

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, June 25, 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, 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 — 33.

Absent — None.
Absent with leave — None.

The Senate stood for a moment of silent meditation.

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

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 89

Relating to operating a vehicle while under the influence of an intoxicant, drugs or both and providing a penalty.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Passage as amended :

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Lynn S. Adelman
Chair

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

Senate Bill 132

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.

Passage:

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

Noes, 1 -- Senator Stitt.

Senate Bill 224

Relating to determination that land is unsuitable for mining.

Passage:

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

Noes, 1 -- Senator Cowles.

Assembly Bill 105

Relating to the plan for the management of hazardous waste generated in this state.

Concurrence:

Ayes, 6 -- Senators Burke, Chvala, Adelman, Decker, Stitt and Cowles;

Noes, 0 -- None.

Brian Burke
Chair

The committee on Transportation and Utilities reports and recommends:

Senate Bill 78

Relating to maintenance of highway rights-of-way and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 -- Senators Barrett, Andrea, Ulichny, Lasee and Farrow;

Noes, 3 -- Senators Roshell, Moen and Breske.

Passage as amended:

Ayes, 5 -- Senators Barrett, Andrea, Ulichny, Lasee and Farrow;

Noes, 3 -- Senators Roshell, Moen and Breske.

Senate Bill 241

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

Passage:

Ayes, 8 -- Senators Barrett, Roshell, Moen, Andrea, Ulichny, Breske, Lasee and Farrow;

Noes, 0 -- None.

Senate Joint Resolution 47

Relating to memorializing Congress to ensure that Wisconsin and other states receive a fair share of federal highway and transit aids.

Adoption:

Ayes, 8 -- Senators Barrett, Roshell, Moen, Andrea, Ulichny, Breske, Lasee and Farrow;

Noes, 0 -- None.

Thomas Barrett
Chair

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

SIEVERT, DR. JAMES A., of Wausau, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1995.

Confirmation:

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

Noes, 0 -- None.

KELLER, SHIRLEY P. of Mount Horeb, as a member of the Nursing Home Administrators Examining Board, to serve for the term ending July 1, 1995.

Confirmation:

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

Noes, 0 -- None.

FAHEY, JOHN, of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1995.

Confirmation:

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

Noes, 0 -- None.

KREYER, AUDRIE J., of Fennimore, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1995.

Confirmation:

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

Noes, 0 -- None.

VAN HOLLEN, ROSELLA, of Mason, as a member of the Board of Nursing, to serve for the term ending July 1, 1995.

Confirmation:

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

Noes, 0 -- None.

JOHNSRUD, JACQUELINE A., of Eastman, as a member of the Board of Nursing, to serve for the term ending July 1, 1995.

Confirmation:

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

Noes, 0 -- None.

Assembly Joint Resolution 56

Relating to proclaiming a 'Lyme Disease Awareness Week'.

Concurrence:

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

Noes, 0 -- None.

Senate Joint Resolution 48

Relating to encouraging the creation of a milk marketing agency.

Adoption:

Ayes, 7 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske and Kreul;

Noes, 2 -- Senators Berndt and Lorman.

Rodney C. Moen
Chair

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

June 20, 1991

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
7-----	26-----	June 20, 1991

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

June 12, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LINDA WILKINSON of Madison, as a member of the Credit Union Review Board pursuant to the statute governing, to serve for the term ending May 1, 1996.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

State of Wisconsin
Office of the Governor

June 12, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DR. W. R. SCHWARTZ of Wauwatosa, as a member of the Medical Examining Board pursuant to the statute

governing, to serve for the interim term ending July 1, 1994.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Agriculture, Corrections, Health and Human Services.

State of Wisconsin
Office of the Governor

June 10, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CONSTANCE P. BECK of Milwaukee, as a member of the Employee Trust Fund Board pursuant to the statute governing, to serve for the term ending May 1, 1993.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Housing, Government Operations and Cultural Affairs.

SENATE CLEARINGHOUSE ORDERS

State of Wisconsin
Revisor of Statutes Bureau

July 1, 1991

To the Honorable the Legislature:

The following rules have been published and are effective:

- Clearinghouse Rule 89-035 effective July 1, 1991.
- Clearinghouse Rule 89-129 effective July 1, 1991.
- Clearinghouse Rule 90- 68 effective July 1, 1991.
- Clearinghouse Rule 90-106 effective July 1, 1991.
- Clearinghouse Rule 90-122 effective July 1, 1991.
- Clearinghouse Rule 90-128 effective July 1, 1991.
- Clearinghouse Rule 90-141 effective July 1, 1991.
- Clearinghouse Rule 90-153 effective July 1, 1991.
- Clearinghouse Rule 90-154 effective July 1, 1991.
- Clearinghouse Rule 90-155 effective July 1, 1991.
- Clearinghouse Rule 90-162 effective July 1, 1991.
- Clearinghouse Rule 90-163 effective July 1, 1991.
- Clearinghouse Rule 90-170 effective July 1, 1991.
- Clearinghouse Rule 90-179 effective July 1, 1991.
- Clearinghouse Rule 90-193 effective July 1, 1991.
- Clearinghouse Rule 90-196 effective July 1, 1991.
- Clearinghouse Rule 90-197 effective July 1, 1991.
- Clearinghouse Rule 90-206 effective July 1, 1991.
- Clearinghouse Rule 90-208 effective July 1, 1991.
- Clearinghouse Rule 90-209 effective July 1, 1991.
- Clearinghouse Rule 90-210 effective July 1, 1991.
- Clearinghouse Rule 90-214 effective July 1, 1991.
- Clearinghouse Rule 90-215 effective July 1, 1991.
- Clearinghouse Rule 90-224 effective July 1, 1991.
- Clearinghouse Rule 90-230 effective July 1, 1991.
- Clearinghouse Rule 90-234 effective July 1, 1991.
- Clearinghouse Rule 90-241 effective July 1, 1991.

Clearinghouse Rule 91-013 effective July 1, 1991.

Sincerely,
GARY L. POULSON
Deputy Revisor

Senate Clearinghouse Rule 90-220

Relating to intrastate transportation of hazardous materials.

Submitted by Department of Transportation.

Report received from agency, June 20, 1991.

Referred to committee on Transportation and Utilities, June 25, 1991.

Senate Clearinghouse Rule 91-57

Relating to coordination of benefits under 2 or more group health plans.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, June 20, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, June 25, 1991.

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

Senate Clearinghouse Rule 90-201

Relating to definitions, endorsement, standards for the administration of anesthesia by dentists and delegation of remediable procedures and dental functions by dentists to be performed by unlicensed persons under the supervision of the delegating dentist.

No action taken.

Senate Clearinghouse Rule 90-217

Relating to authority and definitions, requirements for examination and licensure of psychologists, requirements for private practice of school psychology, requirements for renewal and conduct.

No action taken.

Rodney C. Moen
Chair

Senator Farrow, with unanimous consent, asked that the Senate recess until 11:05 A.M..

10:12 A.M.

RECESS

11:05 A.M.

The Senate reconvened.

SPECIAL ORDER

CALENDAR OF JUNE 25, 1991

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 2 to **Assembly Bill 27** offered by Senators Cowles and Stitt.

The question was: Adoption of Senate substitute amendment 2?

Senator Burke raised the point of order that Senate Substitute Amendment 2 was not germane.

The Chair rules that the point of order was well taken.

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 27

Read a third time.

Senator Cowles moved to table **Assembly Bill 27**.

The question was: Shall **Assembly Bill 27** be laid on the table?

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

Ayes — Senators Berndt, Breske, Buettner, Cowles, Ellis, Farrow, Huelsman, Kreul, Lasee, Lcean, Lorman, Petak, Rude, Stitt and Weeden — 15.

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

Absent or not voting — None.

Tabling refused.

The question was: Concurrence?

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

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

Noes — Senators Andrea, Breske, Buettner, Cowles, Ellis, Farrow, Huelsman, Kreul, Lasee, Lcean, Lorman, Petak, Roshell and Stitt — 14.

Absent or not voting — None.

Concurred in.

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

Senate Bill 224

Relating to determination that land is unsuitable for mining.

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 224

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Breske, Buettner, Burke, Chvala, Czarnezki, Decker, Farrow, George, Helbach, Huelsman, Jauch, Kreul, Lasee, Lcean, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Ulichny, Van Sistine and Weeden — 28.

Noes — Senators Berndt, Cowles, Ellis, Feingold and Stitt — 5.

Absent or not voting — None.

Passed.

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

Senate Joint Resolution 11

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

Read a second time.

Senate amendment 1 to **Senate Joint Resolution 11** offered by Senator Lcean.

The question was: Adoption of Senate amendment 1?
Senator Plewa moved rejection.

Senator Adelman moved referral of **Senate Joint Resolution 11** to the committee on Housing, Government Operations and Cultural Affairs.

The question was: Shall **Senate Joint Resolution 11** be referred to the committee on Housing, Government Operations and Cultural Affairs?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Berndt, Breske, Buettner, Cowles, Decker, Ellis, Farrow, Feingold, George, Jauch, Kreul, Lasee, Lekan, Lorman, Petak, Potter, Rude, Stitt, Ulichny and Van Sistine — 21.

Noes — Senators Andrea, Barrett, Burke, Chvala, Czarnecki, Helbach, Huelsman, Moen, Plewa, Risser, Roshell and Weeden — 12.

Absent or not voting — None.

Referred to Housing, Government Operations and Cultural Affairs.

Senate Bill 105

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

Read a second time.

Senate amendment 1 to **Senate Bill 105** offered by Senators Barrett and Burke.

The question was: Adoption of Senate amendment 1?
Adopted.

Senate amendment 2 to **Senate Bill 105** offered by Senators Chvala and Decker.

The question was: Adoption of Senate amendment 2?

Senator Chvala, with unanimous consent, asked that senate amendment 2 be returned to the author.

Senator Chvala, with unanimous consent, asked that **Senate Bill 105** be placed at the foot of the calendar.

Senate Bill 205

Relating to health insurance coverage of pharmaceutical services.

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 bill be considered for final action at this time.

Senate Bill 0205

Read a third time and passed.

Assembly Bill 66

Relating to restitution in civil actions involving forfeitures.

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 66

Read a third time and concurred in.

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).

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 162

Read a third time and concurred in.

Assembly Bill 176

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

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 176

Read a third time and concurred in.

Senator Helbach, with unanimous consent, asked that **Senate Joint Resolution 47** be withdrawn from Senate Rules and taken up.

Senate Joint Resolution 47

Relating to memorializing Congress to ensure that Wisconsin and other states receive a fair share of federal highway and transit aids.

Read.

The question was: Adoption?

Adopted.

Senator Helbach, with unanimous consent, asked that **Assembly Joint Resolution 56** be withdrawn from Senate Rules and taken up.

Assembly Joint Resolution 56

Relating to proclaiming a 'Lyme Disease Awareness Week'.

Read.

The question was: Concurrence?

JOURNAL OF THE SENATE [June 25, 1991]

Concurred in.

Senator Helbach, with unanimous consent, asked that **Senate Bill 241** be withdrawn from Senate Rules and taken up.

Senate Bill 241

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

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 241** be referred to Joint committee on Finance.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 105** be withdrawn from Senate Rules and taken up.

Assembly Bill 105

Relating to the plan for the management of hazardous waste generated in this state.

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 105

Read a third time and concurred in.

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

Senate amendment 3 to **Senate Bill 105** offered by Senator Chvala.

The question was: Adoption of Senate amendment 3?

Senator Van Sistine moved rejection of Senate amendment 3.

The question was: Rejection of Senate amendment 3?

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

Ayes — Senators Andrea, Berndt, Breske, Buettner, Cowles, Ellis, Farrow, Helbach, Huelsman, Lasee, Lekan, Lorman, Petak, Potter, Roshell, Rude, Stitt, Van Sistine and Weeden — 19.

Noes — Senators Adelman, Barrett, Burke, Chvala, Czarnezki, Decker, Feingold, George, Jauch, Kreul, Moen, Plewa, Risser and Ulichny — 14.

Absent or not voting — None.

Rejected.

Senate amendment 4 to **Senate Bill 105** offered by Senators Barrett and Burke.

The question was: Adoption of Senate amendment 4?

Senator Van Sistine moved rejection of Senate amendment 4.

The question was: Rejection of Senate amendment 4?

Senator Chvala raised the point of order that Senate amendment 4 was not germane.

The Chair took the point of order on Senate amendment 4 under advisement.

ADJOURNMENT

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 9:45 A.M. Wednesday, June 26.

12:40 P.M.