

# STATE OF WISCONSIN

## Senate Journal

### Ninetieth Regular Session

10:00 A.M.

Friday, October 25, 1991

The senate met.

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

The Chair, with unanimous consent, asked that the calling of the roll be dispensed with.

#### INTRODUCTION OF RESOLUTIONS

##### **Senate Joint Resolution 58**

Relating to commending Tom Schwalbach of Shorewood, whose art work was selected for the front and back covers of the 1991-1992 Wisconsin Blue Book.

By Senators Plewa and Ulichny; cosponsored by Representatives Carpenter and Darling.

To committee on Housing, Government Operations and Cultural Affairs.

#### INTRODUCTION OF BILLS

Read first time and referred:

##### **Senate Bill 339**

Relating to notice of the right to file a complaint with the office of the commissioner of insurance and granting rule-making authority.

By Senator Van Sistine, by request of Office of the Commissioner of Insurance.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

##### **Senate Bill 340**

Relating to providing notice whenever an insurer doing a surety business is placed in liquidation.

By Senator Van Sistine, by request of Office of the Commissioner of Insurance.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

##### **Senate Bill 341**

Relating to establishing a group health insurance plan for employes of small employers, creating a board to oversee the plan, creating a fund for catastrophic claims and a catastrophic claims fund board, creating an individual income tax deduction for certain medical care insurance costs paid by certain self-employed persons, granting rule-making authority and making an appropriation.

By Senators Van Sistine and Rude; cosponsored by Representatives Clarenbach, Rosenzweig, Underheim, Kunicki, Prosser, Brancel, Hauke, Cullen, Hisrich, Carpenter, Baldus, Fortis, Johnsrud and Urban, by request of Governor Tommy G. Thompson.

To Joint Survey committee on Tax Exemptions.

##### **Senate Bill 342**

Relating to administrative joint tenancy and life estate termination for certain property.

By Senators Chvala, Lorman and Barrett; cosponsored by Representatives Young, Deininger, Bock, Vanderperren, Ott, Huber, Ourada, Hisrich and Van Gorden.

To committee on Judiciary and Consumer Affairs.

##### **Senate Bill 343**

Relating to pupils enrolled in day care centers under contract with the Milwaukee public schools.

By Senators Ulichny, Barrett and Burke; cosponsored by Representatives Notestein, Bock, Darling, Boyle and Schneiders.

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

##### **Senate Bill 344**

Relating to rules prohibiting the consumption of alcohol beverages in state parks, state forests and other state recreation areas.

By Senators Breske, Roshell and Van Sistine; cosponsored by Representatives Lorge, Boyle, Goetsch, Musser and Freese.

To committee on Urban Affairs, Environmental Resources and Elections.

##### **Senate Bill 345**

Relating to calculation of the public utility component of the shared revenue formula.

By Senators Breske, Van Sistine, Roshell and Stitt; cosponsored by Representatives Huber, Hamilton, Bolle and Lorge.

To committee on Aging, Banking, Communications and Taxation.

##### **Senate Bill 346**

Relating to juvenile restitution and supervised work programs.

By Senator Adelman; cosponsored by Representative Holschbach.

To committee on Judiciary and Consumer Affairs.

##### **Senate Bill 347**

Relating to overtime pay for intrastate motor carrier drivers and granting rule-making authority.

By Senators Van Sistine and Breske; cosponsored by Representatives Bock, Boyle, Vander Loop, Vanderperren and Seery.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

**Senate Bill 348**

Relating to exempting certain single-family owner-occupied residences from the state fair housing law.

By Senators Huelsman, Plewa, Buettner, Roshell, Lorman, Rude, Petak, Weeden, Farrow, Breske, Van Sistine and Andrea; cosponsored by Representatives Porter, Duff, Brandemuehl, Plache, Turba, Lehman, Lorge, Kaufert, Goetsch, Ainsworth, Schneiders, Radtke, Rosenzweig, Klusman, Nass, Hahn, Urban and Vrakas.

To committee on Housing, Government Operations and Cultural Affairs.

**Senate Bill 349**

Relating to the limits on liability for improvements to real property.

By Senators Roshell, Andrea, Van Sistine, Huelsman, Cowles, Plewa, Moen and Buettner; cosponsored by Representatives Wineke, Van Dreel, Hamilton, Deininger, Moore, Lehman, Hasenohrl, Baldus, Brancel and Vanderperren.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 350**

Relating to public access to drafts that have not been introduced or offered in the legislature.

By Senators Farrow, Stitt, Petak and Huelsman; cosponsored by Representatives Radtke, Vrakas, Duff, Darling and Freese.

To committee on Housing, Government Operations and Cultural Affairs.

**Senate Bill 351**

Relating to visitation rights of grandparents and greatgrandparents following adoption of a child by a stepparent or relative.

By Senator Adelman; cosponsored by Representative Hough.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 352**

Relating to to the contracting of private investigators by the state public defender, the payment of private investigators working for the offices of the state public defender in Milwaukee county and making an appropriation.

By Senators Ulichny, Van Sistine, Barrett and Farrow; cosponsored by Representatives Notestein, Bock, Darling, Krug and Stower.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 353**

Relating to return of fingerprint and related records.

By Senators Risser and Lorman; cosponsored by Representatives Van Dreel, Lorge, Van Gorden, Boyle and Baldus.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 355**

Relating to bidding requirements for school district construction.

By Senators Feingold, Decker, Barrett, Risser, Chvala and Jauch; cosponsored by Representatives Young, Wineke, Turner and Holschbach.

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

**Senate Bill 356**

Relating to judgment docket entries in large claims court and removing information from the citation form used for certain forfeitures (suggested as remedial legislation by the director of state courts).

By Law Revision Committee.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 357**

Relating to exclusion of agent in the definition of an investment adviser, government-issued revenue obligations eligibility for securities registration exemption, the definition of security holder for purposes of a registration exemption, eligibility conditions for the seasoned issuer securities registration exemption and agent representation of broker-dealers and issuers (suggested as remedial legislation by the office of the commissioner of securities).

By Law Revision Committee.

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

**Senate Bill 358**

Relating to eliminating the duty of the department of industry, labor and human relations to arbitrate and mediate labor disputes, the recovery of costs in a wage claim action that is referred by the department of industry, labor and human relations to a district attorney for prosecution and the annual report of the department of industry, labor and human relations regarding its activities related to the plant-closing law (suggested as remedial legislation by the department of industry, labor and human relations).

By Law Revision Committee.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

**Senate Bill 359**

Relating to indemnification for the destruction of swine that are infected with pseudorabies.

By Senators Rude and Schultz; cosponsored by Representatives Gronemus, Brandemuehl, Johnsrud and Freese.

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

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COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

**Senate Bill 354**

Relating to: the payment of supplemental aid to school districts; the rate for the temporary recycling surcharge and the surcharge imposed on tax-option corporations; the amounts of certain public debt

authorizations; transferring the property tax deferral program to the Wisconsin housing and economic development authority; increasing the rate of the cigarette tax; the method of financing construction of an Olympic ice training center and the method of financing maintenance of the Olympic ice rink; decreasing an appropriation to the department of corrections; stopping or inspecting vehicles to enforce certain state and local laws; making the tobacco products tax receipts accrued tax receipts; providing grants to the committees on area promotion and transferring funds from the Wisconsin development reserve fund; stating on the property tax bill the amount spent for solid waste collection and disposal; and making appropriations.

By request of Governor Tommy G. Thompson.

Introduction:

Ayes, 16 -- Senators George, Roshell, Chvala, Andrea, Czarnecki, Jauch, Lekan and Weeden; Representatives Linton, Wineke, Coggs, Holperin, Hubler, Antaramian, Panzer and Brancel;

Noes, 0 -- None.

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

#### Senate Bill 1

Relating to creating a private cause of action for certain civil rights violations.

Adoption of Senate substitute amendment 1:

Ayes, 14 -- Senators George, Chvala, Andrea, Czarnecki, Jauch and Weeden; Representatives Linton, Wineke, Coggs, Holperin, Hubler, Antaramian, Panzer and Brancel;

Noes, 1 -- Senator Roshell.

Passage as amended:

Ayes, 11 -- Senators George, Chvala, Andrea, Czarnecki and Jauch; Representatives Linton, Wineke, Coggs, Holperin, Hubler and Antaramian;

Noes, 5 -- Senators Roshell, Lekan and Weeden; Representatives Panzer and Brancel.

#### Senate Bill 262

Relating to employment relations for members of the university of Wisconsin system academic staff.

Passage:

Ayes, 12 -- Senators George, Roshell, Chvala, Andrea, Czarnecki and Jauch; Representatives Linton, Wineke, Coggs, Holperin, Hubler and Antaramian;

Noes, 4 -- Senators Lekan and Weeden; Representatives Panzer and Brancel.

Gary R. George  
Co-chair

Barbara J. Linton  
Co-chair

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

**BRADLEY, JAMES**, of Sun Prairie, as a member of the Land Conservation Board, to serve for the term ending May 1, 1995.

Confirmation:

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

Noes, 0 -- None.

#### Senate Bill 217

Relating to the establishment of a mandatory trapper education program and making appropriations.

Passage:

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

Noes, 0 -- None.

#### Senate Bill 272

Relating to public participation in the congressional and legislative redistricting process and making an appropriation.

Passage:

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

Noes, 0 -- None.

#### Senate Bill 291

An act relating to wetlands specialist positions for the department of natural resources and making an appropriation.

Passage:

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

Noes, 0 -- None.

#### Assembly Bill 578

Relating to hunting from stationary vehicles by holders of disabled hunting permits and granting rule-making authority.

Concurrence:

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

Noes, 0 -- None.

#### Assembly Bill 581

Relating to the rate for the temporary recycling surcharge and stating on the property tax bill the amount spent for solid waste collection and disposal.

Concurrence:

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

Noes, 1 -- Senator Stitt.

Brian Burke  
Chair

PETITIONS AND COMMUNICATIONS  
State of Wisconsin  
Department of Agriculture, Trade and Consumer  
Protection

October 23, 1991

To the Honorable the Legislature:

I am pleased to file this report on pesticide fees and funding mechanisms for Pesticide, Feed, Fertilizer and Agricultural Clean Sweep programs which DATCP was authorized to conduct. Specific objectives included:

Requiring pesticide manufacturers and labelers to fund the disposal costs of pesticides and their containers; and

The feasibility of establishing volume based fees.

This report fulfills the requirement established in section 9104(4h) of 1991 Wis. Act 39.

The Department created an ad hoc committee to help address these issues and review fee proposals. The report identifies the members of the committee and delineates the concerns that were brought to the Department. The report contains DATCP's recommendations for pesticide, feed and fertilizer fees. The fees proposed are based on sales volumes for pesticides. We believe the fees proposed will cover our program costs, and allow for the continuation of Agricultural Clean Sweep programs. We appreciate the opportunity to address these issues and share our views with the Legislature.

Sincerely,  
Alan T. Tracy  
Secretary

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

STATE OF WISCONSIN  
ETHICS BOARD

October 22, 1991

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

**Organization's authorization of additional lobbyists:** The following organizations previously registered with the Ethic's Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

**American Lung Association of Wisconsin**

Brindley, Margaret S.

**Ameritech Mobile Communications**

Hurtgen, Robert

**Civil Trial Council of Wisconsin**

Hardy, George

**Cooperatives, Wisconsin Federation of**

Mueller, Thomas J.

**Court Reporters Assoc., Wisconsin**

Hardy, George

**Economic Development Assoc., Wisconsin**

Hardy, George

**Fire Chiefs Assoc., Wisconsin State**

Wilusz, Edward

**H.A.H. Enterprises, Inc.**

Gerrard, William

**Motorcycle Industry Council**

Hurtgen, Robert

**Northland Cranberries**

Hurtgen, Robert

**Organization's termination of lobbyists:** Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

**Ameritech Mobile Communications**

McNulty, Barry 10/16/91

**Aurora Health Care Inc.**

McNulty, Barry 10/16/91

**Auto Collision Technician Association Wisconsin**

McNulty, Barry 10/18/91

**Children's Hospital Health Systems of Wisconsin**

McNulty, Barry 10/18/91

**Cooperatives, Wisconsin Federation of**

Arts, James 10/15/91

**Meehan Seaway Service, Ltd.**

McNulty, Barry 10/16/91

**Motorcycle Industry Council**

McNulty, Barry 10/16/91

**Northland Cranberries**

McNulty, Barry 10/16/91

**Philip Morris U.S.A.**

Brozek, Michael 6/28/91

**Plumbing-Heating-Cooling Contractors, Inc., Wisconsin Association of**

Rush, Donald 10/17/91

**Prosecutors, Assoc. of State**

Orr Vaza, Sally 9/20/91

**Waste Management of Wisconsin, Inc.**

McNulty, Barry 10/16/91

**Organization's cessation of lobbying activity:** Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist indicated a cessation of all lobbying activity effective on the date shown.

**Service Employees Intl. Union, Local 150 10/18/91**

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  
STATE OF WISCONSIN  
ETHICS BOARD

October 22, 1991

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 as employing one or more individuals to affect state legislation or administrative rules. For each organization I have noted the general area of legislative or administrative action which the organization has described as the object of its lobbying activity and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

**Consolidated National Life Insurance Company Subjects:** Any function or activity of any branch, department or phase of federal, state or local government; agriculture; outdoor or environment to the general public health or welfare.

Peshkek, Peter A.

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

**SENATE CLEARINGHOUSE ORDERS**

**Senate Clearinghouse Rule 91-2**

Relating to the submission by an applicant for a certificate to practice public accounting of academic transcripts for review and evaluation by the board.

Submitted by Department of Regulation and Licensing.

Report received from agency, October 22, 1991.

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

**Senate Clearinghouse Rule 91-28**

Relating to the prohibition against practicing under a firm name which includes a fictitious name or indicates specialization and to the registration of certified accounting firms located in other states which do not have an office in Wisconsin.

Submitted by Department of Regulation and Licensing.

Report received from agency, October 22, 1991.

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

**Senate Clearinghouse Rule 91-62**

Relating to financing of leased property by Wisconsin-chartered credit unions for their members.

Submitted by Office of the Commissioner of Credit Unions

Report received from agency, October 22, 1991.

Referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies, October 25, 1991.

The committee on Judiciary and Consumer Affairs reports and recommends:

**Senate Clearinghouse Rule 89-181**

Relating to crime victim and witness assistance services programs.

No action taken.

**Senate Clearinghouse Rule 91-60**

Relating to weighing and measuring devices.

No action taken.

Lynn S. Adelman  
Chair

**MESSAGE FROM THE ASSEMBLY**

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 27**

Passed and asks concurrence in:

Assembly Bill 99  
Assembly Bill 306

Assembly Bill 362  
Assembly Bill 363  
Assembly Bill 402  
Assembly Bill 461

Concurred in:

Senate Joint Resolution 50  
Senate Joint Resolution 51  
Senate Bill 2  
Senate Bill 176  
Senate Bill 270  
Senate Bill 271  
Senate Bill 286  
Senate Bill 327  
Senate Bill 328  
Senate Bill 329  
Senate Bill 330  
Senate Bill 331  
Senate Bill 332

Amended and concurred in as amended:

Senate Bill 155, Assembly amendment 2

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MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 27**

For the purpose of requesting appropriate action by the congress to propose an amendment to the U.S. constitution prohibiting the physical desecration of the flag of the United States.

By Representatives Musser, Vander Loop, Van Gorden, Wood, Nass, Lehman, Gronemus, Brancel, Stower, Bolle, Ladwig, Vanderperren, Lorge, Hamilton, Zien, Duff, Vergeront, Urban, Porter, Gard, Wimmer, Brandemuehl, Schneiders, Radtke, Turba, Kaufert, Ainsworth, Silbaugh and Klusman, cosponsored by Senators Roshell, Moen, Van Sistine, Farrow, Kreul, Huelsman, Breske, Stitt, Andrea, Lasee, Petak, Ellis, Weeden and Buettner.

Read and referred to committee on Judiciary and Consumer Affairs.

**Assembly Bill 99**

Relating to allowing any retired state employe and certain other former state employes to purchase coverage under the state employe group health insurance plan by furnishing evidence of insurability satisfactory to the insurer.

By Representatives Grobschmidt, Antaramian, Hamilton, Black, Musser, Young, Turner, Bock, Hasenohrl, Holschbach, Baldus, Robson, Lehman, Van Dreel, Rohan, Zien, Gronemus, Silbaugh, Boyle and Lorge, cosponsored by Senators Jauch, Andrea, Plewa and Kreul.

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

**Assembly Bill 306**

Relating to jury service as a civic duty, exemptions and excuses for jury service, jury commissioners, sources for jury lists, juror qualification forms, forfeiture for failure to attend as a juror, length of juror service, periods of juror eligibility and sequestration of juries, and providing a penalty.

By Legislative Council.

Read first time and referred to committee on Judiciary and Consumer Affairs.

**Assembly Bill 362**

Relating to appeals of judgments or orders in contempt of court cases.

By Representative Rutkowski, cosponsored by Senator Adelman, by request of the Judicial Council.

Read first time and referred to committee on Judiciary and Consumer Affairs.

**Assembly Bill 363**

Relating to judgments in ordinance violation cases where the defendant fails to appear in circuit court.

By Representative Rutkowski, cosponsored by Senator Adelman, by request of the Judicial Council.

Read first time and referred to committee on Judiciary and Consumer Affairs.

**Assembly Bill 402**

Relating to sale of cleaning agents and water conditioners containing phosphorus and providing penalties.

By Representatives Baldus, Carpenter, Gruszynski, M. Coggs, Lehman, Hamilton, Duff, Bock, Grobschmidt, S. Coggs, Medinger, Hisrich, Hasenohrl, Black, Boyle, Roberts, Fortis and Plache, cosponsored by Senators Breske, Chvala and Berndt.

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

**Assembly Bill 461**

Relating to the licensure of teachers of the visually impaired, instruction in braille and granting rule-making authority.

By Representatives Grobschmidt, Rohan, Notestein, Wood, Van Dreel, Fortis, Boyle, Potter, Lorge, Coleman and Bolle, cosponsored by Senators Risser, Ulichny and Petak.

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

Senator Risser, with unanimous consent, asked that the Senate adjourn until 11:00 A.M. Wednesday, October 30.

10:01 A.M.