

STATE OF WISCONSIN
Senate Journal
Ninety–Second Regular Session

WEDNESDAY, February 28, 1996

The Chief Clerk makes the following entries under the above date.

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 53

Relating to: memorializing Congress to enact legislation to facilitate the development and approval of new drugs, biological products and medical devices.

By Senators Welch, Buettner, Breske, Rosenzweig, Fitzgerald, Panzer and Darling; cosponsored by Representatives Underheim, Huber, Urban, Silbaugh, Seratti, Dobyns, Albers, Green, Jensen, Ladwig, Olsen, Grothman, Hahn, Zukowski, Gunderson, Ourada, Owens, Ainsworth and Skindrud.

To special committee on **State and Federal Relations**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 574

Relating to: statute of limitations.

By Law Revision Committee .

To committee on **Judiciary**.

Senate Bill 575

Relating to: homestead exemption.

By Law Revision Committee .

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

Senate Bill 576

Relating to: the adjustment to a school district's revenue limit for debt service.

By Senators Rosenzweig and Darling; cosponsored by Representatives Walker, Duff, Gunderson, Dobyns, Turner, Plache, Powers, Musser, R. Potter and Lorge.

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

Senate Bill 577

Relating to: the affirmative privilege defenses in criminal defamation cases.

By Law Revision Committee .

To committee on **Judiciary**.

Senate Bill 578

Relating to: issuing crossbow hunting permits to persons who are physically unable to use a bow and arrow.

By Senators Breske, Decker, Andrea and Grobschmidt; cosponsored by Representatives Ainsworth, Powers, Lorge, Turner, Dobyns, Zukowski, Ziegelbauer, Meyer, Hasenohrl and Boyle.

To committee on **Environment and Energy**.

Senate Bill 579

Relating to: changes in the applicability of the local room tax.

By Senator Breske; cosponsored by Representatives Ourada, Grothman and Seratti.

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

Senate Bill 580

Relating to: the regulation of sales of franchises and granting rule-making authority.

By Senators Darling, Huelsman and Fitzgerald; cosponsored by Representatives Jensen, Green, Hoven, Ladwig, Hahn, Springer, Grothman and Seratti.

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

Senate Bill 581

Relating to: investment in certificates of deposit by the investment board.

By Senators Schultz, Fitzgerald, Grobschmidt, Drzewiecki, George and Andrea; cosponsored by Representatives Kreuser, Krug, Riley, Baldus, Klusman, Notestein, Gunderson, Plombon, Olsen, Huber, Plache and Springer.

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

Senate Bill 582

Relating to: the urban mass transit operating assistance program, motor vehicle fuel tax and making an appropriation.

By Senators Burke, Andrea and Grobschmidt; cosponsored by Representatives Carpenter, Bock, Notestein, Baldwin, Black, Boyle, Plombon, Riley, Ryba, Wirch, R. Young and L. Young.

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

Senate Bill 583

Relating to: prohibiting insurers from requiring an adult child to be an insured under a parent's auto insurance policy and from considering an adult child's driving record when setting auto insurance premiums for the parent's auto insurance policy.

By Senators Grobschmidt, Burke and Chvala; cosponsored by Representatives Notestein, Carpenter, Plombon, Brandemuehl, Johnsrud, Musser, Wirch, Ainsworth, Harsdorf, Olsen and Gronemus.

To committee on **Insurance**.

Senate Bill 584

Relating to: possession and distribution of certain photographs, motion pictures, videotapes or other visual representations showing nudity and providing a penalty.

By Senator Clausing; cosponsored by Representative Harsdorf.

To committee on **Judiciary**.

Senate Bill 585

Relating to: town sanitary districts having the powers of public inland lake protection and rehabilitation districts and making appropriations.

By Senators Welch and Buettner; cosponsored by Representatives Porter, Olsen, Handrick, Powers, Bock and Baldwin.

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

Senate Bill 586

Relating to: filing of oaths of members and officers of the assembly and senate, trademark assignments, ineligibility to serve as a notary, articles of amendment for statutory close corporations, reinstatement of corporations following administrative dissolution, including the date of incorporation in certificates of status for foreign corporations, information filed with restated articles of incorporation, including the name of the drafter on documents filed with the secretary of state and the time period within which payment must be received for reservation of name of a limited liability company (suggested as remedial legislation by the secretary of state).

By Law Revision Committee .

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

Senate Bill 587

Relating to: exempting certain police vehicles exceeding the speed limit from the requirement of giving visual and audible signals.

By Senator Clausing; cosponsored by Representative Baldus.

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

Senate Bill 588

Relating to: battery by persons who are subject to harassment injunctions and providing a penalty.

By Senators Cowles, Darling, Rude, Panzer and Drzewiecki; cosponsored by Representatives Ourada, Notestein, Gunderson, Albers, Seratti, Musser, Ziegelbauer, Baldus and Boyle.

To committee on **Judiciary**.

Senate Bill 589

Relating to: the leasing of motor vehicles, motor vehicle consumer leases, prelease agreements, financial responsibility for domestic rented or leased vehicles and providing a penalty.

By Senators Rude, Darling, Huelsman, Shibilski, Schultz, Cowles, Breske, Clausing, Drzewiecki, Farrow, George, Grobschmidt, Petak, C. Potter, Risser, Welch, Wineke, Zien and Fitzgerald; cosponsored by Representatives Freese, Albers, Ainsworth, Foti, Gard, Green, Gunderson, Hutchison, Jensen, Kaufert, Kreibich, Kreuser, Ladwig, F. Lasee, Lehman, Meyer, Nass, Olsen, Otte, Travis and Vrakas.

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

Senate Bill 590

Relating to: placing and using boats and boating equipment, and placing boat trailers, with zebra mussels attached in the Lower St. Croix River.

By Senators Rude and Clausing; cosponsored by Representatives Harsdorf, Dueholm and Johnsrud.

To committee on **Environment and Energy**.

Senate Bill 591

Relating to: independent living centers.

By Senators Rude, Buettner, Grobschmidt, Cowles, Schultz, Drzewiecki, Rosenzweig, Panzer, Burke and Clausing; cosponsored by Representatives Johnsrud, Huebsch, Meyer, Albers, Wirch, Notestein, Ryba, Seratti, Baldwin, Ainsworth, Huber, Kelso, Freese, Hanson, Green, Krug, Springer, Wasserman, Silbaugh, Klusman, Baldus, Musser and R. Young.

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

Senate Bill 592

Relating to: interference with civil rights and providing penalties.

By Senators Huelsman, Moore and Panzer; cosponsored by Representatives Schneiders, Freese, Brandemuehl, Musser, Baldus, Albers, Wilder, Kelso, Wirch and Gunderson.

To committee on **Judiciary**.

Senate Bill 593

Relating to: a youth and athlete facility at state fair park.

By Senators Cowles, Darling, Huelsman and A. Lasee; cosponsored by Representatives Hahn, Goetsch, Seratti, R. Young, Porter, Grothman and Lorge.

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

REPORT OF COMMITTEES

The committee on **Education and Financial Institutions** reports and recommends:

Assembly Bill 183

Relating to: exempting from tuition at the University of Wisconsin System a resident undergraduate who is the child of a slain fire fighter or law enforcement officer.

Concurrence.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.

Noes, 0 – None.

Assembly Bill 378

Relating to: the investment of public library endowment funds.

Concurrence.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.

Noes, 0 – None.

Assembly Bill 544

Relating to: petitions for referenda on the issuance of school district promissory notes.

Concurrence.

Ayes, 7 – Senators Darling, Petak, Welch, Drzewiecki, C. Potter, Wineke and Shibilski.

Noes, 2 – Senators Huelsman and Grobschmidt.

Assembly Bill 595

Relating to: the requirement that financial institutions publish annual statements of conditions.

Concurrence.

Ayes, 8 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Shibilski and Grobschmidt.
Noes, 1 – Senator Wineke.

Assembly Bill 718

Relating to: alcohol testing of public school students.

Concurrence.

Ayes, 8 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Shibilski and Grobschmidt.
Noes, 1 – Senator Wineke.

Senate Bill 358

Relating to: revising the negotiable instruments chapter and the bank deposits and collection chapter of the uniform commercial code.

Introduction and adoption of Senate amendment 1.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Passage as amended.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Senate Bill 520

Relating to: notices of pupil expulsion hearings.

Introduction of Senate substitute amendment 1.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Adoption of Senate substitute amendment 1.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Passage as amended.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Senate Bill 522

Relating to: the method of resolving disputes concerning children with exceptional educational needs between school boards and the parents of those children.

Passage.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Senate Bill 529

Relating to: corporations that are investment companies.

Passage.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.
Noes, 0 – None.

Alberta Darling
Chairperson

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

Senate Bill 455

Relating to: energy efficiency loans to local units of government.

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators Cowles, Panzer, Burke and Clausing.
Noes, 1 – Senator Farrow.

Passage as amended.

Ayes, 4 – Senators Cowles, Panzer, Burke and Clausing.
Noes, 1 – Senator Farrow.

Robert Cowles
Chairperson

The committee on **Government Effectiveness** reports and recommends:

Senate Bill 491

Relating to: municipal revenue sharing agreements, authorizing cities to create joint police departments, eliminating the requirement that municipalities be contiguous in order to form a joint library, public library system eligibility requirements, making cooperative educational service agencies coterminous with technical college districts and increasing the membership of technical college district boards and cooperative educational service agency boards of control.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Farrow, Petak, Fitzgerald, Risser and Andrea.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 5 – Senators Farrow, Petak, Fitzgerald, Risser and Andrea.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Farrow, Petak, Fitzgerald, Risser and Andrea.

Noes, 0 – None.

Margaret Farrow
Chairperson

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

Assembly Bill 271

Relating to: municipal insurance mutuals.

Concurrence.

Ayes, 6 – Senators Schultz, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 1 – Senator Huelsman.

Senate Bill 378

Relating to: increasing the limits for health care liability insurance.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Senate Bill 471

Relating to: restrictions on health care services under insurance plans and preexisting condition exclusions or limitations for small insurer health insurance plans (suggested as remedial legislation by the office of the commissioner of insurance).

Passage.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Senate Bill 533

Relating to: accreditation for certain insurers, immunity for acts related to regulation of insurer solvency, claims under the insurance security fund, service of process on insurers and granting rule-making authority.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Introduction and adoption of Senate amendment 4.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Introduction and adoption of Senate amendment 5.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Schultz, Huelsman, Buettner, Cowles, C. Potter, Shibilski and Jauch.

Noes, 0 – None.

Dale Schultz
Chairperson

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

Assembly Bill 608

Relating to: disclosure of information on marriage documents to law enforcement officers performing investigations.

Concurrence.

Ayes, 3 – Senators Huelsman, Welch and Darling.

Noes, 2 – Senators Risser and Adelman.

Senate Bill 431

Relating to: increasing the penalties for certain offenses involving driving or operating a motor vehicle while under the influence of intoxicants, drugs or a combination of intoxicants and drugs.

Passage.

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

Noes, 0 – None.

Senate Bill 478

Relating to: limitation of civil liability related to equine activities.

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, 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.

Joanne Huelsman
Chairperson

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

Assembly Bill 624

Relating to: prisoner payments for postsecondary educational costs, granting rule-making authority and making an appropriation.

Concurrence

Ayes, 2 – Senators Drzewiecki and A. Lasee.

Noes, 2 – Senators Moen and Breske.

Without Recommendation

Senate Bill 449

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

Passage.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Gary Drzewiecki
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Ethics Board**

February 27, 1996

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

Forward Janesville, Inc.

Issues that we are looking at include Tax Increment Finance District legislation; AB 808 – Property Tax Relief Fund, and other issues that affect our membership.

Boyer, Victor

Hayes, Andrew

Wheelabrator Technologies, Inc.

We are interested in the area of public/private partnerships. We will support legislative and/or regulatory efforts to promote privatization of infrastructure. We are also interested in rules and bills relating to biosolids, energy and pollution control.

Russell, Frazier

Paul, Mark

Katzman, William

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:

Brown County

Vornholt, Paul

Health and Educational Facilities Authority, Wisconsin*

Broydrick, William

McIntosh, Forbes

PrimeCare Health Plan

Oakley, Kara

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.

GTECH Corp

Gerrard, William 2/19/96

Brozek, Michael 2/19/96

Pharmaceutical Research and Manufacturers of America

Petersen, Eric 2/15/96

Wimmer, James 2/15/96

Organization's cessation of lobbying activity:

The following organizations previously registered with the Ethics Board as employers of lobbyists have indicated a cessation of all lobbying activity effective on the dates shown.

Oxygenated Fuels Assn 2/21/96

Cahill, Jane 2/21/96

Saukville, Village of 2/21/96

Hagerup, Chris 2/21/96

Stitt, Don 2/21/96

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

* Although the Authority has engaged a lobbyist's services, Wisconsin's lobbying law exempts state authorities from most provisions normally applicable to lobbying principals, including filing a semi-annual report of its lobbying activities.

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Res- olution or Res- olution Number</u>	<u>Act Number or En- rolled Number</u>	<u>Publication Date</u>
Senate Bill 164	Wisconsin Act 142	March 11, 1996
Senate Bill 224	Wisconsin Act 143	March 11, 1996
Senate Bill 345	Wisconsin Act 144	March 11, 1996

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

February 26, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 164	Wisconsin Act 142	February 26, 1996
Senate Bill 224	Wisconsin Act 143	February 26, 1996
Senate Bill 335	Wisconsin Act 144	February 26, 1996

Sincerely,
TOMMY G. THOMPSON
Governor

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

Senate Clearinghouse Rule 94-078

Relating to the repair and maintenance of fixed houseboats and boathouses.

Submitted by Department of Natural Resources.

Withdrawn by Agency, February 21, 1996.

Senate Clearinghouse Rule 95-209

Relating to assessor certification for municipalities in Kenosha county.

Submitted by Department of Revenue.

Report received from Agency, February 22, 1996.

Referred to committee on **State Government Operations and Corrections**, February 28, 1996.

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

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.

No action taken.

Senate Clearinghouse Rule 95-224

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

No action taken.

Senate Clearinghouse Rule 95-230

Relating to cost of counsel and partial indigency.

No action taken.

Joanne Huelsman
Chairperson

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

Senate Clearinghouse Rule 95-115

Relating to the motor vehicle inspection and maintenance program.

No action taken.

Alan Lasee
Chairperson

CHIEF CLERK'S REPORT

The Chief Clerk records:

Seante Bill 164

Senate Bill 224

Senate Bill 345

Presented to the Governor on February 23, 1996.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

Corrections In:

1995 ENGROSSED Assembly BILL 290

Prepared by the Legislative Reference Bureau
(February 21, 1996)

1. Page 5, line 1: delete the quotation mark.

Corrections In:

1995 Senate Bill 459

Prepared by the Legislative Reference Bureau
(February 26, 1996)

1. Page 2, line 20: on lines 20 and 22, delete "814.05" and substitute "815.05".

Corrections In:

1995 Senate JOINT RESOLUTION 40

Prepared by the Legislative Reference Bureau
(February 23, 1996)

1. Page 2, line 5: substitute "assembly" for "Assembly".

2. Page 2, line 10: substitute "senate" for "assembly".