

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

9:00 A.M.

Thursday, October 31, 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, Lasee, Leean, 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 Father Jim Dammeir of Holy Angels Congregation in Milwaukee.

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

Senator Roshell, with unanimous consent, asked that the Senate recess until 10:24 A.M..

9:26 A.M.

RECESS

10:24 A.M.

The Senate reconvened.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 364

Relating to the tax on property leased to air carriers.

By Senators Farrow, Decker, Lorman, Huelsman and Breske; cosponsored by Representatives Huber, Plache, Medinger, Hamilton, Ainsworth, Kaufert and Holschbach.

To Joint Survey committee on Tax Exemptions.

COMMITTEE REPORTS

The joint committee on Finance 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 2:

Ayes, 9 -- Senators George, Chvala, Czarnezki and Jauch; Representatives Linton, Wineke, M. Coggs, Holperin and Hubler;

Noes, 6 -- Senators Roshell, Andrea, Leean and Weeden; Representatives Antaramian and Brancel.

Passage as amended:

Ayes, 8 -- Senators George, Chvala, Czarnezki and Jauch; Representatives Wineke, M. Coggs, Holperin and Antaramian;

Noes, 7 -- Senators Roshell, Andrea, Leean and Weeden; Representatives Linton, Hubler and Brancel.

Senate Bill 156

An act relating to supplementing funding for a 24-hour telephone service operated at a domestic abuse shelter and making an appropriation.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 13 -- Senators George, Roshell, Chvala, Andrea, Czarnezki and Jauch; Representatives Linton, Wineke, M. Coggs, Holperin, Hubler, Antaramian and Panzer;

Noes, 3 -- Senator Leean and Weeden; Representative Brancel.

Passage as amended:

Ayes, 13 -- Senators George, Roshell, Chvala, Andrea, Czarnezki and Jauch; Representatives Linton, Wineke, M. Coggs, Holperin, Hubler, Antaramian and Panzer;

Noes, 3 -- Senators Leean and Weeden; Representative Brancel.

Senate Bill 255

Relating to veterans preference in state and local employment and affirmative action in state employment.

Introduction and adoption of Senate amendment 1:

Ayes, 16 -- Senators George, Roshell, Chvala, Andrea, Czarnezki, Jauch, Leean and Weeden; Representatives Linton, Wineke, M. Coggs, Holperin, Hubler, Antaramian, Panzer and Brancel;

Noes, 0 -- None.

Passage as amended:

Ayes, 16 -- Senators George, Roshell, Chvala, Andrea, Czarnezki, Jauch, Leean and Weeden; Representatives Linton, Wineke, M.

Coggs, Holperin, Hubler, Antaramian,
Panzer and Brancel;

Noes, 0 -- None.

Senate Bill 287

Relating to various changes in the unemployment compensation law and treatment of unemployment compensation claims in probate proceedings, granting rule-making authority and providing a penalty.

Passage:

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

Noes, 0 -- None.

Gary R. George
Co-chair

Barbara J. Linton
Co-chair

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

Senate Bill 90

Relating to maintenance of voting statistics in cities having a population of at least 87,000 but not more than 150,000.

Passage:

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

Noes, 0 -- None.

Senate Bill 273

Relating to determining a municipality's eligibility for a tax rate disparity payment.

Introduction of Senate substitute amendment 1:

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

Noes, 0 -- None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1:

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

Noes, 0 -- None.

Adoption of Senate substitute amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Assembly Bill 320

Relating to collective bargaining units consisting of supervisors.

Concurrence and without recommendation:

Ayes, 3 -- Senators Burke, Chvala and Decker;

Noes, 3 -- Senators Adelman, Stitt and Cowles.

Brian Burke
Chair

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

Assembly Bill 299

Relating to reimbursement for costs incurred because of discharges from petroleum product storage tanks and an inventory of petroleum product storage tanks.

Introduction of Senate substitute amendment 1:

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

Noes, 0 -- None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1:

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

Noes, 0 -- None.

Adoption of Senate substitute amendment 1:

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

Noes, 0 -- None.

Concurrence as amended:

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

Noes, 0 -- None.

Senate Bill 304

Relating to removing the income limits on grants to veterans for the costs of correspondence courses and part-time classroom study.

Passage:

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

Noes, 0 -- None.

Assembly Joint Resolution 77

Relating to proclaiming 'Women Veterans Week'.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 387

Relating to granting veterans a leave of absence on Memorial day.

Concurrence:

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

Noes, 0 -- None.

SAARI, JAMES, of Hurley, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1994.

Confirmation:

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

Noes, 0 -- None.

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KAPUSTA, JOE, of Antigo, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1994.

Confirmation:

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

Noes, 0 -- None.

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.

Passage:

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

Noes, 0 -- None.

Jerome Van Sistine
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Council

October 29, 1991

To the Honorable the Legislature:

I am pleased to transmit to you the following reports to the 1991 Legislature on legislation introduced by the Legislative Council:

RL 91-10 -- Legislation on Urban Rivers (1991 Assembly Bill 528)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, One East Main, Suite 401.

Sincerely,
Dave Stute
Director

State of Wisconsin
Department of Health and Social Services

October 1991

To the Honorable the Legislature:

Pursuant to the requirements of section 153.10(1), Wis. Stats., I am pleased to submit to the Governor and to the Legislature the quarterly *Health Care Data Report*. This report is based on hospital inpatient discharge data reported to the Office of Health Care Information by all operating general medical-surgical and specialty hospitals in Wisconsin for the first quarter of 1991 (*January - March*). It also contains selected outpatient surgery utilization and charge data from general medical-surgical hospitals and freestanding ambulatory surgery centers in Wisconsin during the same quarter.

This report fulfills the statutory requirement to report "in a manner that permits comparisons among

hospitals ... the charges for up to 100 health care services or diagnostic-related groups selected by the office.

I wish to express my appreciation to all Wisconsin hospitals that were part of the reporting process. Please contact OHCI if you or your staff would like additional copies of this report, or have any questions.

Sincerely,
David J. W. Klauser, Director
Office of Health Care Information

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 90-190

Relating to unprofessional conduct and continuing education requirements for veterinarians and animal technicians to the use, handling, distribution and disposal of pesticides.

Submitted by Department of Regulation and Licensing.

Report received from agency, October 30, 1991.

Referred to committee on Agriculture, Corrections, Health and Human Services, October 31, 1991.

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

Senate Clearinghouse Rule 91-61

Relating to criteria for the review and approval of applications for underrepresented minority group pupil precollege scholarships.

No action taken.

Senate Clearinghouse Rule 91-113

Relating to the volume cap on private activity bonds.
No action taken.

Barbara Ulichny
Chair

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

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

Assembly Bill 125
Assembly Bill 379
Assembly Bill 432
Assembly Bill 563
Assembly Bill 648
Assembly Bill 211

Concurred in:

Senate Joint Resolution 48
Senate Bill 123

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 125

Relating to the regulation of social workers, marriage and family therapists and professional counselors, creating an examining board of social workers, marriage and family therapists and professional counselors, requiring insurance coverage of services performed by an independent clinical social worker, marriage and family therapist or professional counselor, a patient's privilege in a court proceeding to refuse to disclose communications made during or information obtained from a diagnosis or treatment of the patient's condition by certain health or mental health professionals, granting rule-making authority and providing penalties.

By Representatives Clarenbach, Notestein, Fortis, Carpenter, Rohan, Stower, Swoboda, Rosenzweig, Hamilton, Urban, Ourada, Musser, Zien, Hinkfuss, Bell, M. Coggs, Robson, Grobschmidt, Vanderperren, Medinger, Van Dreel, Baldus, Holperin, Wineke, Krusick, Roberts, Plache, Bock, Boyle, Gruszynski, Klusman, Hasenohrl, Hisrich and Turner, cosponsored by Senators Burke, Feingold, Kreul, Lorman, Huelsman, George, Jauch and Chvala.

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

Assembly Bill 379

Relating to various changes affecting the Wisconsin retirement system and group insurance and other benefit plans for public employes and granting rule-making authority.

By Representatives Grobschmidt, Antaramian and Duff, cosponsored by Senators Jauch and Andrea.

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

Assembly Bill 432

Relating to permitting certain hospitals to provide staff privileges to certain psychologists.

By Representatives Notestein, Robson, Carpenter, Swoboda, Krug, Moore, Goetsch, Silbaugh, Musser, Travis, Hinkfuss, Wood, Loucks, Medinger, Rosenzweig, Fortis, Hisrich, Hamilton, Darling, Hauke, Baldus and Potter, cosponsored by Senators Chvala, Ulichny, Risser, Huelsman, Helbach, Jauch, Rude and Berndt.

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

Assembly Bill 563

Relating to the lower Wisconsin state riverway, granting rule-making authority and providing an exemption from and extending the time limit for emergency rule procedures.

By Representatives Black, Travis, Schultz, Johnsrud, Brandemuehl and Freese, cosponsored by Senator Rude, by request of Lower Wisconsin State Riverway Board.

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

Assembly Bill 648

An act relating to an authorized staff position for the lower Wisconsin state riverway board.

By Representative Black, cosponsored by Senator Chvala.

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

Assembly Bill 211

Relating to referendum ballot form.

By Representatives Huber, Zweck, Holschbach, Schwartz, Roberts, Reynolds, Grobschmidt, Hasenohrl, Vander Loop, Bock, Stower, Robson, Plache, Baldus, Bolle, Lautenschlager, Travis, Van Dreel, Krug, Swoboda, Notestein, Moore, M. Coggs, Vanderperren, Hamilton, Rohan, Ladwig, Lorge, Schultz and Ainsworth, cosponsored by Senators Moen, Breske, Potter, Lorman and Farrow.

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

CALENDAR OF OCTOBER 31, 1991

Senate Bill 155

Relating to restrictions on the location of cigarette vending machines, ordinances that regulate cigarette vending machines and restrictions on the possession of cigarettes by children.

Read.

The question was: Concurrence of Assembly amendment 2?

Concurred in.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 299** be withdrawn from committee on Senate Rules and taken up.

Assembly Bill 299

Relating to reimbursement for costs incurred because of discharges from petroleum product storage tanks and an inventory of petroleum product storage tanks.

Read a second time.

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

Adopted.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third.

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 299

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, 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.

Concurred in as amended.

Senator Helbach, with unanimous consent, asked that **Senate Bill 273** be withdrawn from committee on Senate Rules and taken up.

Senate Bill 273

Relating to determining a municipality's eligibility for a tax rate disparity payment.

Read a second time.

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

Senator Helbach, with unanimous consent, asked that **Senate Bill 273** be placed at the foot of the calendar.

Senator Helbach, with unanimous consent, asked that **Senate Bill 304** be withdrawn from committee on Senate Rules and taken up.

Senate Bill 304

Relating to removing the income limits on grants to veterans for the costs of correspondence courses and part-time classroom study.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 304** be referred to joint committee on Finance.

Senator Helbach, with unanimous consent, asked that **Senate Bill 287** be withdrawn from committee on Senate Rules and taken up.

Senate Bill 287

Relating to various changes in the unemployment compensation law and treatment of unemployment compensation claims in probate proceedings, granting rule-making authority and providing a penalty.

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 287

Read a third time.

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

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Ulichny, Van Sistine and Weeden — 27.

Noes — Senators Ellis, Farrow, Huelsman, Lasee, Lekan and Stitt — 6.

Absent or not voting — None.

Passed.

Senator Helbach, with unanimous consent, asked that **Senate Bill 240** be placed at the foot of the calendar.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

CALENDAR OF OCTOBER 31, 1991

Senate Bill 184

Relating to overtime worked by employes of health care facilities and providing penalties.

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 184

Read a third time.

Senator George, with unanimous consent, asked that **Senate Bill 184** be referred to joint committee on Finance.

Senate Bill 272

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

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 272** be referred to joint committee on Finance.

Senate Bill 291

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

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 291** be referred to joint committee on Finance.

Senate Bill 296

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

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 296

Read a third time and passed.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 84

Relating to proclaiming 'Red Ribbon Week'.

Read.

Concurred in.

Assembly Bill 578

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

Read a second time.

Senate amendment 1 to **Assembly Bill 578** offered by Senator Breske.

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

Senate amendments 2 and 3 to **Assembly Bill 578** offered by Senators Rude, Breske and Schultz.

The question was: Adoption of Senate amendment 2?
Adopted.

The question was: Adoption of Senate amendment 3?
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 578

Read a third time and concurred in as amended.

Senate Bill 273

Relating to determining a municipality's eligibility for a tax rate disparity payment.

Read a second time.

Senator Helbach, with unanimous consent, asked that **Senate Bill 273** be placed at the foot of the calendar.

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

Senate Bill 240

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

Read a second time.

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

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

Senate substitute amendment 2 to **Senate Bill 240** offered by Senator Decker.

The question was: Adoption of Senate substitute amendment 2?

Senator Stitt moved rejection of Senate substitute amendment 2.

The question was: Rejection of Senate substitute amendment 2?

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

Ayes — Senators Andrea, Berndt, Breske, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasec, Lekan, Lorman, Petak, Roshell, Rude, Schultz, Stitt, Ulichny and Weeden — 18.

Noes — Senators Adelman, Barrett, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser and Van Sistine — 15.

Absent or not voting — None.

Rejected.

Senate substitute amendment 3 to **Senate Bill 240** offered by Senators Stitt and Cowles.

The question was: Adoption of Senate substitute amendment 3?

Senator Helbach, with unanimous consent, asked that the Senate recess until 11:51 A.M..

11:32 A.M.

RECESS

11:51 A.M.

The Senate reconvened.

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The question was: Adoption of Senate substitute amendment 3?

Senate Helbach, with unanimous consent, asked that **Senate Bill 240** be made a special order of business for 10:00 A.M., Tuesday, November 5.

Senator Stitt objected.

Senate Helbach, with unanimous consent, asked that **Senate Bill 240** be referred to the committee on Senate Rules.

Senator Stitt objected.

Senate Helbach moved that **Senate Bill 240** be referred to the committee on Senate Rules.

Senate Helbach, with unanimous consent, asked that his motion to refer **Senate Bill 240** to the committee on Senate Rules be withdrawn.

Senate Helbach moved that **Senate Bill 240** be laid on the table.

The question was: Shall **Senate Bill 240** be laid on the table?

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, Breske, Burke, Chvala, Czarnezki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 19.

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

Absent or not voting — None.

Tabled.

Senate Bill 273

Relating to determining a municipality's eligibility for a tax rate disparity payment.

Read a second time.

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

Adopted.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

Senate Bill 273

Read a third time and passed.

MOTIONS

Senator Andrea moved that the vote by which the Senate failed to pass **Senate Bill 238** be reconsidered.

Senator Chvala, with unanimous consent, asked that the motion to reconsider the vote by which the Senate failed to pass **Senate Bill 238** be laid on the table.

ANNOUNCEMENTS

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

ADJOURNMENT

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Friday, November 1.

12:00 P.M.

AMENDMENTS OFFERED

Senate substitute amendment 4 to **Senate Bill 240** offered by Senators Ellis and Breske.