

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Thursday, June 20, 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, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Leraan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 33.

Absent — None.

Absent with leave — None.

The Senate stood for the prayer which was offered by Reverend Sedgwick Daniels of the Holy Redeemer Church of God in Christ in Milwaukee.

The Senate remained standing and Senator Cowles 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 239

Relating to requiring school administrators to have regular contact with pupils.

By Senator Ulichny; cosponsored by Representatives Plache, Grobschmidt, Krusick, Musser, Van Dreel, Vergeront and Zien.

To committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Senate Bill 240

Relating to information concerning applicants for prospecting and mining permits and related entities and denial of prospecting and mining permits.

By Senators Decker, Burke, Feingold, Berndt, Chvala, Jauch and Risser; cosponsored by Representatives Black, Seery, Stower, Reynolds, Boyle, Gruszynski, Carpenter, Baldus, Bock, Hisrich, Huber, Young, Fortis, Potter and Robson.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 241

Relating to allocation of low-income energy assistance funds and making appropriations.

By Senator Barrett; cosponsored by Representative Hinkfuss.

To committee on Transportation and Utilities.

COMMITTEE REPORTS

The committee on Higher Education reports and recommends:

MOMMSEN, NANCY O., of Rice Lake, as a member of the State Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1997.

Confirmation:

Ayes, 5 -- Senators Potter, Jauch, Czarnezki, Lorman and Berndt;

Noes, 0 -- None.

SCHRAUFNAGEL, ALLEN, of Elroy, as a member of the State Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1997.

Confirmation:

Ayes, 5 -- Senators Potter, Jauch, Czarnezki, Lorman and Berndt;

Noes, 0 -- None.

HIRSCH, DAVID M., of Oshkosh, as a member of the University of Wisconsin System Board of Regents, to serve for the term ending May 1, 1993.

Confirmation:

Ayes, 5 -- Senators Potter, Jauch, Czarnezki, Lorman and Berndt;

Noes, 0 -- None.

LUBAR, SHELDON B., of Milwaukee, as a member of the University of Wisconsin System Board of Regents, to serve for the term ending May 1, 1998.

Confirmation:

Ayes, 5 -- Senators Potter, Jauch, Czarnezki, Lorman and Berndt;

Noes, 0 -- None.

KOHLER, TERRY J., of Sheboygan, as a member of the University of Wisconsin System Board of Regents, to serve for the term ending May 1, 1998.

Rejection:

Ayes, 3 -- Senators Potter, Jauch, Czarnezki,;

Noes, 2 -- Senators Lorman and Berndt.

Calvin Potter
Chair

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

Senate Bill 176

Relating to exemption from insurance regulation.

Passage:

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

Noes, 0 -- None.

Assembly Joint Resolution 49

Relating to memorializing congress to help change current practices in the ship-building industry.

Concurrence:

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

Noes, 0 -- None.

VON HADEN, TERRY, of Madison, as a member of the Accounting Examining Board, to serve for the term ending May 1, 1995.

Confirmation:

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

Noes, 0 -- None.

SCHMERLING, SHIRLEY, of Kenosha, as a member of the Bingo Control Board, to serve for the term ending May 1, 1996.

Confirmation:

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

Noes, 0 -- None.

CLEMENTS, SYLVESTER, G., of Coon Valley, as a member of the Minnesota-Wisconsin Boundary area Commission, to serve for the term ending September 25, 1996.

Confirmation:

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

Noes, 0 -- None.

Jerome Van Sistine
Chair

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

Senate Bill 205

Relating to health insurance coverage of pharmaceutical services.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Senate Bill 223

Relating to creating a trust fund to preserve and protect farmland and requiring the department of

agriculture, trade and consumer protection to accept and deposit moneys in the fund.

Introduction and adoption of Senate amendment 1:

Ayes, 6 -- Senators Moen, Decker, Feingold, Barrett, Breske and Kreul;

Noes, 0 -- None.

Passage as amended:

Ayes, 6 -- Senators Moen, Decker, Feingold, Barrett, Breske, and Kreul;

Noes, 0 -- None.

Rodney C. Moen
Chair

The committee on Education, Economic Development, Financial Institutions and Fiscal Policies reports and recommends:

LONGABAUGH, RICHARD J., of Mequon, as Executive Director, Wisconsin Housing and Economic Development Authority, to serve for the term ending February 1, 1993.

Confirmation:

Ayes, 6 -- Senators Ulichny, Czarnezki, Jauch, Barrett, Huelsman and Petak;

Noes, 0 -- None.

Barbara Ulichny
Chair

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

Assembly Bill 27

Relating to mining for minerals on lands owned by the state and under the jurisdiction of the department of natural resources, sale of lands by the department of natural resources and providing a penalty.

Concurrence:

Ayes, 5 -- Senators Burke, Chvala, Adelman, Decker and Cowles;

Noes, 1 -- Senator Stitt.

Brian Burke
Chair

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

Assembly Bill 176

Relating to allowing municipalities to invest surplus debt service funds in the state's local government pooled-investment fund.

Concurrence:

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

Noes, 0 -- None.

John R. Plewa
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Audit Bureau

June 18, 1991

To the Honorable the Legislature:

At the request of the Joint Legislative Audit Committee, we have completed a review of the Upper Mississippi River Environmental Management Program administered by the Department of Natural Resources. Based on the nature and scope of our findings, we are submitting a memorandum in lieu of a formal audit report.

States receive federal funding to rehabilitate and enhance fish and wildlife habitat and to make other improvements along the Mississippi River. The Department's River Unit manages the Environmental Management Program and performs several other state-funded activities related to monitoring the use and health of the Mississippi River.

Contrary to assertions, we found no evidence to indicate that Wisconsin has been, or is likely to be, less successful than other states in attaining federal funds to support the program. However, we found that other concerns about administration of the River Unit, which have been expressed by several members of the public and current and former staff, have some validity.

The Unit has not always been successful in promoting public participation, has an outdated long-range plan, and has suffered from high staff turnover caused, in part, by dissatisfaction with management of the Unit. Confusion also exists over the purpose and priorities of state funds provided largely to match federal funds.

The Department recently has initiated efforts to improve communication with the public and to develop a long-range plan. However, we believe legislative involvement may be necessary to clarify uses of state funds and to ensure that funds are used effectively. Department management also will need to continue to work with staff to improve unit operations.

We appreciate the courtesy and cooperation provided to us by department staff and the several members of the public with whom we spoke.

Sincerely,
Dale Cattanach
State Auditor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

June 12, 1991

To the Honorable, the Senate:

Upon the request of Mr. William Beckman, I am withdrawing his nomination for appointment to the Board of Veterans Affairs.

Thank You for your attention to this matter.

Respectfully,
Tommy Thompson
Governor

State of Wisconsin
Office of the Governor

June 12, 1991

To the Honorable, the Senate:

I am withdrawing the nomination of CHARLES KUEHN as Chairman of the Wisconsin Parole Commission. Mr. Kuehn's nomination has been pending since his hearing was held February 27, 1990.

I have nominated John E. Husz to succeed Charles Kuehn.

Thank you for your attention to this matter.

Respectfully,
Tommy Thompson
Governor

CALENDAR OF JUNE 20, 1991

Senator Helbach, with unanimous consent, asked that all the appointments be taken up en masse, with the exception of Terry J. Kohler, Richard J. Longabaugh and Sheldon B. Lubar.

BIDDICK, ROGER D., of Livingston, as a member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 1993.

Read.

BORGWARDT, PASTOR ROBERT, of Madison, as a member of the Ethic Board, to serve for the term ending May 1, 1996.

Read.

CLEMENTS, SYLVESTER, G., of Coon Valley, as a member of the Minnesota-Wisconsin Boundary area Commission, to serve for the term ending September 25, 1996.

Read.

HIRSCH, DAVID M., of Oshkosh, as a member of the University of Wisconsin System Board of Regents, to serve for the term ending May 1, 1993.

Read.

MOMMSEN, NANCY O., of Rice Lake, as a member of the State Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1997.

Read.

SCHMERLING, SHIRLEY, of Kenosha, as a member of the Bingo Control Board, to serve for the term ending May 1, 1996.

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Read.

SCHRAUFNAGEL, ALLEN, of Elroy, as a member of the State Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1997.

Read.

VON HADEN, TERRY, of Madison, as a member of the Accounting Examining Board, to serve for the term ending May 1, 1995.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

Confirmed.

KOHLER, TERRY J., of Sheboygan, as a member of the University of Wisconsin System Board of Regents, to serve for the term ending May 1, 1998.

Read.

The question was: Rejection?

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

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Ulichny and Van Sistine — 19.

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

Absent or not voting — None.

Rejected.

LONGABAUGH, RICHARD J., of Mequon, as Executive Director, Wisconsin Housing and Economic Development Authority, to serve for the term ending February 1, 1993.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach,

Huelsman, Jauch, Kreul, Lasee, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

Confirmed.

LUBAR, SHELDON B., of Milwaukee, as a member of the University of Wisconsin System Board of Regents, to serve for the term ending May 1, 1998.

Read.

The question was: Confirmation?

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, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Lekan, Lorman, Moen, Petak, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 32.

Noes — Senator Plewa — 1.

Absent or not voting — None.

Confirmed.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

Senate Bill 163

Relating to membership of the arts board.

Read a second time.

Senate amendment 1 to **Senate Bill 163** offered by Senators Buettner and Ulichny.

The question was: Adoption of Senate amendment 1?

Senator Roshell, with unanimous consent, asked that the Senate recess until 11:37 A.M.

10:27 A.M.

RECESS

11:37 A.M.

The Senate reconvened.

The question was: Adoption of Senate amendment 1?

Adopted.

Senator George, with unanimous consent, asked that **Senate Bill 163** be referred to the joint committee on Finance.

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Senator George, with unanimous consent, asked that **Senate Bill 163** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 163** be placed at the foot of the calendar.

Senate Bill 166

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

Read a second time.

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 166

Read a third time.

Senator George, with unanimous consent, asked that **Senate Bill 166** be referred to joint committee on Finance.

Senate Bill 176

Relating to exemption from insurance regulation.

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 176

Read a third time and passed.

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.

Read a second time.

Senate amendment 1 to **Senate Bill 206** offered by Senators Helbach and Jauch.

The question was: Adoption of Senate amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 206** be referred to joint committee on Finance.

Senate Bill 223

Relating to creating a trust fund to preserve and protect farmland and requiring the department of agriculture, trade and consumer protection to accept and deposit moneys in the fund.

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 resolution be considered for final action at this time.

Senate Bill 223

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, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lasec, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

Passed.

Senator Helbach, with unanimous consent, asked that **Senate Bill 163** be taken up.

Senate Bill 163

Relating to membership of the arts board.

Read a second time.

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 163

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, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Kreul, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Stitt, Ulichny, Van Sistine and Weeden — 32.

Noes — Senator Lasec — 1.

Absent or not voting — None.

Passed.

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

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 49

Relating to memorializing congress to help change current practices in the ship-building industry.

Read.

Concurred in.

Assembly Bill 27

Relating to mining for minerals on lands owned by the state and under the jurisdiction of the department of natural resources, sale of lands by the department of natural resources and providing a penalty.

Read a second time.

Senate substitute amendment 1 to **Assembly Bill 27** offered by Senators Breske, Roshell, Andrea, Van Sistine, Lorman, Lekan, Petak, Farrow, Buettner and Stitt.

The question was: Adoption of Senate substitute amendment 1?

Senator Decker moved rejection of Senate substitute amendment 1.

The question was: Rejection of Senate substitute amendment 1?

Senator Burke raised the point of order that Senate substitute amendment 1 was not germane.

Senator Breske, with unanimous consent, asked that Senate substitute amendment 1 be returned to the author.

Senator Breske moved that **Assembly Bill 27** be made a special order of business at 10:00 A.M. on the calendar of October 8, 1991.

The question was: Shall **Assembly Bill 27** be made a special order at 10:00 A.M. on October 8, 1991.

Senator Roshell, with unanimous consent, asked that the Senate recess until 12:24 P.M..

11:53 A.M.

RECESS

12:24 P.M.

The Senate reconvened.

The question was: Shall **Assembly Bill 27** be made a special order at 10:00 A.M. on October 8, 1991.

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

Ayes — Senators Andrea, Breske, Buettner, Cowles, Ellis, Farrow, Huelsman, Kreul, Lasee, Lekan, Lorman, Petak, Roshell, Rude and Stitt — 15.

Noes — Senators Adelman, Barrett, Berndt, Burke, Chvala, Czarnezki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Ulichny, Van Sistine and Weeden — 18.

Absent or not voting — None.

Less than two thirds having voted in the affirmative, the motion failed.

Senator Roshell, with unanimous consent, asked that the Senate recess until 12:42 P.M..

12:35 P.M.

RECESS

12:42 P.M.

The Senate reconvened.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 27** be made a special order at 10:01 A.M. on June 25, 1991.

Senator Helbach, with unanimous consent, asked that **Senate Bill 224** be made a special order at 10:02 A.M. on June 25, 1991.

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. Tuesday, June 25.

12:47 P.M.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 206** offered by Senator Chvala.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Joint Resolution 28.

Senate Joint Resolution 42.

Report correctly enrolled and deposited in the office of the Secretary of State on June 19, 1991.

The chief clerk records:

Senate Bill 7.

Report correctly enrolled and presented to the Governor on June 20, 1991