

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, May 7, 1991

The senate met.

The senate was called to order by Fred A. Risser, President of the Senate.

The roll was called and the following senators answered to their names:

Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnetzki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Kreul, Lasee, Leraan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden -- 32.

Absent -- Senator Jauch -- 1.

Absent with leave -- None.

The Senate stood for a moment of silent meditation.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 42

Relating to the life and public service of Maurice Coakley.

By Senators Weeden and Rude; cosponsored by Representative Robson.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

LEAVE OF ABSENCE

Senator Helbach, with unanimous consent, asked that Senator Jauch be granted a leave of absence for today's session.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 194

Relating to a property tax exemption for fruit processing machinery and equipment.

By Senators Berndt, Kreul and Lasee; cosponsored by Representatives Baldus, Schultz and Brancel.

To Joint Survey committee on Tax Exemptions.

Senate Bill 195

Relating to prohibited disclosures by organizations that provide domestic abuse services, privileged communications regarding domestic abuse or sexual assault and providing a penalty.

By Senators Berndt, Ulichny, Kreul, Cowles, Breske, Rude, Roshell, Farrow, Buettner, Huelsman, Lasee and Lorman; cosponsored by Representatives Panzer, Krug, Harsdorf, Vergeront, Van Dreel, Duff, Baldus, Urban, Hahn, Ourada, Van Gorden, Reynolds, Lehman, Musser, Gard, Loucks, Darling, Hamilton, Kaufert, Rosenzweig, Ott, Klusman, Schneiders, Schultz, Boyle and Vrakas.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Tourism, Commerce, Labor, Veterans' and Military Affairs reports and recommends:

Senate Joint Resolution 37

Relating to earmarking the net proceeds and accrued interest of the state lottery for residential property tax relief (first consideration).

Introduction and adoption of Senate amendment 1:

Ayes, 8 — Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Kreul and Rude.;

Noes, 0 — None.

Adoption as amended:

Ayes, 8 — Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Kreul and Rude.;

Noes, 0 — None.

Senate Bill 105

Relating to stacking of motor vehicle insurance coverage and other exclusions and limitations on recovery under motor vehicle policies.

Passage:

Ayes, 7 — Senators Van Sistine, Breske, Roshell, Plewa, Potter, Kreul and Rude.;

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Noes, 1 -- Senator Decker.

Senate Bill 122

Relating to the regulation of personal watercraft and the reckless use of boats, water skis and aquaplanes and providing a penalty.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Kreul and Rude;

Noes, 0 -- None.

Passage as amended:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker Kreul and Rude;

Noes, 0 -- None.

Jerome Van Sistine
Chair

The Committee on Aging, Banking, Communications and Taxation reports and recommends:

SILL. ELMER C., of Waupaca, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 1996.

Confirmation:

Ayes, 5 -- Senators Feingold, Moen, Burke, Buettner and Petak;

Noes, 0 -- None.

GORSUCH, ROBERT C., of Madison as a member of the Banking Review Board, to serve for the interim term ending May 1, 1991 and for the full term ending May 1, 1996.

Confirmation:

Ayes, 5 -- Senators Feingold, Moen, Burke, Buettner and Petak;

Noes, 0 -- None.

MUSOLF, MARK E., of Madison, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 1997.

Confirmation:

Ayes, 5 -- Senators Feingold, Moen, Burke, Buettner and Petak;

Noes, 0 -- None.

Senate Bill 196

Relating to permitting trust company banks to

establish branch offices.

Introduction:

Ayes, 5 -- Senators Feingold, Moen, Burke, Buettner and Petak;

Noes, 0 -- None.

Read first time and referred to committee on Aging, Banking, Communications and Taxation.

Russell D. Feingold
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Agriculture, Trade
and Consumer Protection

April 30, 1991

To the Honorable the Legislature:

Enclosed is a report published by the Wisconsin Department of Agriculture, Trade and Consumer Protection. This report summarizes results of bottled water sampled and analyzed as required by section 97.34(2)(c), Wis. Stats.

Sincerely,
Alan T. Tracy
Secretary

Senator Roshell, with unanimous consent, asked that the Senate recess until 11:16 A.M.

10:14 A.M.

11:16 A.M.

The Senate Reconvened.

RULING OF THE CHAIR

On Tuesday, April 30, The Senator from the 28th, Senator Adelman, raised a point of order that Senate substitute amendment 2 to Senate Bill 128 was not germane. The Chair took the point of order under advisement.

The original bill as introduced relates to the adoption of ordinances by local units of government relating to drug paraphernalia and marijuana possession.

Senate substitute amendment 2 would amend current state statutes as they relate to drug paraphernalia. It is the opinion of the Chair that Senate Bill 128 relate directly to the authority of local units of government as it relates to the adoption of ordinances.

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Senate Substitute Amendment 2 is intended to accomplish a different purpose, would require a title essentially different and would totally alter the nature of the original proposal. This is in direct violation of Senate Rule 50.

Therefore, it is the opinion of the Chair that Senate Substitute Amendment 2 is non-germane and that the point of order raised by the Senator from the 28th, Senator Adelman is well taken.

Fred A. Risser
President of the Senate

Senator Ellis appealed the ruling of the Chair.

The question was: Shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Breske, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine -- 18.

Noes -- Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Kreul, Lasee, Lekan, Lorman, Petak, Rude, Stitt and Weeden -- 14.

Absent or not voting -- Senator Jauch -- 1.

The decision of the Chair stands as the judgment of the Senate.

The question was: Adoption of Senate substitute amendment 3?

Senator Adelman raised the point of order that Senate substitute amendment 3 was not germane.

The Chair ruled the point well taken.

The question was: Adoption of Senate substitute amendment 4?

Senator Ellis moved rejection of Senate substitute amendment 4.

The question was: Rejection of Senate substitute amendment?

Senator Andrea moved that Senate Bill 128 be laid on the table.

The question was: Shall Senate Bill 128 be laid on the table?

The ayes and noes were required and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Andrea, Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Kreul, Lasee, Lekan, Lorman, Petak, Plewa, Roshell, Rude, Stitt and Weeden -- 17.

Noes -- Senators Adelman, Barrett, Breske, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Moen, Potter, Risser, Ulichny and Van Sistine -- 15.

Absent or not voting -- Senator Jauch -- 1.

Tabled.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

May 3, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JEROME N. NELSON of DeForest, as a member of the Board of Veterans Affairs pursuant to the state governing, to serve of the term ending May 1, 1997.

Respectfully,
Tommy Thompson

Read and referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

State of Wisconsin
Office of the Governor

May 3, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM L. BECKMAN of Lake Mills, as a member of the Board of Veterans Affairs pursuant to the statute governing, to serve for the term ending May 1, 1997.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 90-245

Relating to plumbing.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, May 3, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, May 7, 1991.

Senate Clearinghouse Rule 90-257

Relating to continuing education for plumber license renewals.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, May 3, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, May 7, 1991.

Senate Clearinghouse Rule 91-22

Relating to wild ginseng regulations.

Submitted by Department of Natural Resources.

Report received from agency, May 6, 1991.

Referred to committee on Urban Affairs, Environmental Resources and Elections, May 7, 1991.

The committee on Tourism, Commerce, Labor, Veterans' and Military Affairs reports and recommends:

Senate Clearinghouse Rule 91-9

Relating to the petroleum product fund.

No action taken.

Jerome Van Sistine
Chair

SECOND READING AND AMENDMENTS OF
SENATE JOINT RESOLUTIONS AND SENATE BILLS

CALENDAR OF MAY 7, 1991

Senator Helbach, with unanimous consent, asked that Senate

Joint Resolution 17 be placed at the foot of the calendar.

Senate Bill 103

Relating to renaming the Galena river to be the Fever river.

Read a second time.

Ordered to a third reading.

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

Senate Bill 103

Read a third time and passed.

Senate Bill 134

Relating to funding for recycling loans, expanding the use of grants for municipal recycling programs and making an appropriation.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 134** be referred to joint committee on Finance.

Senate Bill 135

Relating to recycling, solid waste and labeling environmentally preferred products and packaging.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 135** be referred to joint committee on Finance.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 52

Relating to proclaiming the week of May 12 to 18, 1991, as "Historic Preservation Week".

Read.

Concurred in.

Assembly Bill 10

Relating to requests for increased appropriations to state agencies.

Read a second time.

CHAIR

Senator Chvala in the Chair.
Ordered to a third reading.

12:14 P.M.

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Senator Helbach, with unanimous consent, asked that the rules be suspended and that the bill be considered for final action at this time.

Assembly Bill 10

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Barrett, Berndt, Breske, Bettner, Burke, Chvala, Czarnetzki, Decker, Farrow, Feingold, Helbach, Huelsman, Moen, Plewa, Potter, Risser, Ulichny and Van Sistine -- 19.

Noes -- Senators Andrea, Cowles, Ellis, George, Kreul, Lasee, Lorman, Petak, Roshell, Rude, Stitt and Weeden -- 13.

Absent or not voting -- Senator Jauch -- 1.

Concurred in.

Assembly Bill 11

Relating to the failure to remove an aircraft that has crashed in the waters of this state and providing a penalty.

Read a second time.

CHAIR

12:27 P.M.

Senator Risser in the Chair.

Ordered to a third reading.

Senator Helbach, with unanimous consent, asked that the rules be suspended and that the bill be considered for final action at this time.

Assembly Bill 11

Read a third time and concurred in.

Senate Joint Resolution 17

Relating to the general agreement on tariffs and trade.

Read.

Senate substitute amendment 1 to **Senate Joint Resolution 17** offered by Senator Berndt.

The question was: Adoption of Senate substitute amendment 1?

Senator Feingold moved rejection of Senate substitute

amendment 1.

The question was: Rejection of Senate substitute amendment 1?

Senator Helbach, with unanimous consent, asked that **Assembly Joint Resolution 22** be withdrawn from the committee on Agriculture, Corrections, Health and Human Services and taken up.

Senator Ellis objected.

The question was: Rejection of Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Breske, Burke, Chvala, Czarnetzki, Decker, Feingold, George, Helbach, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine-- 18.

Noes -- Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Kreul, Lasee, Lorman, Petak, Rude, Stitt and Weeden -- 14.

Absent or not voting -- Senator Jauch -- 1.

Rejected.

The question was: Adoption?

Adopted.

ADJOURNMENT

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

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, May 9.

12:44 P.M.

AMENDMENTS OFFERED

Senate substitute amendment 5 to **Senate Bill 128** offered by Senator Ellis.