 245**

**Senate Bill 388**

**Senate Bill 413**

Senate amendment 1 to **Assembly Bill 185**

Amended and concurred in as amended:

**Senate Bill 252** Assembly amendment 1

**Senate Bill 345** Assembly amendment 1

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 290**

Relating to: responsibility for unpaid utility bills and municipal utility collection practices.

By Representatives Skindrud, Ainsworth, Dobyms, Hanson, Kelso, Kreuser, F. Lasee, Lazich, Lehman, Murat, Musser, Owens, Porter, Seratti, Silbaugh, Springer, Ward and Wirch; cosponsored by Senators Buettner, Rude and Andrea.

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

**Assembly Bill 424**

Relating to: the establishment of certain restrictions on floodplain and shoreland zoning ordinances that regulate improvements to nonconforming buildings, the elimination of other restrictions on floodplain and shoreland zoning ordinances that regulate improvements and repairs to nonconforming buildings or buildings with nonconforming uses that are applicable to Trenton Island in Pierce County and granting rule-making authority.

By Representatives Harsdorf, Johnsrud, Owens, Gronemus, Otte, Zukowski, Lehman, Musser, Brandemuehl, Hahn, Olsen, Jensen, Seratti, Ainsworth, Grothman, Underheim, Albers, Ryba, Klusman and Silbaugh; cosponsored by Senators A. Lasee and Cowles.

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

**Assembly Bill 495**

Relating to: requiring certain tank vessels to have double hulls or tug escorts, the operation of motorboats for commercial purposes under the intoxicated boating law, prohibiting open burning on vessels operated for commercial purposes, inspecting vessels and providing penalties.

By Representatives Johnsrud, Freese, Harsdorf, Gronemus, Wirch, Goetsch, Ott, Baldus, Kreibich, Black, Huebsch, Bock, Dueholm, Carpenter, Boyle, Robson, Cullen, Meyer, Owens, Gard, Klusman and Vrakas; cosponsored by Senators Rude, Cowles, Wineke, Burke, Clausing, Schultz and Moen.

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

**Assembly Bill 528**

Relating to: setting fires and providing a penalty.

By Representatives Johnsrud, Freese, Kreibich, Grothman, Boyle, Ainsworth and Ott.

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

**Assembly Bill 575**

Relating to: the management of state forests.

By Representatives Johnsrud, Boyle, Lehman, Black, Baumgart, Baldwin, Plombon, Goetsch, Hahn, Freese, Olsen, Krug, Cullen, Bock, Hutchison, Powers, Porter, Lorge, Wirch, Grobschmidt, Ott, Vrakas, Notestein, Kaufert and Hanson; cosponsored by Senators Cowles, Rude, Clausing, Burke, Darling, Risser, Rosenzweig, Panzer, Decker and Buettner.

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

**Assembly Bill 634**

Relating to: issuance of special deer hunting permits to certain minors.

By Representatives Hasenohrl, Ott, Gunderson, Baldus, Goetsch, Vander Loop, Hahn, Kreuser, Seratti, Gronemus, Boyle, Gard, Hutchison and Huber; cosponsored by Senators Rude, Shibilski and Burke.

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

**Assembly Bill 709**

Relating to: the effect of certain water withdrawals on commercial aquaculture operations.

By Representatives Freese, Baldus, Hahn, Musser, Nass, Otte, Ourada, Silbaugh, Zukowski, F. Lasee and Gunderson; cosponsored by Senators Schultz, Rude, Panzer, Breske and Cowles.

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

**Assembly Bill 728**

Relating to: water and sewer rate increases by certain municipally owned utilities, providing an exemption from rule-making procedures and granting rule-making authority.

By Representatives Duff, Ott, Musser, Grothman and Jensen; cosponsored by Senator Fitzgerald.

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

**Assembly Joint Resolution 14**

Relating to: petitioning the U.S. Postal Service and the U.S. Congress to establish a 1st class postage stamp entitled "Game Warden" to honor our nation's conservation wardens, past and present.

By Representatives Hahn, Silbaugh, Dobyms and Ott.

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

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

**Senate Bill 325**

Relating to: the issuance of occupational licenses by the department of transportation and suspension of a juvenile's operating privilege for failure to pay a forfeiture.

Read a second time.

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Senator Moen, with unanimous consent, asked that the Senate recess until 11:49 A.M..

10:16 A.M.

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**RECESS**

11:49 A.M.

The Senate reconvened.

Senator Rude in the chair.

Senator Darling, with unanimous consent, asked that the Senate return to the third order of business.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 500**

Relating to: the ability of municipalities to fix, by ordinance, the limits of service provided by certain municipal utilities.

By Senators Darling, Cowles and Farrow; cosponsored by Representatives Duff, Schneiders, Silbaugh, Olsen, Grothman, Goetsch and Huebsch.

To committee on **Transportation, Agriculture and Local Affairs**.

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

**Senate Bill 325**

Relating to: the issuance of occupational licenses by the department of transportation and suspension of a juvenile's operating privilege for failure to pay a forfeiture.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 325**?

Adopted.

Senator Adelman, with unanimous consent, asked that **Senate Bill 325** be placed at the foot of the calendar of January 25, 1996.

**Senate Bill 376**

Relating to: damaging natural resources and archaeological features and providing penalties.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Senate Bill 376** be placed after **Senate Bill 379** on the calendar of January 25, 1996.

**Senate Bill 379**

Relating to: regulation of performing rights societies.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 379**?

Adopted.

Ordered to a third reading.

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

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 379**.

**Senate Bill 379**

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.

Passed.

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

**Senate Bill 376**

Relating to: damaging natural resources and archaeological features and providing penalties.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 376**?

Senator Burke moved rejection of Senate substitute amendment 1 to **Senate Bill 376**.

The question was: Rejection of Senate substitute amendment 1 to **Senate Bill 376**?

Rejection refused.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 376**?

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 376**

Read a third time and passed.

**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.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 402** be placed at the foot of the calendar of January 25, 1996.

**Senate Bill 421**

Relating to: granting credit against child or family support.

Read a second time.

Senate amendment 1 to **Senate Bill 421** offered by Senator George.

The question was: Adoption of Senate amendment 1 to **Senate Bill 421**?

Senate amendment 1 to Senate amendment 1 to **Senate Bill 421** offered by Senators George and Weeden.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 421**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 421**?

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 421**

Read a third time and passed.

**Senate Bill 456**

Relating to: disposal facilities on outlying waters for toilet wastes from boats and granting rule-making authority.

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 456**

Read a third time and passed.

**Senate Bill 466**

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

Read a second time.

Ordered to a third reading.

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

**Senate Bill 466**

Read a third time and passed.

**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).

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 470**

Read a third time and passed.

Senator Farrow, with unanimous consent asked that **Senate Bill 325** be considered for action at this time.

**Senate Bill 325**

Relating to: the issuance of occupational licenses by the department of transportation and suspension of a juvenile's operating privilege for failure to pay a forfeiture.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 325** offered by Senator Adelman.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 325**?

Senator Adelman, with unanimous consent, asked that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 325** be laid on the table.

Ordered to a third reading.

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

**Senate Bill 325**

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.

Passed.

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

**Assembly Bill 251**

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

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 251**

Read a third time and concurred in.

**Assembly Bill 405**

Relating to: child sex offenders working or volunteering with children and providing a penalty.

Read a second time.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 405**.

Ordered to a third reading.

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

**Assembly Bill 405**

Read a third time and concurred in.

**Assembly Bill 448**

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

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 448**

Read a third time and concurred in.

**Assembly Bill 477**

Relating to: changing requirements for approval of certain applications for participation in the volunteer health care provider program.

Read a second time.

Senator Weeden, with unanimous consent, asked that **Assembly Bill 477** be referred to the Joint Committee on **Finance**.

**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.

Read a second time.

Senator Weeden, with unanimous consent, asked that **Assembly Bill 483** be referred to the Joint Committee on **Finance**.

**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.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senator Rosenzweig.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402**?

Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senator George.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402**?

Senator Rosenzweig moved rejection of Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Rejection of Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402**?

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senator Adelman.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senator Adelman.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senator Adelman.

Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senator Adelman.

Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senator Adelman.

Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senators George, Welch and Darling.

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**IN THE CHAIR**

12:51 P.M.

Senator Lasee in the chair.

Senator Rosenzweig, with unanimous consent, asked that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402** be placed after Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 402**?

Senator Rosenzweig moved rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 402**?

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

Ayes – Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Panzer, Petak, Rosenzweig, Weeden, Welch and Zien – 15.

Noes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, C. Potter, Risser, Rude, Schultz, Shibilski and Wineke – 18.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 402**?

Adopted.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 402**?

Senator Rosenzweig moved rejection of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 402**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Andrea, Buettner, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 19.

Noes – Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Decker, A. Lasee, Moen, Moore, C. Potter, Risser, Shibilski and Wineke – 14.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 402**?

Senator Rosenzweig moved rejection of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Rejection of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 402**?

The ayes and noes were demanded 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, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 17.

Noes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, C. Potter, Risser, Shibilski and Wineke – 16.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 402**?

Senator Rosenzweig moved rejection of Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Rejection of Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 402**?

Senator Adelman, with unanimous consent, asked that Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 402** be laid on the table.

The question was: Adoption of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 402**?

Senator Rosenzweig moved rejection of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Rejection of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 402**?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

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

Noes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, C. Potter, Risser, Shibilski and Wineke – 16.

Absent or not voting – Senator Zien – 1.

Rejection refused.



The question was: Adoption of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 402**?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Jauch, Moen, Moore, C. Potter, Risser, Shibilski and Wineke – 16.

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

Absent or not voting – None.

Adoption Refused.

The question was: Adoption of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 402**?

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## IN THE CHAIR

2:21 P.M.

Senator Rude in the chair.

Senator Zien, with unanimous consent, asked that the journal show had he be present he would have voted aye on rejection of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 402**.

Senator Rosenzweig moved rejection of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Rejection of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 402**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, Ellis, Grobschmidt, Jauch, Moen, Panzer, C. Potter, Risser, Rosenzweig, Weeden and Wineke – 17.

Noes – Senators Buettner, Cowles, Darling, Drzewiecki, Farrow, Fitzgerald, George, Huelsman, A. Lasee, Moore, Petak, Rude, Schultz, Shibilski, Welch and Zien – 16.

Absent or not voting – None.

Rejected.

The question was: Rejection of Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402**?

Rejected.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 402**?

Adopted.

Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senator Shibilski.

The question was: Adoption of Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 402**?

Adopted.

Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 402** offered by Senators Darling, Rosenzweig, Schultz and Rude.

The question was: Adoption of Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 402**?

Senator Wineke moved rejection of Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 402**.

The question was: Rejection of Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 402**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Cowles, Decker, George, Grobschmidt, Jauch, Moen, Moore, C. Potter, Risser, Shibilski and Wineke – 17.

Noes – Senators Buettner, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 16.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 402**?

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 402**

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.

Passed.

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## MOTIONS MAY BE OFFERED

Senator Darling, with unanimous consent, asked that **Senate Bill 500** be withdrawn from the committee on **Transportation, Agriculture and Local Affairs** and referred to the committee on **Environment and Energy**.

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

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## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

### **Senate Bill 501**

Relating to: the grounds for involuntary termination of parental rights over a child, appeals of and motions for relief from orders terminating parental rights and denial of visitation by a parent of a child adjudicated to be in need of protection or services; the statement of legislative purpose in the children's code; abuse and neglect of a child; grounds for jurisdiction over a child alleged to be in need of protection or services; criteria for holding a child in physical custody; payment by a parent for alcohol and other drug abuse services or special treatment or care for a child; duties of a county department of human services or social services with respect to child abuse and neglect investigations; grounds for a child abuse restraining order and injunction; the defense in criminal prosecutions based on the privilege of reasonable discipline of a child; determining whether a child alleged to be in need of protection or services needs protection or services that can be ordered by a juvenile court; extension of an informal disposition for a child when the informal disposition is based on allegations that the child is in need of protection or services; the duties of a guardian ad litem appointed in proceedings involving a child alleged to be in need of protection or services; the right to a jury trial in proceedings involving children alleged to be in need of protection or services; the release of certain information,

including the results of tests for the human immunodeficiency virus or viral hepatitis, type B, regarding a child to the child's foster parent or treatment foster parent or the operator of a group home or child caring institution in which the child is placed; a county's authority to use certain community aids funds to employ private attorneys for proceedings under the children's code; disclosure of certain information to certain voluntary reporters of suspected or threatened child abuse or neglect; the time by which a detention hearing must be held and the time by which a petition must be filed under the children's code if a child is held in custody; petitioning a court, at the time a petition is filed for involuntary termination of parental rights to a child, for an order prohibiting visitation or contact with that child; the role of foster parents, treatment foster parents and certain other physical custodians in hearings under the children's code; permitting genetic testing for paternity determinations under the children's code, paternity determination proceedings for a child alleged to be in need of protection or services and disclosure of records Relating to paternity determination proceedings; guardianship for certain children adjudged to be in need of protection or services; requesting the joint legislative council to study the use, effectiveness and funding of systems and programs directed at the prevention of child abuse and neglect; and discovery in proceedings under the children's code.

By Joint Legislative Council .

To committee on **Judiciary**.

**Senate Bill 502**

Relating to: training costs for tribal law enforcement officers and making an appropriation.

By Joint Legislative Council .

To committee on **Judiciary**.

**Senate Bill 503**

Relating to: authorizing a sheriff and county board to contract with a federally recognized American Indian tribe or band to confine tribal prisoners in the county jail.

By Joint Legislative Council .

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

**Senate Bill 504**

Relating to: civil liability of therapists.

By Senators Rosenzweig, Rude, Chvala and Schultz; cosponsored by Representatives Green, R. Young, Ladwig, Hanson, Walker, Schneiders, Zukowski, Lehman, Goetsch, Freese, Ainsworth, Vrakas, Gunderson and Urban.

To committee on **Judiciary**.

**Senate Bill 505**

Relating to: permissible finance charges and other charges for open-end credit plans under the Wisconsin consumer act.

By Senators Schultz, Shibilski, Welch, Drzewiecki, Breske, Andrea, Darling, Petak, Grobschmidt and Jauch; cosponsored

by Representatives Kaufert, Hanson, Meyer, Huebsch, Brancel, Freese, Johnsrud, Murat, Olsen, Travis, Green, Jensen, Hoven, Ziegelbauer, Baldus and Albers.

To committee on **Education and Financial Institutions**.

Senator Ellis, with unanimous consent, asked that **Senate Bill 502** be withdrawn from the committee on **Judiciary** and referred to the committee on **Senate Organization**.

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

Senator Lasee, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Courtney Ott on being named Fairest of the Fair.

Senator Rosenzweig, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Legislative Audit Bureau, Dale Cattanach and Pam Shannon.

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

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**ADJOURNMENT**

Senator Ellis, with unanimous consent, asked that the Senate adjourn until Tuesday, January 30 at 10:00 A.M..

Adjourned.

2:52 P.M.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Seante Joint Resolution 46**

Deposited in the office of the Secretary of State on January 24, 1996.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 164**

**Senate Bill 279**

Report correctly enrolled on January 24, 1996.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**Corrections In:**

**SENATE AMENDMENT 1,  
To 1995 SENATE BILL 331**

Prepared by the Legislative Reference Bureau  
(January 22, 1996)

1. Page 1, line 9: substitute "19" for "10".