

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Wednesday, November 6, 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, Lekan, 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 a moment of silent meditation.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 62

Relating to requesting the legislative council to study farm safety.

By Senators Lorman, Lasee, Schultz and Berndt; cosponsored by Representatives Stower, Lehman, Brandemuehl, Hasenohrl, Freese, Urban, Boyle, Gruszynski, Klusman, Goetsch, Lautenschlager and Radtke.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 373

Relating to the financial responsibility of persons who perform on one- and 2-family dwellings work for which a building permit is required, creating a contractor financial responsibility council, granting rule-making authority, providing penalties and making an appropriation.

By Senators Helbach, Berndt, Risser, Schultz, Rude, Weeden, Farrow, Lekan, Roshell, Decker and Barrett; cosponsored by Representatives Swoboda, Schneider, Potter, Darling, Hamilton, Urban, Ott, Duff, Hasenohrl, Silbaugh and Johnsrud.

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

Senate Bill 374

Relating to eligibility for civil service veterans' preference points (suggested as remedial legislation by the department of employment relations).

By Law Revision Committee.

To committee on Housing, Government Operations and Cultural Affairs.

Senate Bill 375

Relating to: uninsured health plans that provide coverage for persons who are eligible for medical assistance; revisions in health care liability insurance and patients compensation fund requirements; discontinuing the list in the statutes of insurance provisions that apply to health care plans; and summary suspension of an insurance marketing intermediary's license (suggested as remedial legislation by the office of the commissioner of insurance).

By Law Revision Committee.

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

Senate Bill 376

Relating to telephone information services and providing penalties.

By Senators Barrett, Chvala, Burke, Farrow, Moen and Breske; cosponsored by Representatives Van Dreel, Seery, Black, Schneider, Hough, Young, Carpenter, Fortis, Hahn, Wood, Goetsch, Robson, Huber, Hamilton, Urban, Medinger, Schneiders, Boyle, Krusick, Hisrich, Baldus, Potter, Hasenohrl, Moore, Gruszynski, Barca, Stower, Darling, Rohan, Kaufert, Bock and Gronemus.

To committee on Transportation and Utilities.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Joint Resolution 81

Relating to proclaiming a Bill of Rights Week.

Concurrence:

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

Noes, 0 -- None.

Senate Bill 226

Relating to drug paraphernalia.

Introduction and adoption of Senate substitute amendment 1:

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

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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 Agriculture, Corrections, Health
and Human Services reports and recommends:

Senate Bill 248

Relating to certification requirements for physician's
assistants and granting rule-making authority.

Introduction and adoption of Senate substitute
amendment 1:

Ayes, 8 -- Senators Moen, Feingold, Jauch, Barrett,
Breske, Berndt, Lorman and Schultz;

Noes, 1 -- Senator Decker.

Passage as amended:

Ayes, 8 -- Senators Moen, Feingold, Jauch, Barrett,
Breske, Berndt, Lorman and Schultz;

Noes, 1 -- Senator Decker.

Senate Bill 269

Relating to the practice of nursing under the direction
of a nonresident physician, podiatrist or dentist under
certain circumstances.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Rodney C. Moen
Chair

The committee on Transportation and Utilities
reports and recommends:

Assembly Bill 128

Relating to the operation of special interest vehicles
during the first 3 months of a calendar year.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 496

Relating to the use of radios and other sound-
producing devices by motor vehicle operators.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

Concurrence as amended:

Ayes, 7 -- Senators Barrett, Roshell, Moen,
Andrea, Ulichny, Breske and Farrow;

Noes, 1 -- Senator Lasee.

Thomas Barrett
Chair

SENATE CLEARINGHOUSE ORDERS

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

Senate Clearinghouse Rule 91-52

Relating to approved forms for use by brokers, real
estate trust accounts and the disclosure of adverse facts.

No action taken.

Senate Clearinghouse Rule 91-55

Relating to examinations and continuing education
requirements for real estate brokers and salespersons.

No action taken.

John R. Plewa
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 180

**MESSAGE FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 180

Relating to requiring consent for an unemancipated
minor's abortion, informed consent of a woman to her
own abortion, granting rule-making authority and
providing a penalty.

By Representatives Grobschmidt, Welch, Medinger,
Brancel, Wood, Prosser, Hauke, Radtke, Freese, Zien,
Hamilton, Schneiders, Lorge, Holschbach, Ourada, Van
Gorden, Swoboda, Underheim, Urban, Bolle, Turba,
Vergeront, Vanderperren, Brandemuehl, Foti, Stower,
Ott, Rosenzweig, Williams, Loucks, Gard, Van Dreef,
Johnsrud, Porter, Baldus, Harsdorf, Hahn, Hasenohrl,
Duff, Silbaugh, Baumgart, Coleman, Lehman, Musser,
Nass, Ladwig, Goetsch, Kaufert, Ainsworth, Schultz
and Vander Loop, cosponsored by Senators Roshell,
Lasee, Plewa, Breske, Andrea, Rude, Van Sistine, Ellis,
Potter, Kreul, Leean, Weeden, Farrow, Buettner,
Berndt, Petak and Cowles.

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

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CALENDAR OF NOVEMBER 6, 1991

Senate Bill 143

Relating to regulating the use of supplemental bovine somatotropin, the sale or distribution of products from any cow that is administered supplemental bovine somatotropin, granting rule-making authority and providing an exemption from emergency rule procedures.

Read.

The question was: Concurrence in Assembly amendment 8?

Senator Farrow, with unanimous consent, asked that the Senate recess until 10:49 A.M.

10:08 A.M.

RECESS

10:49 A.M.

The Senate reconvened.

The question was: Concurrence in Assembly amendment 8?

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, Breske, Buettner, Burke, Chvala, Czarnezki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Rude, and Schultz -- 19.

Noes -- Senators Andrea, Berndt, Cowles, Ellis, Farrow, Huelsman, Lasee, Leman, Lorman, Petak, Stitt, Ulichny, Van Sistine and Weeden -- 14.

Absent or not voting -- None.

Concurred in.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS
SENATE BILLS

Senate Bill 1

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

Read a second time.

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 1 offered by Senator Potter.

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

Senator Helbach, with unanimous consent, asked that

Senate Bill 1 be placed at the foot of the calendar.

Senate Bill 130

Relating to the coverage of the clean indoor air law.
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 rules be suspended and senate the bill be considered for final action at this time.

Senate Bill 130

Read a third time.

Senator Lorman, with unanimous consent, asked that Senate Bill 130 be referred to a second reading.

Read a second time.

CHAIR

10:59 A.M.

Senator Adelman in the Chair.

Senate amendment 2 to Senate substitute amendment 1 to Senate Bill 130 offered by Senator Lorman.

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

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

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

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

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

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Barrett, Berndt, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Moen, Petak, Plewa, Potter, Risser, Stitt, Ulichny, Van Sistine and Weeden -- 24.

Noes -- Senators Andrea, Breske, Ellis, Farrow, Leman, Lorman, Roshell, Rude and Schultz -- 9.

Absent or not voting -- None.

Rejected.

Senate amendment 3 to Senate substitute amendment 1 to Senate Bill 130 offered by Senator Berndt.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1?

Senator Risser moved rejection of Senate amendment 3 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1?

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

Ayes — Senators Adelman, Barrett, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Feingold, George, Helbach, Lasee, Moen, Petak, Plewa, Potter, Risser, Ulichny and Van Sistine — 20.

Noes — Senators Andrea, Berndt, Ellis, Farrow, Huelsman, Jauch, Lekan, Lorman, Roshell, Rude, Schultz, Stitt and Weeden — 13.

Absent or not voting — None.

Rejected.

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 130

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Lekan, Moen, Petak, Plewa, Potter, Risser, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden — 30.

Noes — Senators Andrea, Lorman and Roshell — 3.

Absent or not voting — None.

Passed.

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.

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

Senate Bill 250

Relating to providing for the continued accrual of retirement benefits under the Wisconsin retirement system for university of Wisconsin system faculty on sabbatical leave.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 250** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 250** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of Senate substitute 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 250

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 269

Relating to the practice of nursing under the direction of a nonresident physician, podiatrist or dentist under certain circumstances.

Read a second time.

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

Senate amendment 2 to **Senate Bill 269** offered by Senators Moen and Rude.

The question was: Adoption of Senate amendment 2? 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 269

Read a third time and passed.

Senate Bill 281

Relating to the preparation and adoption of a model livestock exclusion ordinance, the management of priority watersheds, issuance of orders related to

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nonpoint source pollution, establishing performance standards for drainage districts and the organization and management of drainage districts, construction site erosion control, creating a vehicle title and title transfer fee and highway salt tax to finance nonpoint source pollution abatement, granting bonding authority, granting rule-making authority, providing an exemption from rule-making procedures, providing penalties and making appropriations.

Read a second time.

—————
CHAIR

11:45 A.M.

Senator Risser in the Chair.

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

Senator Helbach, with unanimous consent, asked that the Senate recess until 1:31 P.M.

11:49 A.M.

—————
RECESS

1:31 P.M.

The Senate reconvened.

Senator Helbach, with unanimous consent, asked that the Senate recess until 2:03 P.M..

1:32 P.M.

—————
RECESS

2:03 P.M.

The Senate reconvened.

QUORUM CALL

Senator Helbach called the attention of the Chair to the possible lack of a quorum.

The roll was called and the following Senators answered to their names:

Present — Senators Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Lasec, Lekan, Lorman, Moen, Petak, Potter, Risser,

Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden — 29.

Absent — Senators Adelman, Jauch, Plewa and Roshell — 4.

Absent with leave — None.

Senate Bill 281

Relating to the preparation and adoption of a model livestock exclusion ordinance, the management of priority watersheds, issuance of orders related to nonpoint source pollution, establishing performance standards for drainage districts and the organization and management of drainage districts, construction site erosion control, creating a vehicle title and title transfer fee and highway salt tax to finance nonpoint source pollution abatement, granting bonding authority, granting rule-making authority, providing an exemption from rule-making procedures, providing penalties and making appropriations.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator Farrow, with unanimous consent, asked that the Senate recess until 2:46 P.M..

2:08 P.M.

—————
RECESS

2:46 P.M.

The Senate reconvened.

Senate amendment 1 to Senate substitute amendment 1 to Senate Bill 281 offered by Senators Lekan, Roshell, Huelsman and Petak.

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

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to Senate Bill 281 offered by Senators Lekan and Roshell.

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

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

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

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Burke, Chvala, Czarnezki, Decker, Feingold, George, Helbach, Moen, Plewa, Potter, Risser, Ulichny and Van Sistine — 16.

Noes — Senators Berndt, Breske, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Petak, Roshell, Rude, Schultz, Stitt and Weeden — 16.

Absent or not voting — Senator Jauch — 1.

Rejection refused.

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

Senator Chvala moved that Senate amendment 2 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; 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, Ulichny and Van Sistine — 18.

Noes — Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Petak, Roshell, Rude, Schultz, Stitt and Weeden — 15.

Absent or not voting — None.

Tabled.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 281** offered by Senators Llean, Roshell and Schultz.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1?

Senator Chvala moved rejection of Senate amendment 3 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; 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, Ulichny and Van Sistine — 18.

Noes — Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Petak, Roshell, Rude, Schultz, Stitt and Weeden — 15.

Absent or not voting — None.

Rejected.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 281** offered by Senator Stitt.

The question was: Adoption of Senate amendment 4 to Senate substitute amendment 1?

Senator Chvala moved rejection of Senate amendment 4 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 4 to Senate substitute amendment 1?

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

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

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

Absent or not voting — None.

Rejected.

Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 281** offered by Senator Farrow.

The question was: Adoption of Senate amendment 5 to Senate substitute amendment 1?

Senator Chvala moved rejection of Senate amendment 5 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 5 to Senate substitute amendment 1?

Rejected.

Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 281** offered by Senators Schultz and Berndt.

The question was: Adoption of Senate amendment 6 to Senate substitute amendment 1?

Senator Chvala moved rejection of Senate amendment 6 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 6 to Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

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

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

Absent or not voting — Senator Stitt — 1.

Rejected.

Senate amendment 7 to Senate substitute amendment 1 to Senate Bill 281 offered by Senator Lorman.

The question was: Adoption of Senate amendment 7 to Senate substitute amendment 1?

Senator Chvala moved rejection of Senate amendment 7 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 7 to Senate substitute amendment 1?

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

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

Noes — Senators Berndt, Breske, Buettner, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Roshell, Rude, Schultz, Stitt and Weeden — 15.

Absent or not voting — None.

Rejected.

Senate amendment 8 to Senate substitute amendment 1 to Senate Bill 281 offered by Senators Farrow and Schultz.

The question was: Adoption of Senate amendment 8 to Senate substitute amendment 1?

Senator Chvala moved rejection of Senate amendment 8 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 8 to Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; 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, Ulichny and Van Sistine — 18.

Noes — Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Roshell, Rude, Schultz, Stitt and Weeden — 15.

Absent or not voting — None.

Rejected.

Senate amendment 9 to Senate substitute amendment 1 to Senate Bill 281 offered by Senators Lekan and Roshell.

The question was: Adoption of Senate amendment 9 to Senate substitute amendment 1?

Senator Chvala moved rejection of Senate amendment 9 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 9 to Senate substitute amendment 1?

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

Ayes — Senators Adelman, Andrea, Barrett, Berndt, Breske, Burke, Chvala, Cowles, Czarnezki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Ulichny and Van Sistine — 20.

Noes — Senators Buettner, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Roshell, Rude, Schultz, Stitt and Weeden — 13.

Absent or not voting — None.

Rejected.

Senate amendment 10 to Senate substitute amendment 1 to Senate Bill 281 offered by Senator Farrow.

The question was: Adoption of Senate amendment 10 to Senate substitute amendment 1?

Adopted.

Senate amendment 11 to Senate substitute amendment 1 to Senate Bill 281 offered by Senator Chvala.

The question was: Adoption of Senate amendment 11 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 rules be suspended and that the bill be considered for final action at this time.

Senate Bill 281

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 9; 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, Plewa, Potter, Risser, Rude, Schultz, Ulichny and Van Sistine — 24.

Noes — Senators Ellis, Farrow, Huelsman, Lasee, Lekan, Petak, Roshell, Stitt and Weeden — 9.

Absent or not voting — None.

Passed.

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

COMMITTEE REPORTS

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

Assembly Bill 14

Relating to payees of property tax escrow account disbursements.

Concurrence:

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

Noes, 0 -- None.

Assembly Bill 338

Relating to the date on which a residential mortgage loan borrower must notify an escrow agent regarding property taxes.

Concurrence:

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:

Senate Bill 334

Relating to the garnishment of earnings.

Passage:

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

Noes, 0 -- None.

Assembly Bill 559

Relating to changing certain living will and power of attorney for health care requirements.

Concurrence:

Ayes, 4 -- Senators Adelman, Feingold, Chvala and Buettner;

Noes, 1 -- Senator Stitt.

Lynn S. Adelman
Chair

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

Assembly Bill 535

Relating to emergency response to hazardous substance releases, hazardous substances emergency planning and training, granting rule-making authority and making appropriations.

Concurrence:

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

Noes, 0 -- None.

Brian Burke
Chair

The joint committee on Finance reports and recommends:

Senate Bill 372

Relating to creating an additional court of appeals judgeship in district I in 1992 and increasing the number of circuit court branches in Dane, Walworth and Monroe counties in 1992 and the annual earnings period for judges under the Wisconsin retirement system.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 14 -- Senators George, Roshell, Chvala, Andrea, Czarnecki, Lekan and Weeden; Representatives Linton, Wineke, M. Coggs, Holperin, Hubler, Antaramian and Brancel;

Noes, 0 -- None.

Passage as amended:

Ayes, 11 -- Senators George, Roshell, Chvala, Andrea, Czarnecki, Lekan and Weeden; Representatives Linton, Wineke, Holperin and Antaramian;

Noes, 3 -- Representatives M. Coggs, Hubler and Brancel.

Gary R. George
Co-chair

Barbara J. Linton
Co-chair

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

Assembly Bill 666

Relating to vocational education positions in the department of public instruction and making an appropriation.

Concurrence:

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

Noes, 0 -- None.

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).

Passage:

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

Noes, 0 -- None.

Senate Bill 289

Relating to prohibiting discrimination in public schools on the basis of religion.

Passage:

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

Noes, 0 -- None.

Barbara Ulichny
Chair

REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

**Appendix to Senate Bill 372
Public Policy Involved**

Elected officials commence their term of office on a date specified by law which may be other than a calendar year basis. For judges, their term of office commences on August 1 following election. Accordingly, earnings in the last calendar year of judicial employment would not normally qualify as one of the high years of earnings for purposes of determining the final average earnings. This bill would maximize the earnings actually received by judges for final average salary purposes.

One policy question that could be raised by this legislation is the precedent that it may set for other subgroups of WRS participants who normally commence employment or regularly receive salary increases on a basis other than a calendar year. This change for judges would require additional administrative costs and procedures by the WRS, and such costs could become substantial if special earnings periods were applied to other subgroups of employees. One possible alternative might be to determine judicial

earnings on a fiscal year basis which is now applied to teachers--administrative procedures now used for about one-third of the WRS membership.

Recommendation

The Joint Survey Committee on Retirement Systems recommends that the retirement provisions in this legislation be deleted for further study by the consulting actuary and by the retirement committees.

Senator Jauch Representative Grobschmidt
Co-chair Co-chair

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

Senator Helbach, with unanimous consent, asked that **Senate Bill 372** be withdrawn from committee on Senate Rules and taken up.

Senate Bill 372

Relating to creating an additional court of appeals judgeship in district I in 1992 and increasing the number of circuit court branches in Dane, Walworth and Monroe counties in 1992 and the annual earnings period for judges under the Wisconsin retirement system.

Read a second time.

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 372

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Stitt, Ulichny, Van Sistine and Weeden -- 31.

Noes -- Senator Lasee -- 1.

Absent or not voting -- Senator Jauch -- 1.

Passed.

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

Senator Helbach, with unanimous consent, asked that the Senate recess until 4:22 P.M..

4:03 P.M.

RECESS

4:22 P.M.

The Senate reconvened.

Senate Bill 294

Relating to use of blaze orange on trespass signs or markings.

Read a second time.

Ordered to a third reading.

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

Senate Bill 294

Read a third time and passed.

Senate Bill 359

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

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 359** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 359** 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 359

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Barrett, 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 — 32.

Noes — None.

Absent or not voting — Senator Berndt — 1.

Passed.

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

Senate Bill 368

Relating to the method of financing construction of an Olympic ice training center and the method of financing maintenance of the Olympic ice rink.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 368** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 368** 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 368

Read a third time and passed.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 20

Requesting the legislative council to study the correctional system in regard to minority hiring and the feasibility of a family visitation program.

Read.

Concurred in.

Assembly Bill 281

Relating to the length of certain vehicles and combinations of vehicles and granting rule-making authority.

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 281

Read a third time and concurred in.

Assembly Bill 290

Relating to policies governing the administration of drugs to pupils.

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 290

Read a third time and concurred in.

Assembly Bill 344

Relating to the use of a flashing amber light on motorcycle escorts of funeral processions 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.

Assembly Bill 344

Read a third time and concurred in.

Assembly Bill 364

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

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 364

Read a third time.

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

Ayes — Senators Adelman, Andrea, Barrett, Breske, Buettner, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 20.

Noes — Senators Berndt, Cowles, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Petak, Rude, Schultz, Stitt and Weeden — 13.

Absent or not voting — None.

Concurred in.

Assembly Bill 523

Relating to programs of interchange with foreign governments of employes of the state, institutions of higher education or local governments.

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 523

Read a third time and concurred in.

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.

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 563

Read a third time and concurred in.

Assembly Bill 587

Relating to eliminating a department of administration full-time equivalent position.

Read a second time.

Senator George, with unanimous consent, asked that **Assembly Bill 587** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Assembly Bill 587** 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.

Assembly Bill 587

Read a third time and concurred in.

Assembly Bill 599

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

Read a second time.

Senator George, with unanimous consent, asked that **Assembly Bill 599** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Assembly Bill 599** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

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

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

Senate amendment 3 to **Assembly Bill 599** offered by Senator Plewa.

The question was: Adoption of Senate amendment 3?
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.

Assembly Bill 599

Read a third time and concurred in as amended.

Assembly Bill 648

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

Read a second time.

Senator Rude, with unanimous consent, asked that he be listed as a co-sponsor of **Assembly Bill 648**.

Senator George, with unanimous consent, asked that **Assembly Bill 648** be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Assembly Bill 648** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

Senator Schultz, with unanimous consent, asked that he be listed as a co-sponsor of **Assembly Bill 648**.

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 648

Read a third time and concurred in.

Senator Helbach, with unanimous consent, asked that Senator Bill 1 be placed at the foot of the calendar.

Senator Helbach, with unanimous consent, asked that the Senate recess until 4:46 P.M.

4:40 P.M.

RECESS

4:46 P.M.

The Senate reconvened.

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 substitute amendment 3?

Senator Chvala, with unanimous consent, asked that Senate substitute amendment 3 be laid on the table.

Senator Cowles objected.

The question was: Adoption of Senate substitute amendment 3?

Senator Chvala moved that Senate substitute amendment 3 be laid on the table.

The question was: Shall Senate substitute amendment 3 be laid on the table?

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

Ayes -- Senators Adelman, Andrea, Barrett, Breske, Burke, Chvala, Czarnecki, 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.

The question was: Adoption of Senator substitute amendment 4?

Senator Helbach moved that Senate substitute amendment 4 be laid on the table.

The question was: Shall Senate substitute amendment 4 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Berndt, Breske, Burke, Chvala, Cowles, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Stitt, Ulichny, Van Sistine and Weeden -- 23.

Noes -- Senators Buettner, Ellis, Farrow, Huelsman, Lasee, Lekan, Lorman, Petak, Rude and Schultz -- 10.

Absent or not voting -- None.

Tabled.

Senate substitute amendment 5 to Senate Bill 240 offered by Senators Decker, Breske, Helbach and Berndt.

The question was: Adoption of Senate substitute amendment 5?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Czarnecki, Decker, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Ulichny, Van Sistine and Weeden -- 29.

Noes -- Senators Cowles, Ellis, Lasee and Stitt -- 4.

Absent or not voting -- None.

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 240

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Czarnecki, Decker, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lekan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Ulichny, Van Sistine and Weeden -- 29.

Noes -- Senators Cowles, Ellis, Lasee and Stitt -- 4.

Absent or not voting -- None.

Passed.

Senate Bill 1

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

Read a second time.

Senator Van Sistine moved that **Senate Bill 1** be referred to committee on Judiciary and Consumer Affairs.

Senator Van Sistine, with unanimous consent, asked that his motion to refer **Senate Bill 1** be withdrawn.

Senator Van Sistine moved that **Senate Bill 1** be referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

Senator Feingold, with unanimous consent, asked that **Senate Bill 1** be referred to committee on Senate Rules.

So ordered.

ANNOUNCEMENTS

Senator Helbach, with unanimous consent, asked that when the Senate adjourns today it do so in honor of David Ellis.

Senator Ellis, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Senator George Petak's birthday.

Senator Lorman, with unanimous consent, asked that when the Senate adjourns today it do so in memory of Fred McMurray.

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

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, November 7.

5:37 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 180

Assembly Substitute Amendment 2

1. Page 15, line 8: substitute "employs" for "employees".

AMENDMENTS OFFERED

Senate amendments 2, 3 and 4 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Huelsman.

Senate amendment 2 to **Assembly Bill 496** offered by Senator Lasee.