

# STATE OF WISCONSIN

## Senate Journal

### Ninetieth Regular Session

11:00 A.M.

Wednesday, October 30, 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, Lasee, Leman, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden — 33.

Absent — None.

Absent with leave — None.

The Senate stood for the prayer which was offered by Reverend Willie Wanzo of the Metropolitan Baptist Church in Milwaukee.

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

Senator Helbach, with unanimous consent, asked that the rules be suspended and that the Senate move to the fifteenth order of business.

The Chair, with unanimous consent, asked that the rules be suspended and that the Senate return to the second order of business.

#### INTRODUCTION OF RESOLUTIONS

##### Senate Joint Resolution 59

Relating to Bone Marrow Donor Week.

By Senators Petak, Buettner, Burke, Andrea, Cowles, Van Sistine, Schultz, Lorman, Farrow and Rude; cosponsored by Representatives Carpenter, Turba, Lehman, Vergeront, Johnsrud, Zien, Loucks, Silbaugh, Rosenzweig, Fortis, Duff, Van Gorden, Rohan, Schneiders, Lorge, Ott, Ladwig, Klusman, Bolle, Moore, Hahn, Urban, Kaufert, Freese, Vrakas, Nass and Darling.

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

##### Senate Joint Resolution 60

Relating to remembering the casualties of the attack on Pearl Harbor.

By Senators Farrow, Potter, Weeden, Breske, Cowles, Rude, Helbach, Petak, Buettner, Huelsman, Lasee, Lorman, Schultz, Andrea, Stitt, Van Sistine, Czarnecki, Berndt, Leman, Ellis and Barrett; cosponsored by Representatives Musser, Grobschmidt, Porter,

Schneiders, Hisrich, Van Gorden, Turner, Hamilton, Ainsworth, Lorge, Kaufert, Duff, Urban, Hough, Silbaugh, Vrakas, Freese, Zien, Turba, Stower, Nass, Moore, Loucks, Bolle, Klusman and Darling.

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

Senator Van Sistine, with unanimous consent, asked that **Senate Joint Resolution 60** be withdrawn from committee on Tourism, Commerce, Labor, Veterans' and Military Affairs and be referred to committee on Senate Rules.

Senator Berndt, with unanimous consent, asked that he be listed as a co-sponsor of **Assembly Bill 666**.

##### Senate Joint Resolution 61

Relating to the life and public service of Milton T. Murray.

By Senator Burke.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

#### INTRODUCTION OF BILLS

Read first time and referred:

##### Senate Bill 360

Relating to specifying that certain refugees are Wisconsin residents for entrance to and tuition at vocational, technical and adult education schools.

By Senators Lorman, Czarnecki, Petak, Huelsman, Barrett, Buettner, Weeden, Rude and Chvala; cosponsored by Representatives Rohan, Musser, Turba, Vrakas, Bolle, Medinger, Lorge, Hahn, Stower, Hamilton, Darling, Huber, Radtke, Baldus, Silbaugh, Bock, Grobschmidt, Clarenbach and Moore.

To committee on Higher Education.

##### Senate Bill 361

An act relating to the costs of educating inmates at vocational, technical and adult education schools and making an appropriation.

By Senators Van Sistine, Buettner, Plewa, Lorman, Petak, Huelsman and Risser; cosponsored by Representatives Klusman, Turner, Barca, Stower, Porter, M. Coggs, Lautenschlager, Moore, Antaramian, Fortis, Vander Loop, Radtke, Notestein, Hasenohrl, Seery, Black, Wineke, Underheim, Rosenzweig, Darling, Lehman, Goetsch, Ott, Musser, Hamilton, Boyle, Hubler, Plache, Baldus, Holschbach, S. Coggs, Cullen,

Hinkfuss, Robson, Grobschmidt, Kaufert, Rohan, Zien, Ainsworth and Bolle.

To committee on Higher Education.

**Senate Bill 362**

Relating to the length of time that a perfected lien for unpaid income or franchise taxes is effective.

By Senators Risser, Stitt and Burke; cosponsored by Representatives Boyle and Baldus.

To committee on Aging, Banking, Communications and Taxation.

**Senate Bill 363**

Relating to licenses and fees for the sale or distribution of pesticides, fertilizers, commercial feed and soil and plant additives.

By Senators Helbach, Lecaen and Weeden; cosponsored by Representatives Gruszynski, Holperin, Gronemus, Turba, Brancel, Panzer and Ourada.

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

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COMMITTEE REPORTS

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

**Senate Bill 221**

Relating to an alternative procedure for the licensure of mathematics and science teachers and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Barbara Ulichny  
Chair

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

**Assembly Bill 428**

Relating to permitting trust company banks to establish branch offices.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

Russell D. Feingold  
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

**TAFFORA, RAYMOND P.**, of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 1994.

Confirmation:

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

Noes, 0 -- None.

**Assembly Joint Resolution 84**

Relating to proclaiming 'Red Ribbon Week'.

Concurrence:

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

Noes, 0 -- None.

**Senate Bill 290**

Relating to placing a corporation on probation and providing a penalty.

Passage:

Ayes, 3 -- Senators Adelman, Feingold and Chvala;

Noes, 2 -- Senators Stitt and Buettner.

**Senate Bill 296**

Relating to notice of disclosure of assets in small claims actions.

Passage:

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

Noes, 0 -- None.

Lynn S. Adelman  
Chair

The committee on Senate Organization reports and recommends the following nominations to committee for appointment by the Senate:

Senators Chvala and Ellis to the Council on Information Technology.

Fred A. Risser  
Chair

Read.

Considered as privileged and taken up.

Confirmed.

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PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Administration and

October 22, 1991

To the Honorable the Legislature:

This report is transmitted as required by ss. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under section 13.172(3) stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities

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and cover resulting negative balances during the month of September, 1991.

On September 13, 1991, the Recycling Fund (Fund 79) balance was \$-297 thousand. This shortfall continued until September 26th when the Recycling Fund balance reached \$ 7.8 million. The shortfall was due to a delayed accounting transfer.

The Recycling Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the quarterly calculation by State Finance will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,  
James R. Klauser  
Secretary

Read and referred to the joint committee on Finance.

State of Wisconsin  
Legislative Audit Bureau  
October 29, 1991

To the Honorable the Legislature:

We have completed an evaluation of the Psychiatric and Alcohol and Other Drug Abuse (AODA) Inpatient Review System, as directed by 1987 Wisconsin Act 399. The program, commonly known as the PAIRS program, is administered by the Wisconsin Peer Review Organization, under contract with the Department of Health and Social Services. The Wisconsin Peer Review Organization reviews all covered psychiatric and AODA hospital admissions and stays for Medical Assistance recipients. The PAIRS program was enacted in 1988 and took effect in May 1989.

The goal of the PAIRS program is to reduce Medical Assistance expenditures. This is to be accomplished in two ways: 1) by recouping payments for hospital admissions and stays which are determined to be not medically necessary and 2) by encouraging providers to use less expensive alternative treatments and avoid more costly inappropriate hospitalizations.

However, we found the cost of the PAIRS program far exceeds any potential savings and, to date, the program has not resulted in any measurable savings. Furthermore, we did not find evidence which indicates that many individuals are being diverted from hospital admissions to alternative treatment facilities. Therefore, we recommend the Legislature eliminate the PAIRS program. We also include a recommendation to the Department to report to the Joint Legislative Audit Committee by March 1, 1992, on the type of utilization review procedures the Department will use if the PAIRS program is repealed.

We appreciate the courtesy and cooperation extended to us by staff of the Department of Health and Social Services and the Wisconsin Peer Review Organization. The Department's response is the appendix.

Sincerely,  
Dale Cattanach  
State Auditor

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
October 25, 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
286-----	51 -----	October 25, 1991

Respectfully,  
TOMMY G. THOMPSON  
Governor

State of Wisconsin  
Office of the Governor  
October 29, 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
270-----	52 -----	October 29, 1991
271-----	53 -----	October 29, 1991
327-----	54 -----	October 29, 1991
328-----	55 -----	October 29, 1991
329-----	56 -----	October 29, 1991
330-----	57 -----	October 29, 1991
331-----	58 -----	October 29, 1991
332-----	59 -----	October 29, 1991

Respectfully,  
TOMMY G. THOMPSON  
Governor

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

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

Read.

TAFFORA, RAYMOND P., of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 1994.

Read.

The question was: Confirmation?

Sincerely,  
GARY L. POULSON  
Deputy Revisor

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, Lasee, Leraan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden \_ 33.

Noes \_ None.

Absent or not voting \_ None.

Confirmed.

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SENATE CLEARINGHOUSE ORDERS

State of Wisconsin  
Revisor of Statutes Bureau  
November 1, 1991

To the Honorable the Legislature:

The following rules have been published and are effective:

Clearinghouse Rule 88-189 effective November 1, 1991.  
Clearinghouse Rule 89-179 effective November 1, 1991.  
Clearinghouse Rule 89-187 effective November 1, 1991.  
Clearinghouse Rule 90-205 effective November 1, 1991.  
Clearinghouse Rule 90-220 effective November 1, 1991.  
Clearinghouse Rule 90-226 effective November 1, 1991.  
Clearinghouse Rule 91- 27 effective November 1, 1991.  
Clearinghouse Rule 91- 39 part eff. November 1, 1991. part effective March 1, 1992.  
Clearinghouse Rule 91- 42 effective November 1, 1991.  
Clearinghouse Rule 91- 56 effective November 1, 1991.  
Clearinghouse Rule 91- 57 effective November 1, 1991.  
Clearinghouse Rule 91- 58 effective November 1, 1991.  
Clearinghouse Rule 91- 73 effective November 1, 1991.  
Clearinghouse Rule 91- 74 effective November 1, 1991.  
Clearinghouse Rule 91- 78 effective November 1, 1991.  
Clearinghouse Rule 91- 85 effective November 1, 1991.  
Clearinghouse Rule 91- 92 effective November 1, 1991.  
Clearinghouse Rule 91- 93 effective November 1, 1991.

**Clearinghouse Rule 91-5**

Relating to updating changes to chapter NR 170 and the NR 400 series to improve the accuracy, clarity, structure and internal consistency of the rules and remove obsolete provisions.

Department of Natural Resources.

Report received from agency, October 29, 1991.

Referred to committee on Urban Affairs, Environmental Resources and Elections, October 30, 1991.

**Clearinghouse Rule 91-38**

Relating to the certification requirements for waterworks and wastewater treatment plan and septage servicing operators.

Department of Natural Resources.

Report received from agency, October 29, 1991.

Referred to committee on Urban Affairs, Environmental Resources and Elections, October 30, 1991.

**Clearinghouse Rule 91-122**

Relating to sick leave eligibility for faculty, academic staff and limited appointees of the University of Wisconsin system.

University of Wisconsin System.

Report received from agency, October 28, 1991.

Referred to committee on Higher Education, October 30, 1991.

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MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed notwithstanding the objections of the Governor:

**Assembly Bill 91 Veto E-94**

Adopted and asks concurrence in:

**Assembly Joint Resolution 81**

Passed and asks concurrence in:

**Assembly Bill 364**

**Assembly Bill 414**

**Assembly Bill 434**

**Assembly Bill 435**

**Assembly Bill 599**

Amended and concurred in as amended:

**Senate Bill 161,**

Assembly substitute amendment 2

Adopted and asks concurrence in:

**Assembly Joint Resolution 90**

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MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 81**

Relating to proclaiming a Bill of Rights Week.

By Representatives Prosser, Travis, Kunicki, Rutkowski, Deininger, Ladwig and Medinger, cosponsored by Senators Helbach, Risser, Rude, Adelman and Huelsman.

Read and referred to committee on Judiciary and Consumer Affairs.

**Assembly Bill 364**

Relating to elector registration with operators' license renewals, distribution of elector registration information and making an appropriation.

By Representatives Hisrich, Carpenter, Young, Krug, Travis, Turba, Notestein, Zweck, Hamilton, Schwartz, Potter, Cullen, Turner, Medinger, Grobschmidt, Stower, Rohan, Baldus, Huber, Bolle, Plache, Bock, Bell, Van Dreel, Robson, Boyle, Black, Duff, Fortis, Gronemus, Gruszynski, S. Coggs, Lorge, Zien and Vander Loop, cosponsored by Senators Chvala, Risser, Moen, Breske, Czarnecki, Barrett and Burke.

Read first time and referred to committee on Urban Affairs, Environmental Resources and Elections.

**Assembly Bill 414**

Relating to establishing a grant program in the department of health and social services to fund devices to prevent accidental puncture in health care settings, requiring health care providers to dispose of, in specific ways, certain devices used in health care settings, granting rule-making authority and making an appropriation.

By Representatives Carpenter, Notestein, Rosenzweig, Bock, Urban, Robson, Clarenbach, Krug, Van Gorden, Potter, Hamilton, S. Coggs, Baldus, Medinger, Boyle, Grobschmidt, Fortis, Turner, Schneiders, Lautenschlager, Young, Krusick, Silbaugh and Black, cosponsored by Senators Plewa, Andrea, Burke, Breske, Potter, Barrett, Buettner and Czarnecki.

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

**Assembly Bill 434**

Relating to representation on the joint survey committee on retirement systems, the retirement research committee and the employe trust funds board and making an appropriation.

By Representatives Grobschmidt, Antaramian, Duff, Radtke, Carpenter, Holschbach, Black, Roberts, Fortis, Stower, Bock, Underheim, S. Coggs, Musser, Turner, Silbaugh, Hamilton, Bolle, Zweck, Van Dreel, Gruszynski, Lorge, Coleman, Vanderperren, Barca and Robson, cosponsored by Senators Andrea, Jauch, Burke, Buettner, Feingold, Kreul, Rude and Petak.

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

**Assembly Bill 435**

Relating to disclosure of defects in residences before transfer.

By Representatives Potter, Porter, Van Dreel, Clarenbach, Radtke, Darling, Van Gorden, Prosser, Notestein, Rosenzweig, Barca, Johnsrud, Goetsch, Hasenohrl, Boyle and Roberts, cosponsored by Senators Ulichny, Plewa, Helbach, Rude, Kreul, Berndt, Breske, Ellis and Farrow.

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

**Assembly Bill 599**

Relating to the regulation of real estate appraisers and granting rule-making authority.

By Representatives Potter, Wineke, Ladwig, Darling, Hubler, Welch, Antaramian, Reynolds, Lorge and Plache, cosponsored by Senator Plewa.

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

**Assembly Joint Resolution 90**

Relating to the life and public service of Robert Huber.

By Representative Kunicki.

Senator Risser, with unanimous consent, asked that he be listed as a co-sponsor of **Assembly Joint Resolution 90**

Read.

Considered as privileged and taken up.

Concurred in by unanimous rising vote.

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SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS

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**Senate Bill 167**

Relating to accommodating a student's religious beliefs and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

**Senate Bill 167**

Read a third time and passed.

**Senate Bill 217**

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

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 217** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 217** be withdrawn from the joint committee on Finance and taken up.

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 217**

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

Noes — None.

Absent or not voting — None.

Passed.

**Senate Bill 238**

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

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 238** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 238** 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 Chvala, with unanimous consent, asked that Senate substitute amendment 1 be laid on the table.

The question was: Adoption of Senate substitute amendment 2?

Senator Buettner, with unanimous consent, asked that the Senate recess until 12:05 P.M..

11:38 A.M.

RECESS

12:05 P.M.

The Senate reconvened.

The question was: Adoption of Senate substitute amendment 2?

Senator Chvala, with unanimous consent, asked that **Senate Bill 238** be placed after **Assembly Bill 428**.

SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS

**Assembly Bill 428**

Relating to permitting trust company banks to establish branch offices.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator George, with unanimous consent, asked that **Assembly Bill 428** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Assembly Bill 428** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator George, with unanimous consent, asked that **Assembly Bill 428** be placed after **Assembly Bill 581**.

**Senate Bill 238**

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

Read a second time.

The question was: Adoption of Senate substitute amendment 2?

Senator Chvala, with unanimous consent, asked that **Senate Bill 238** be placed after **Assembly Bill 428**.

**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.

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 581**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; 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, Leca, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Ulichny, Van Sistine and Weeden — 31.

Noes — Senators Lasee and Stitt — 2.

Absent or not voting — None.

Concurred in.

#### Assembly Bill 428

Relating to permitting trust company banks to establish branch offices.

Read a second time.

The question was: Adoption of Senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Breske, Buettner, Burke, Chvala, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Leca, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Ulichny and Van Sistine — 27.

Noes — Senators Berndt, Cowles, Lasee, Schultz, Stitt and Weeden — 6.

Absent or not voting — None.

Adopted.

Ordered to a third reading.

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

#### Assembly Bill 428

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

Noes — None.

Absent or not voting — None.

Concurred in as amended.

#### Senate Bill 238

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

Read a second time.

The question was: Adoption of Senate substitute amendment 2?

Senator Helbach, with unanimous consent, asked that **Senate Joint Resolution 58** be withdrawn from committee on Housing, Government Operations and Cultural Affairs and taken up.

#### 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.

Read.

Adopted.

Senator Helbach, with unanimous consent, asked that **Senate Joint Resolution 60** be withdrawn from committee on Senate Rules and taken up.

#### Senate Joint Resolution 60

Relating to remembering the casualties of the attack on Pearl Harbor.

Read.

Adopted.

Senator Helbach, with unanimous consent, asked that **Senate Bill 349** be withdrawn from committee on Judiciary and Consumer Affairs and be referred to committee on Senate Organization.

#### Senate Bill 238

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

Read a second time.

The question was: Adoption of Senate substitute amendment 2?

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 238** offered by Senator Buettner.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 2?

Senator Chvala moved rejection of Senate amendment 1 to Senate substitute amendment 2.

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The question was: Rejection of Senate amendment 1 to Senate substitute amendment 2?

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

Ayes — Senators Adelman, Barrett, Burke, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Moen, Plewa, Risser, Ulichny and Van Sistine — 14.

Noes — Senators Andrea, Berndt, Breske, Buettner, Cowles, Decker, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Potter, Roshell, Rude, Schultz, Stitt and Weeden — 19.

Absent or not voting — None.

Rejection refused.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 2?

Adopted.

The question was: Adoption of Senate substitute amendment 2?

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 238**

Read a third time.

The ayes and noes were required and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Barrett, Buettner, Burke, Chvala, Czarnezki, Feingold, George, Helbach, Moen, Plewa, Risser and Ulichny — 13.

Noes — Senators Andrea, Berndt, Breske, Cowles, Decker, Ellis, Farrow, Huelsman, Jauch, Lasee, Lekan, Lorman, Petak, Potter, Roshell, Rude, Schultz, Stitt, Van Sistine and Weeden — 20.

Absent or not voting — None.

Passage refused.

ANNOUNCEMENTS

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

Senator Helbach, with unanimous consent, asked that when the Senate adjourns today it do so in memory of Owen Gromme.

Senator Jauch, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Pavel Bogdanov Balerevich a Russian student attending Shell Lake High School.

ADJOURNMENT

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 9:00 A.M. Thursday, October 31.

12:38 P.M.

AMENDMENTS OFFERED

Senate substitute amendment 1 to Senate Bill 272 offered by Senator Helbach.

CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 286.**

Correctly enrolled and presented to the Governor on October 25, 1991.

CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 270.**

**Senate Bill 271.**

**Senate Bill 327.**

**Senate Bill 328.**

**Senate Bill 329.**

**Senate Bill 330.**

**Senate Bill 331.**

**Senate Bill 332.**

Correctly enrolled and presented to the Governor on October 29, 1991.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 238**

Senate Substitute Amendment 1

1. Page 5, line 20: substitute "holds" for "hold".

**Senate Bill 354**

1. Page 5, line 20: delete the first comma.