

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, June 18, 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 Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Lecaen, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 32.

Absent — Senator Adelman — 1.

Absent with leave — None.

The Senate stood for the prayer which was offered by Reverend James Leary of Calvary Baptist Church in Milwaukee.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 232

Relating to payment to the clerk of court of income withheld under a notice of assignment concerning an order for support.

By Senator Adelman; cosponsored by Representative Bell.

To committee on Judiciary and Consumer Affairs.

Senate Bill 233

Relating to designating and marking a certain highway route as the 'Cletus Vanderperren Highway'.

By Senators Kreul, Andrea, Van Sistine and Feingold; cosponsored by Representative Hasenohrl.

To committee on Transportation and Utilities.

Senate Bill 234

Relating to establishing a lifetime care trust for disabled individuals, establishing a lifetime charity care trust to fund grants for services to disabled individuals, creating a lifetime care trust board, granting rule-making authority and making appropriations.

By Senators Buettner, Barrett, Rude, Breske, Roshell, Burke, Potter and Kreul; cosponsored by Representatives Bock, Van Gorden, Krusick, Rosenzweig, Fortis, Ourada, Hasenohrl, Turner,

Schneiders, Musser, Boyle, Ott, Hisrich, Lehman, Underheim, Lorge, Ladwig and Gard.

To committee on Agriculture, Corrections, Health and Human Services.

Senate Bill 235

Relating to repealing the uniform commercial code -- bulk transfers provisions.

By Senators George, Van Sistine, Huelsman, Barrett and Burke; cosponsored by Representatives Cullen, Prosser, Holperin, Van Gorden, Stower, Lautenschlager, Turner, Rohan, Hahn and Radtke.

To committee on Judiciary and Consumer Affairs.

Senate Bill 236

Relating to custodial trusts.

By Senators George, Huelsman, Barrett, Van Sistine, Burke and Plewa; cosponsored by Representatives Cullen, Prosser, Holperin, Van Gorden, Stower, Rosenzweig, Lautenschlager, Turner, Musser, Baldus, Rohan, Panzer, Hasenohrl, Hahn and Radtke.

To committee on Judiciary and Consumer Affairs.

Senate Bill 237

Relating to creating the uniform statutory form power of attorney act.

By Senators George, Huelsman, Barrett, Van Sistine, Burke, Ulichny and Plewa; cosponsored by Representatives Cullen, Prosser, Holperin, Van Gorden, Stower, Rosenzweig, Lautenschlager, Musser, Schneider, Baldus and Rohan.

To committee on Judiciary and Consumer Affairs.

Senate Bill 238

Relating to restrictions and safety requirements for the operation of all-terrain vehicles and providing a penalty.

By Senators Chvala, Ulichny, Czarnecki, Burke and Risser; cosponsored by Representatives Medinger, Fortis, Notestein, Young, Roberts, Turner, Rosenzweig, Robson, Seery, Gruszynski and Darling.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Housing, Government Operations and Cultural Affairs reports and recommends:

Senate Joint Resolution 11

Relating to abolishing the offices of secretary of state and state treasurer (first consideration).

Adoption:

Ayes, 3 -- Senators Plewa, Burke and Huelsman;

Noes, 2 -- Senators Ulichny and Rude.

Senate Bill 163

Relating to membership of the arts board.

Passage:

Ayes, 5 -- Senators Plewa, Ulichny, Burke, Rude and Huelsman;

Noes, 0 -- None.

Senate Bill 166

Relating to establishing a records pilot grant program and making appropriations.

Passage:

Ayes, 5 -- Senators Plewa, Ulichny, Burke, Rude and Huelsman;

Noes, 0 -- None.

Assembly Bill 162

An act relating to repeal, renumber, amend and revise various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting and clarifying references, renumbering for better location and arrangement, eliminating unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Concurrence:

Ayes, 5 -- Senators Plewa, Ulichny, Burke, Rude and Huelsman;

Noes, 0 -- None.

John R. Plewa
Chair

The committee on Agriculture, Corrections, Health and Human Services reports and recommends:

HUNTER, MICHAEL T., of Antigo, as a member of the State Fair Park Board, to serve for the term ending May 1, 1996.

Confirmation:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt and Kreul;

Noes, 0 -- None.

BROWN, MARY BRAZEAU, of Wisconsin Rapids, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1997.

Confirmation:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt and Kreul;

Noes, 0 -- None.

KNIGGE, CHARLES, of Omro, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1997.

Confirmation:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt and Kreul;

Noes, 0 -- None.

Assembly Joint Resolution 69

Relating to commending the Wisconsin dairy industry.

Concurrence:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt and Kreul;

Noes, 0 -- None.

Assembly Joint Resolution 71

Relating to commending the Wisconsin dairy industry.

Concurrence:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt and Kreul;

Noes, 0 -- None.

Assembly Bill 218

Relating to juvenile restitution and community service work projects, the early intervention program for high-risk youths, alcohol or other drug abuse treatment for youth diversion program participants, the intensive aftercare pilot program, alcohol and other drug abuse services as a treatment alternative to imprisonment, a multidisciplinary prevention and treatment team in Milwaukee county, the ARC community services center for women and children in Dane county, capacity building to establish alcohol and other drug abuse treatment and services for pregnant women and mothers and support services for certain dependent children and making appropriations.

Introduction and adoption of Senate amendment 1:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt and Kreul;

Noes, 1 -- Senator Lorman.

Concurrence as amended:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Kreul;

Noes, 0 -- None.

Assembly Bill 286

Relating to health insurance coverage of diabetes treatment.

Concurrence:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt and Kreul;

Noes, 0 -- None.

Rodney C. Moen
Chair

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

Senate Bill 206

Relating to a license authorizing the sale of wine in grocery stores and restrictions on granting and issuing licenses and permits for the sale of alcohol beverages.

Passage:

Ayes, 7 -- Senators Van Sistine, Breske, Roshell, Potter, Decker, Kreul and Rude;

Noes, 1 -- Senator Plewa.

Jerome Van Sistine
Chair

The committee on Senate Organization reports and recommends:

Senate Bill 54

Relating to the secure storage of loaded firearms, transfer of weapons, warnings about the failure to secure loaded firearms, establishment of a gun safety program and providing penalties.

The bill is hereby declared to be an emergency appropriation bill recommended by the Committee on Senate Organization with the requirement of section 16.47(2) of the Wisconsin Statutes.

Ayes, 5 -- Senators Risser, Helbach, Chvala, Ellis and Rude;

Noes, 0 -- None.

Fred A. Risser
Chair

EXECUTIVE COMMUNICATIONS

CALENDAR OF JUNE 18, 1991

Senator Helbach, with unanimous consent, asked that **Assembly Bill 19** be withdrawn from the committee on Aging, Banking, Commercial Credit and Taxation and referred to committee on Senate Organization.

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

BROWN, MARY BRAZEAU, of Wisconsin Rapids, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1997.

Read.

HUNTER, MICHAEL T., of Antigo, as a member of the State Fair Park Board, to serve for the term ending May 1, 1996.

Read

KNIGGE, CHARLES, of Omro, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 1997.

Read

The question was: Confirmation?

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

Ayes — Senators Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Leean, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 32.

Noes — None — 0.

Absent or not voting — Senator Adelman — 1.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

The committee on Urban Affairs, Environmental Resources and Elections reports and recommends:

Senate Clearinghouse Rule 90-175

Relating to requirements for the submission of toxic chemical inventory reports by public and private agencies.

No action taken.

Senate Clearinghouse Rule 90-252

Relating to the regulation of nonmetallic mining and reclamation associated with navigable waterways and adjacent areas.

No action taken.

Brian Burke
Chair

Senate Clearinghouse Rule 90-70

Relating to standards for telecommunications service.

Submitted by Public Service Commission.

Report received from agency, June 13, 1991.

Referred to committee on Aging, Banking, Communications and Taxation, June 18, 1991.

Senate Clearinghouse Rule 90-260

Relating to restaurants.

Submitted by Department of Health and Social Services.

Report received from agency, June 13, 1991.

Referred to committee on Agriculture, Corrections, Health and Human Services, June 18, 1991.

Senate Clearinghouse Rule 91-24

Relating to motor fuel, special fuel, general aviation fuel and cigarette taxes.

Submitted by Department of Revenue.

Report received from agency, June 14, 1991.

Referred to committee on Aging, Banking, Communications and Taxation, June 18, 1991.

Senate Clearinghouse Rule 91-31

Relating to the refund of motor fuel and special fuel taxes consumed in operating a taxicab.

Submitted by Department of Revenue.

Report received from agency, June 14, 1991.

Referred to committee on Aging, Banking, Communications and Taxation, June 18, 1991.

Senate Clearinghouse Rule 88-189

Relating to the secure fastening of loads of logs transported by motor vehicle, trailer or semitrailer, establishing minimum specifications for safe attachment devices and approving alternative attachment devices.

Submitted by Department of Transportation.

Report received from agency, June 14, 1991.

Referred to committee on Transportation and Utilities, June 18, 1991.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.
Mr. President:

I am directed to inform you that the Assembly has concurred in:

Senate Bill 140

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

CALENDAR OF JUNE 18, 1991

Senate Joint Resolution 12

Relating to reducing, by income tax credits or by payments from state revenues, property taxes on residential and agricultural real property as defined by law (2nd consideration).

Read a second time.

Senate amendment 1 to **Senate Joint Resolution 12** offered by Senator Chvala.

The question was: Adoption of Senate amendment 1?

Senator Helbach, with unanimous consent, asked that **Senate Joint Resolution 49** be withdrawn from committee on Tourism, Commerce, Labor, Veterans' and Military Affairs and taken up.

Senate Joint Resolution 49

Relating to state regulation of the insurance industry.

Read.

The question was: Adoption?

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

Ayes -- Senators Andrea, Breske, Buettner, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Lean Lorman, Moen, Petak, Potter, Risser, Roshell, Rude, Stitt, Ulichny and Van Sistine -- 27.

Noes -- Senators Barrett, Berndt, Burke, Plewa and Weeden -- 5.

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

Adopted.

Senator Roshell, with unanimous consent, asked that the Senate recess until 11:35 A.M.

10:25 A.M.

RECESS

11:35 A.M.

The Senate reconvened.

Senate Joint Resolution 12

Relating to reducing, by income tax credits or by payments from state revenues, property taxes on residential and agricultural real property as defined by law (2nd consideration).

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator Helbach, with unanimous consent, asked that **Senate Joint Resolution** be placed at the foot of the calendar.

Senate bill 54

Relating to the secure storage of loaded firearms, transfer of weapons, warnings about the failure to secure loaded firearms, establishment of gun safety program and providing penalties.

Read a second time.

Senate amendment 1 to **Senate Bill 54** offered by Senator Stitt.

The question was: Adoption of Senate amendment 1?

Senator Plewa moved rejection of Senate amendment 1.

The question was: Rejection of Senate amendment 1?

Rejection refused.

The question was: Adoption of Senate amendment 1?

Adopted.

Senate amendment 1, 3 and 4 to **Senate Bill 54** offered by Senators Helbach and Roshell.

The question was: Adoption of Senate amendment 2?

Adopted.

The question was: Adoption of Senate amendment 3?

Senator Plewa moved rejection of Senate amendment

The question was: Rejection of Senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 7; noes, 26; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Barrett, Burke, Czarnezki, Plewa, Potter and Ulichny — 7.

Noes — Senators Adelman, Berndt, Breske, Buettner, Chvala, Cowles, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Lekan, Lorman, Moen, Petak, Risser, Roshell, Rude, Stitt, Van Sistine and Weeden — 26.

Absent or not voting — None.

Rejection refused.

The question was: Adoption of Senate amendment 3?

Adopted.

The question was: Adoption of Senate amendment 4?

Adopted.

Senate substitute amendment 1 to **Senate Bill 54** offered by Senator Adelman.

The question was: Adoption of Senate substitute amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 54** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 54** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator Plewa moved rejection of Senate substitute amendment 1.

The question was: Rejection of Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, Helbach, Huelsman, Jauch, Kreul, Lasee, Lekan, Lorman, Moen, Petak, Plewa, Potter, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 30.

Noes — Senators Adelman, George and Risser — 3.

Absent or not voting — None.

Rejected.

Senator Czarnezki, with unanimous consent, asked to be made co-author of **Senate Bill 54**.

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.

Senate Bill 54

Read a third time.

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

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 32.

Noes — Senator Kreul — 1.

Absent or not voting — None.

Passed.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Joint Resolution 66

Relating to designating German Heritage Day.

Read.

Concurred in.

Assembly Joint Resolution 69

Relating to commending the Wisconsin dairy industry.

Read.

Concurred in.

Assembly Joint Resolution 71

Relating to commending the Wisconsin dairy industry.

Read.

Concurred in.

Assembly Bill 228

Relating to reinstatement of operating privilege after suspension for nonpayment of a forfeiture, penalty assessment and jail assessment.

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.

Assembly Bill 228

Read a third time and concurred in.

Assembly Bill 286

Relating to health insurance coverage of diabetes treatment.

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.

Assembly Bill 286

Read a third time and concurred in.

Senate Joint Resolution 12

Relating to reducing, by income tax credits or by payments from state revenues, property taxes on residential and agricultural real property as defined by la (2nd consideration).

Read a second time.

The question was: Adoption of Senate amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Joint Resolution 12

Read a third time.

Senator Buettner, with unanimous consent, asked that **Senate Joint Resolution 12** be referred back to a second reading.

Senator Chvala objected.

Senator Buettner moved that **Senate Joint Resolution 12** be referred back to a second reading.

The question was: Shall **Senate Joint Resolution 12** be referred back to a second reading?

Senator Chvala moved that the motion to refer to a second reading be laid on the table.

The question was: Shall the motion to refer to a second reading be laid on the table?

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

Ayes — Senators Adelman, Andrea, Barrett, Breske, Burke, Chvala, Czarnecki, Decker, Feingold, George,

Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 19.

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

Absent or not voting — None.

Tabled.

Senate Joint Resolution 12

The question was: adoption?

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

Ayes — Senators Andrea, Barrett, Breske, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Stitt, Ulichny and Van Sistine — 18.

Noes — Senators Adelman, Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Kreul, Lasee, Leean, Lorman, Petak, Roshell, Rude and Weeden — 15.

Absent or not voting — None.

Adopted.

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

Senator Helbach, with unanimous consent, asked that **Assembly Bill 19** be withdrawn from committee on Senate Organization and be referred to committee on Judiciary and Consumer Affairs.

Senator Helbach, with unanimous consent, asked that **Senate Joint Resolution 41** be withdrawn from committee on Senate Organization and be referred to committee on Judiciary and Consumer Affairs.

ADJOURNMENT

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, June 20.

1:24 P.M.