

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Wednesday, May 20, 1992

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, Ulichny, Van Sistine and Weeden — 32.

Absent — Senator Stitt — 1.

Absent with leave — None.

The Senate stood for a moment of silent meditation.

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

COMMITTEE REPORTS

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

McEWEN, JOHN L., of Schofield, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 1996.

Confirmation:

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

Noes, 0 -- None.

MOORE, WILLA JEAN, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1996.

Confirmation:

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

Noes, 0 -- None.

Rodney C. Moen
Chair

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

TOROSIAN, HERMAN, of Madison, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 1997.

Confirmation:

Ayes, 5 -- Senators Plewa, Ulichny, Burke, Rude and Huelsman;

Noes, 0 -- None.

John R. Plewa
Chair

COMMITTEE OF CONFERENCE
on
Assembly Bill 977

The members of the Committee of Conference on Assembly Bill 977 report and recommend, that, by the adoption of this report:

1. Prior Assembly action. The Assembly recedes from its position on 1991 Assembly Bill 977 as affected by the adoption of Assembly amendment 2 to the bill and passed by the Assembly.

2. Action on conference report. The Senate and the Assembly adopt and concur in Conference substitute amendment 1 (LRBs0784/2) to 1991 Assembly Bill 977, which is attached to and made a part of this report.

Senator Moen Representative Barca
Senator Burke Representative Cullen
Senator Huelsman Representative Gard

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 212

Refused to pass notwithstanding the objections of the Governor:

Senate Bill 281
Item 10

Adopted and asks concurrence in:

Assembly Joint Resolution 147
Assembly Joint Resolution 148

Passed and asks concurrence in:

Assembly Bill 1091
Assembly Bill 1092

Concurred in:

Senate Joint Resolution 94
Senate Bill 580

**Senate Bill 581**

Amended and concurred in as amended:

**Senate Bill 209**, Assembly amendment 2

Adopted the Committee on Conference Report on:

**Senate Bill 573.**

MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 147**

Relating to commemorating Doolittle's raid on Japan.

By Representatives Schneider, Grobschmidt, Bolle, Wood, Vander Loop, Turner and Hasenohrl, cosponsored by Senators Van Sistine, Roshell, Moen and Helbach.

Read and referred to committee on Senate Rules.

**Assembly Joint Resolution 148**

Relating to commending Buddy Melges and the America3 crew.

By Representatives Coleman, Porter and Hough, cosponsored by Senators Weeden and Andrea.

Read and referred to committee on Senate Rules.

**Assembly Bill 1091**

An act to repeal, renumber, amend and revise various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting and clarifying references, eliminating unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on Senate Rules.

**Assembly Bill 1092**

An act relating to amending and revising various provisions of the statutes for the purpose of removing or replacing personal pronouns and other language that discriminates on the basis of sex, making other corrections necessary to remove from the statutes terminology that discriminates on the basis of sex and clarifying and modernizing language (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on Senate Rules.

Senator Roshell, with unanimous consent, asked that the Senate recess until 11:26 A.M..

10:16 A.M.

RECESS

11:26 A.M.

The Senate reconvened.

Senator Helbach, with unanimous consent, asked that the appointments of John L. McEwen, Willa Jean Moore and Herman Torosian be withdrawn from committee on Senate Rules and taken up en masse.

McEWEN, JOHN L., of Schofield, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 1996.

Read.

MOORE, WILLA JEAN, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1996.

Read.

TOROSIAN, HERMAN, of Madison, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 1997.

Read.

The question was: Confirmation?

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, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnezki, Decker, Ellis, Farrow, Feingold, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Petak, Plewa, Potter, Risser, Roshell, Rude, Schultz, Ulichny, Van Sistine and Weeden — 32.

Noes — None.

Absent or not voting — Senator Stitt — 1.

Confirmed.

Senator Helbach, with unanimous consent, asked that **Senate Bill 209** be withdrawn from committee on Senate Rules and taken up.

**Senate Bill 209**

Relating to immunity of ski patrol members from civil liability.

Read.

LEAVE OF ABSENCE

Senator Rude, with unanimous consent, asked that Senator Stitt be granted a leave of absence for the balance of today's session.

The question was: Concurrence of Assembly amendment 2?

Concurred in.

Senator Helbach, with unanimous consent, asked that **Senate Bill 573** be withdrawn from committee on Senate Rules and taken up.

**Senate Bill 573**

Relating to aid to families with dependent children payments for individuals who move from other states and suspension of aid to families with dependent children payments because of certain acts and state prison projects in the authorized state building program.

Read.

The question was: Concurrence in the Committee on Conference Report?

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

**Ayes** — Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Helbach, Huelsman, Jauch, Lasee, Lekan, Lorman, Moen, Petak, Plewa, Potter, Roshell, Rude, Schultz, Ulichny and Van Sistine — 28.

**Noes** — Senators Feingold, George, Risser and Weeden — 4.

Absent or not voting — Senator Stitt — 1.

Concurred in.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 977** be withdrawn from committee on Senate Rules and taken up.

**Assembly Bill 977**

Relating to suspension of aid to families with dependent children payments because of certain acts.

Read.

The question was: Adoption of the Committee on Conference Report?

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

**Ayes** — Senators Adelman, Andrea, Barrett, Berndt, Breske, Buettner, Burke, Chvala, Cowles, Czarnecki, Decker, Ellis, Farrow, Helbach, Huelsman, Lasee, Lekan, Lorman, Moen, Petak, Plewa, Potter, Roshell, Rude, Schultz, Ulichny, Van Sistine and Weeden — 28.

**Noes** — Senators Feingold, George, Jauch and Risser — 4.

Absent or not voting — Senator Stitt — 1.

Adopted.

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

Senator Helbach, with unanimous consent, asked that **Assembly Bill 1092** be withdrawn from committee on Senate Rules and taken up.

**Assembly Bill 1092**

An act relating to amending and revising various provisions of the statutes for the purpose of removing or replacing personal pronouns and other language that discriminates on the basis of sex, making other corrections necessary to remove from the statutes terminology that discriminates on the basis of sex and clarifying and modernizing language (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 1092**

Read a third time and concurred in.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 1091** be withdrawn from committee on Senate Rules and taken up.

**Assembly Bill 1091**

An act to repeal, renumber, amend and revise various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting and clarifying references, eliminating unnecessary and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 1091**

Read a third time and concurred in.

Senator Helbach, with unanimous consent, asked that **Assembly Joint Resolution 147** be withdrawn from committee on Senate Rules and taken up.

**Assembly Joint Resolution 147**

Relating to commemorating Doolittle's raid on Japan.

Read.

Senator Helbach, with unanimous consent, asked that all the Senators be made co-sponsors of **Assembly Joint Resolution 147**.

Concurred in.

Senator Helbach, with unanimous consent, asked that **Assembly Joint Resolution 148** be withdrawn from committee on Senate Rules and taken up.

Senator Helbach, with unanimous consent, asked that all the Senators be made co-sponsors of **Assembly Joint Resolution 148**.

**Assembly Joint Resolution 148**

Relating to commending Buddy Melges and the America3 crew.

Read.

Concurred in.

Senator Helbach, with unanimous consent, asked that **Assembly Bill 212** be withdrawn from committee on Senate Rules and taken up.

**Assembly Bill 212**

Relating to the salaries of teachers employed by this state.

Read.

The question was: Shall the bill pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

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

Noes — Senators Berndt, Buettner, Cowles, Ellis, Farrow, Huelsman, Lasee, Leean, Petak, Roshell, Rude, Schultz and Ulichny — 13.

Absent or not voting — Senator Stitt — 1.

Less than two-thirds having voted in the affirmative, the bill was refused passage notwithstanding the objection of the Governor.

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

Senator Helbach, with unanimous consent, asked that the Senate recess until 1:33 P.M..

12:30 P.M.

RECESS

**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 579** offered by Senator Ellis.

1:33 P.M.

The Senate reconvened.

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

**COMMITTEE REPORTS**

In accordance with Joint Rule 81(2), it is moved that the Legislature expand the purpose of the extraordinary session, which began on April 14, 1992, and expand the purpose of Floorperiod VI, to include the purpose of acting upon legislation relating to holding a juvenile in a secure detention facility, the appointment of the policies of secure detention facilities and the incarceration of a child who has committed a traffic or boating violation, and relating to public access to and creation of records of the identities of certain nominees or applicants for certain public offices or positions and creation of a joint committee on information policy. Action by the legislature may be taken during the extraordinary session or during the floorperiod VI scheduled to convene on May 19, 1992.

Senate Organization Committee:

Ayes, 5 -- Senators Risser, Helbach, Chvala, Ellis and Rude;

Noes, 0 -- None.

Assembly Organization Committee:

Ayes, 7 -- Representatives Kunicki, Travis, Notestein, Clarenbach, Barca, Prosser and Radtke;

Noes, 1 -- Representative Welch.

The committee on Senate Organization reports and recommends:

**Senate Bill 582**

Relating to holding a child in a secure detention facility and the incarceration of a child who has committed a traffic or boating violation.

By request of Senator George and Representative Young.

Introduction:

Ayes, 5 -- Senators Risser, Helbach, Chvala, Ellis and Rude;

Noes, 0 -- None.

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

Fred A. Risser  
Chair

The joint committee on Finance reports and recommends:

**Senate Bill 579**

Relating to increasing the lottery credit.

Introduction and adoption of Senate substitute amendment 2:

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

Noes, 1 -- Senator Weeden.

Passage as amended:

Ayes, 14 -- Senators George, Roshell, Chvala, Andrea, Czarnecki, Jauch and Leean;

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Representatives Linton, Wineke, Holperin, Hubler, Antaramian, Panzer and Brancel;  
Noes, 1 -- Senator Weeden.

Gary R. George  
Co-chair

Barbara J. Linton  
Co-chair

Senator Helbach, with unanimous consent, asked that **Senate Bill 579** be withdrawn from committee on Senate Rules and taken up.

**Senate Bill 579**

Relating to increasing the lottery credit.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 579** offered by Senator Ellis.

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

Senator Helbach, with unanimous consent, asked that the Senate recess until 2:12 P.M..

1:50 P.M.

RECESS

2:12 P.M.

The Senate reconvened.

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

Adopted

The question was: Adoption of Senate substitute amendment 1?

Senator Helbach moved rejection of Senate substitute amendment 1.

The question was: Rejection of 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, Breske, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Moen, Plewa, Potter, Risser, Roshell, Ulichny and Van Sistine — 18.

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

Absent or not voting — Senator Stitt — 1.

Rejected.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 579** offered by Senator Feingold.

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

Senator Feingold, with unanimous consent, asked that Senate amendment 1 to Senate substitute amendment 2 be returned to the author.

The question was: Adoption of Senate substitute 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 579**

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Barrett, Breske, Buettner, Burke, Chvala, Czarnecki, Decker, Feingold, George, Helbach, Jauch, Lorean, Moen, Plewa, Potter, Risser, Roshell, Rude, Ulichny and Van Sistine — 22.

Noes — Senators Berndt, Cowles, Ellis, Farrow, Huelsman, Lasee, Lorman, Petak, Schultz and Weeden — 10.

Absent or not voting — Senator Stitt — 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 4:59 P.M..

3:05 P.M.

RECESS

4:59 P.M.

The Senate reconvened.

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

**Senate Bill 582**

Relating to holding a child in a secure detention facility and the incarceration of a child who has committed a traffic or boating violation.

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;

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Noes, 0 -- None.

Rodney C. Moen  
Chair

The committee on Senate Organization reports and recommends:

**Senate Bill 583**

Relating to public access to and creation of records of the identities of certain nominees or applicants for certain public offices or positions.

By request of Senator Adelman.

Introduction:

Ayes, 4 -- Senators Risser, Helbach, Chvala and Rude;

Noes, 1 -- Senator Ellis.

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

Fred A. Risser  
Chair

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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 adopted and asks concurrence in:

**Assembly Joint Resolution 149**

Concurred in:

**Assembly Bill 977, Committee of Conference Report**

Refused to pass:

**Senate Bill 483**  
Item vetoes B-23 and C-4

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MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 149**

Relating to the life of Aaron Bohrod.

By committee on Assembly Organization, by request of Representatives Prosser, Rohan, Clarenbach, Travis, Silbaugh, Kaufert and Rosenzweig and Senators Chvala, Risser and Ellis.

Read and referred to committee on Senate Rules.

Senator Helbach, with unanimous consent, asked that **Assembly Joint Resolution 149** be withdrawn from committee on Senate Rules and taken up.

**Assembly Joint Resolution 149**

Relating to the life of Aaron Bohrod.

Read.

Concurred in.

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

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 2:00 P.M. Thursday, May 21.

5:01 P.M.