

STATE OF WISCONSIN
Senate Journal
Eighty-Seventh Regular Session

THURSDAY, October 17, 1985

10:00 A.M.

The senate met.

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

The senate stood for the prayer which was offered by Pastor Stephen E. Rhoades of Good Shepherd Wesleyan Church, Madison.

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

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

Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 399

Relating to the income and franchise tax deductions for business gifts.

By Senators Lorman, Roshell, McCallum, Engeleiter, Lasee, Leean, Kreul and Ulichny; cosponsored by Representatives Radtke, Schneiders, Plizka, Buettner, Manske, T. Thompson, Schober, Weeden, Merkt and Huelsman.

To Joint Survey committee on Tax Exemptions.

COMMITTEE REPORTS

The committee on Transportation reports and recommends:

Senate Bill 7

Relating to requiring motor vehicle operators and passengers to wear safety belts, granting rule-making authority and providing a penalty.

Adoption of senate substitute amendment 1:

Ayes, 6 -- Senators Otte, Roshell, Moen, Andrea, Kreul and Theno;

Noes, 0 -- None.

Adoption of senate amendment 3 to senate substitute amendment 1:

Ayes, 6 -- Senators Otte, Roshell, Moen, Andrea, Kreul and Theno;

Noes, 0 -- None.

Adoption of senate amendment 4 to senate substitute amendment 1:

Ayes, 5 -- Senators Otte, Roshell, Moen, Andrea and Kreul;

Noes, 1 -- Theno.

Adoption of senate amendment 5 to senate substitute amendment 1:

Ayes, 6 -- Senators Otte, Roshell, Moen, Andrea, Kreul and Theno;

Noes, 0 -- None.

Passage as amended:

Ayes, 3 -- Senators Otte, Kreul and Theno;

Noes, 3 -- Senators Roshell, Moen and Andrea.

Reported without recommendation.

CARL OTTE

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 395

Relating to regulation of membership campgrounds and providing penalties.

Passage:

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

Noes, 0 -- None.

Assembly Bill 309

Relating to requiring periodic judicial review of court orders placing children outside of their own homes.

Concurrence:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Hanaway and Lorman;

Noes, 0 -- None.

LYNN ADELMAN

Chair

The committee on Education and Government Operations reports and recommends:

Assembly Bill 413

Relating to commencement of fall semester classes at the university of Wisconsin system.

Introduction and adoption of senate amendment 1:

Ayes, 7 -- Senators Czarnezki, Adelman, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

Nonconcurrence:

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Ayes, 4 -- Senators Czarnecki, Adelman, Moen and Lorman;

Noes, 3 -- Senators Otte, Davis and Harsdorf.

BINA, ELAINE, of Coon Valley, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1991.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

ELLIOTT, JAMES N., of Milwaukee, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1989.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

FROMSTEIN, DAVID, of Antigo, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1987.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

HASSETT, PAUL E., of Madison, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1991.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

QUADRACCI, BETTY EWENS, of Shorewood, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1989.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

LEYVA, FERDINAND, of Milwaukee, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1989.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

SAUNDERS, PHILIP T., of Brookfield, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1987.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

ORTMAN, PATRICIA, of Ashland, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1987.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

WILSON, ANN, of Kenosha, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1991.

Confirmation:

Ayes, 8 -- Senators Czarnecki, Adelman, Helbach, Moen, Otte, Davis, Harsdorf and Lorman;

Noes, 0 -- None.

JOSEPH J. CZARNECKI

Chair

The committee on Aging, Banking, Commercial Credit and Taxation reports and recommends:

BIDWELL, EVERETT V., of Portage, as a member of the Banking Review Board, to serve for the term ending May 1, 1986.

Confirmation:

Ayes, 10 -- Senators Feingold, Plewa, Helbach, Czarnecki, Kincaid, Moen, Kreul, Lorman, Davis and Chilsen;

Noes, 0 -- None.

RUSS FEINGOLD

Chair

The committee on Senate Organization reports and recommends:

Senate Resolution 8

Relating to further consideration of matters pending in the senate.

Adoption:

Ayes, 5 -- Senators Cullen, Risser, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

TIMOTHY F. CULLEN

Chair

CALENDAR OF OCTOBER 17

By request of Senator Cullen, with unanimous consent, the appointments were considered enmasse.

ARNOTT, DONNA, of Racine, as a member of the Barbers Examining Board, to serve for the term ending July 1, 1989.

Read.

CHRISTENSEN, DONALD E., of Brooklyn, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 1989.

Read.

GROSSMAN, THOMAS W., M.D., of Mequon, as a member of the Hearing Aid Dealers and Fitters Examining Board, to serve for the term ending July 1, 1989.

Read.

JACKAMONIS, EDWARD, of Madison, as the Executive Director of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 31, 1987.
Read.

The question was: Shall the appointments be confirmed?

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, Chilsen, Chvala, Cullen, Czarnecki, Davis, Ellis, Engleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leraan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the appointments were confirmed.

Assembly Bill 85

Relating to state finances and appropriations, constituting the executive budget bill of the 1985 legislature, and making appropriations.

Read.

By request of Senator Cullen, with unanimous consent, **Assembly Bill 85** was placed after **Senate Bill 395**.

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

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

- Assembly Bill 9
- Assembly Bill 70
- Assembly Bill 116
- Assembly Bill 159
- Assembly Bill 170
- Assembly Bill 191
- Assembly Bill 304
- Assembly Bill 391
- Assembly Bill 392
- Assembly Bill 416
- Assembly Bill 421
- Assembly Bill 426
- Assembly Bill 432
- Assembly Bill 439
- Assembly Bill 520
- Assembly Bill 544
- Assembly Bill 579

Adopted and asks concurrence in:

- Assembly Joint Resolution 45

Concurred in:

Assembly Bill 7, senate substitute amendment 1

Amended and concurred in as amended:

Senate Bill 178, assembly amendment 1

Senate Bill 298, assembly amendments 1 and 2

Passed notwithstanding the objections of the Governor:

Assembly Bill 85, Part 1-I relating to pregnancy counseling services:

Part 1 "The department shall give preference for grants to accomplish these purposes to organizations which do not receive grants under s. 20.435(1)(f)"

Part 1 ", to advertise abortion, to assist or to encourage any individual to procure an abortion or to coordinate any abortion service",

Part 4 ", to refer for an abortion".

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 9

Relating to town disapproval of proposed county zoning changes.

By Representatives Coleman, Vanderperren, Ladwig, Zeuske, Merkt, Matty, Porter, Musser, Goetsch, R. Young, Kasten, Van Gorden, Lepak, Tregoning and T. Thompson, cosponsored by Senators Chilsen, Lorman, Lasee, Harsdorf and Stitt.

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

Assembly Bill 70

Relating to rights of law enforcement officers.

By Representatives Tesmer, Krusick, R. Thompson, Notestein, Krug, Magnuson, Shoemaker, Menos, M. Cogg, Looby, Carpenter, Bell, Kunicki, Hauke and Barrett, cosponsored by Senators Ulichny, Helbach and Andrea.

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

Assembly Bill 116

Relating to exempting certain projects from the agricultural impact statement requirements.

By Representatives Manske, Metz, Cowles, M. Cogg, Tregoning, Porter, Ladwig, Magnuson, Bolle and Prosser, cosponsored by Senators Moen, Chilsen and Van Sistine.

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

Assembly Bill 159

Relating to authorizing counties to register certain bicycles.

By Representatives Manske, R. Young, Ladwig, M. Cogg, Lepak, Magnuson, Vergeront, Metz, Plizka.

Hubler and Foti, cosponsored by Senators Andrea, Theno, Norquist and Davis.

Read first time and referred to committee on Transportation.

Assembly Bill 170

Relating to authorizing counties and towns to appoint alternate members of zoning appeals bodies.

By Representatives Schneiders, Panzer, Lepak, Prosser, Vergeront and T. Thompson, cosponsored by Senators Kreul, Van Sistine, Hanaway, Lorman and Davis.

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

Assembly Bill 191

Relating to placement of materials containing a political message during election campaign periods and electioneering at polling places.

By Representatives Crawford, Carpenter, Krug, Manske, Notestein, Seery, and Panzer, cosponsored by Senators Czarnetzki, Feingold, Kincaid and Otte.

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

Assembly Bill 304

Relating to technical and minor policy items in regard to the sales and use taxes.

By committee on Ways and Means, by request of Department of Revenue.

Read first time and referred to committee on Aging, Banking, Commercial Credit and Taxation.

Assembly Bill 391

Relating to orders to perform community service work.

By Representatives Medinger, Tesmer, Brist, Gruszynski, Holschbach and Holperin, by request of Judge Dennis Montabon, La Crosse Circuit Court.

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

Assembly Bill 392

Relating to requiring certain married participants in the Wisconsin retirement system to elect a joint survivorship retirement annuity option.

By Representatives Volk, Holschbach, Looby, Grobschmidt, Robinson, Hasenohrl, Bolle, Barca, Hubler and Walling, cosponsored by Senators Andrea and Van Sistine.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 416

Relating to eliminating restrictions on the height of spotlamps on motor vehicles.

By Representatives Welch, Vanderperren, Radtke, Zeuske, Tregoning, Nelsen, Ladwig and Vergeront, cosponsored by Senators Leean, Norquist, Davis and Lorman.

Read first time and referred to committee on Transportation.

Assembly Bill 421

Relating to jurisdiction in actions for damages caused by environmental pollution.

By Representatives Prosser, Crawford, Bell, Radtke, Kasten and Robinson, cosponsored by Senators Strohl, Davis and Engeleiter.

Read first time and referred to committee on Energy and Environmental Resources.

Assembly Bill 426

Relating to habitual traffic offenders.

By Representatives Larson, Van Gorden, Paulson, Musser, Gronemus, Ourada and R. Travis, cosponsored by Senators Otte, Chilsen and Helbach.

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

Assembly Bill 432

Relating to allowing certain semitrailers to be operated without a permit.

By Representatives Vanderperren, Hasenohrl, McEssy, Van Gorden and Clements, cosponsored by Senators Otte, Kreul, Moen and Plewa.

Read first time and referred to committee on Transportation.

Assembly Bill 439

Relating to permits to capture or destroy deer causing damage to land.

By Joint Committee for Review of Administrative Rules.

Read first time and referred to committee on Energy and Environmental Resources.

Assembly Bill 520

Relating to rescinding dissolution of nonstock corporations dissolved for failure to designate registered agent.

By Representatives Bolle, Holschbach, Hasenohrl, Hephner, Volk, Magnuson, Swoboda, Byers, Vanderperren, Barrett, Gruszynski, Shoemaker, Menos, Brist, R. Travis, Potter, R. Thompson, D. Travis, Robinson, Hauke, Antaramian, Holperin, Gronemus, Wineke, Looby, Fergus, Van Gorden, Schultz, Bradley, Porter, Paulson, Lepak, Ourada, Larson, Hubler and Buettner, cosponsored by Senators Otte, Andrea, Van Sistine, Kincaid, Chvala, Lee, Plewa, Moen, Feingold, Strohl, Roshell and Ulichny, by request of Secretary of State Douglas LaFollette.

Read first time and referred to committee on Education and Government Operations.

Assembly Bill 544

Relating to issuance of liquor bar licenses by a town.

By Representatives Robinson, Hephner and Kasten, cosponsored by Senator Chilsen.

Read first time and referred to committee on Labor, Business, Veterans Affairs and Insurance.

Assembly Bill 579

Relating to implementation of the minority business demonstration and training program by the Milwaukee metropolitan sewerage district and providing for a study.

By committee on Economic Development.

Read first time and referred to joint committee on Finance.

Assembly Joint Resolution 45

Relating to excepting pari-mutuel betting on horse racing from the prohibition against legislative authorization of lotteries (first consideration).

By Representatives Shoemaker, Hephner, Crawford, Robinson, Bolle, Prosser, Hasenohrl, Bradley, Clements, Larson, Wimmer, Manske and Ourada, cosponsored by Senators Roshell, Van Sistine, Plewa, Kincaid and Theno.

Read first time and referred to committee on Labor, Business, Veterans Affairs and Insurance.

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Senate Resolution 8

Relating to further consideration of matters pending in the senate.

Read.

Adopted.

Senate Bill 67

Relating to interest on late state order and contract payments and notification of improperly completed invoices to state agencies.

Read a second time.

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

Adopted.

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

Adopted.

Senate amendment 3 to senate substitute amendment 1 offered by Senators Plewa and Ulichny.

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

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 67

Read a third time and passed.

Senate Bill 136

Relating to misappropriation of trade secrets.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Adelman, with unanimous consent, **Senate Bill 136** was placed after **Senate Bill 395**.

Senate Bill 145

Relating to registration plates for former prisoners of war.

Read a second time.

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

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

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 145

Read a third time and passed.

Senate Bill 281

Relating to establishing a birth and developmental outcome monitoring program, granting rule-making authority and making an appropriation.

Read a second time.

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

By request of Senator George, with unanimous consent, **Senate Bill 281** was referred to joint committee on Finance.

Senate Bill 285

Relating to revising the statutes governing the pharmacy examining board, granting rule-making authority and providing penalties.

Read a second time.

Senate amendments 1 and 2 to senate substitute amendment 1 offered by Senators Otte, Moen and Rude.

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

By request of Senator Otte, with unanimous consent, **Senate Bill 285** was placed after **Senate Bill 395**.

Senate Bill 311

Relating to agreements between boards of school directors and organizations representing administrators and supervisors in 1st class cities.

Read a second time.

Ordered to a third reading.

By request of Senator George, with unanimous consent, **Senate Bill 311** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 311** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

Ordered to a third reading.

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By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 311

Read a third time.

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, Chvala, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lecan, Lorman, McCallum, Moen, Otte, Plewa, Risser, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 29.

Noes -- Senators Chilsen, Norquist, Roshell and Rude -- 4.

Absent or not voting -- None.

So the bill passed.

Senate Bill 323

Relating to prohibiting basement insulation requirements in rental unit energy efficiency regulation.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Norquist raised the point of order that senate substitute amendment 1 was not germane.

By request of Senator Roshell, with unanimous consent, the senate recessed until 11:25 A.M.

10:40 A.M.

RECESS

11:25 A.M.

The senate reconvened.

By request of Senator Norquist, with unanimous consent, he withdrew his point of order that senate substitute amendment 1 was not germane.

By request of Senator Kincaid, with unanimous consent, **Assembly Bill 520** was withdrawn from the committee on Education and Government Operations and referred to committee on Tourism, Revenue, Financial Institutions and Forestry.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 323

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Davis, Ellis, Engeleiter, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lecan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 28.

Noes -- Senators Czarnecki, Feingold, Lee, Risser and Roshell -- 5.

Absent or not voting -- None.

So the bill passed.

Senate Bill 360

Relating to highway salt use, creating a penalty, requiring a study and granting rule-making authority.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 360** was referred to the joint committee on Finance.

By request of Senator George, with unanimous consent, **Senate Bill 360** was withdrawn from the joint committee on Finance and considered for action at this time.

Read a second time.

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

The question was: Adoption of senate amendment 1 to senate amendment 2?

Adopted.

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

Senate amendment 3 offered by Senator Stitt.

The question was: Adoption of senate amendment 3? Adopted.

Ordered to a third reading.

By request of Senator Norquist, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 360

Read a third time and passed.

Senate Bill 371

Relating to creating an inactive licensee category for real estate brokers and salespersons, changing the educational requirements for brokers and salespersons and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 371** was referred to joint committee on Finance.

Senate Bill 386

Relating to issuance of liquor bar licenses by a town.
Read a second time.

By request of Senator Van Sistine, with unanimous consent, the rules were suspended and **Assembly Bill 544** was withdrawn from committee on Labor, Business, Veterans Affairs and Insurance and taken up at this time.

Assembly Bill 544

Relating to issuance of liquor bar licenses by a town.
Read a second time.

Senate amendment 1 offered by Senator Harsdorf.

The question was: Adoption of senate amendment 1?

Senator Chilsen moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?
The motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 544

Read a third time and concurred in.

Senate Bill 386

Relating to issuance of liquor bar licenses by a town.
Read a second time.

By request of Senator Cullen, with unanimous consent, **Senate Bill 386** was referred to committee on Senate Organization.

Senate Bill 388

Relating to requesting consideration of consenting to an anatomical gift.

Read a second time.

By request of Senator Adelman, with unanimous consent, **Senate Bill 388** was placed after **Senate Bill 395**.

Senate Bill 389

Relating to extending the state liability insurance program to the historic sites foundation and authorizing the department of justice to represent the foundation.

Read a second time.

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

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 389

Read a third time and passed.

Senate Bill 395

Relating to regulation of membership campgrounds and providing penalties.

Read a second time.

By request of Senator Cullen, with unanimous consent, **Senate Bill 395** was referred to committee on Tourism, Revenue, Financial Institutions and Forestry.

Assembly Bill 85

Relating to state finances and appropriations, constituting the executive budget bill of the 1985 legislature, and making appropriations.

Read.

By request of Senator Engeleiter, with unanimous consent, Item 4-R was divided into two parts, Item 4-R Sec. 3019(2p)(c) and Item 4-R Sec. 3019(2p)(d).

The question was: Shall the vetoed portion of the bill, Item 4-R 3019(2p)(c), pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Andrea, Chilsen, Davis, Engeleiter, George, Hanaway, Harsdorf, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, McCallum, Plewa, Roshell, Rude, Stitt, Theno and Van Sistine -- 20.

Noes -- Senators Adelman, Chvala, Cullen, Czarnecki, Feingold, Helbach, Moen, Norquist, Otte, Risser, Strohl and Ulichny -- 12.

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

Less than two-thirds having voted in the affirmative, the senate refused to pass the vetoed part of the bill notwithstanding the objections of the Governor.

The question was: Shall the vetoed portion of the bill, Item 4-R 3019(2p)(d), pass notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Lee, Lekan, Lorman, McCallum, Roshell, Rude, Stitt, Theno and Van Sistine -- 17.

Noes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Moen, Norquist, Otte, Plewa, Risser, Strohl and Ulichny -- 16.

Absent or not voting -- None.

Less than two-thirds having voted in the affirmative, the senate refused to pass the vetoed part of the bill notwithstanding the objections of the Governor.

By request of Senator Cullen, with unanimous consent, the Senate returned to the eighth order of business.

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

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

Assembly Bill 597

Concurred in:

Assembly Bill 44, senate amendment 1

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 597

Relating to waiver of requirements for community based residential facilities.

By Representatives Medinger, Mark Lewis, Hubler and Becker, cosponsored by Senators Moen, Otte and Feingold.

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

By request of Senator Moen, with unanimous consent, **Assembly Bill 597** was withdrawn from committee on Agriculture, Health and Human Services and referred to committee on Senate Organization.

By request of Senator Cullen, with unanimous consent, the senate recessed until 3:22 P.M.

12:30 P.M.

RECESS

3:22 P.M.

The senate reconvened.

Senate Bill 136

Relating to misappropriation of trade secrets.

Read a second time.

Senate amendment 1 to senate amendment 1 offered by Senator George.

The question was: Adoption of senate amendment 1 to senate amendment 1?

Adopted.

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

Senate amendment 2 offered by Senate Adelman.

The question was: Adoption of senate amendment 2?

Senator Kincaid asked unanimous consent that senate amendment 2 be laid on the table.

Senator Adelman objected.

Senator Kincaid moved that senate amendment 2 be laid on the table.

The question was: Shall senate amendment 2 be laid on the table?

By request of Senator Cullen, with unanimous consent, **Senate Bill 136** was placed at the foot of the calendar.

Senate Bill 285

Relating to revising the statutes governing the pharmacy examining board, granting rule-making authority and providing penalties.

Read a second time.

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

Adopted.

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

Adopted.

Senate amendment 3 to senate substitute amendment 1 offered by Senator Otte.

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

Senator Adelman raised the point of order that senate amendment 3 to senate substitute amendment 1 was not germane.

The chair took the point of order under advisement.

Senate Bill 388

Relating to requesting consideration of consenting to an anatomical gift.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 388** was placed at the foot of the calendar.

Assembly Joint Resolution 34

Relating to requesting a legislative council study on international trade and its development in Wisconsin.

Read.

Concurred in.

Assembly Bill 309

Relating to requiring periodic judicial review of court orders placing children outside of their own homes.

Read a second time.

Senate amendment 1 offered by Senator Roshell.

The question was: Adoption of senate amendment 1?

Senator Adelman moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1? The motion prevailed.

Ordered to a third reading.

By request of Senator Norquist, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 309

Read a third time and concurred in.

Assembly Bill 471

Relating to nursing home and hospital capital expenditure review requirements.

Read a second time.

Ordered to a third reading.

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By request of Senator Norquist, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 471

Read a third time and concurred in.

Assembly Bill 473

Relating to civil liability for furnishing alcohol beverages.

Read a second time.

Senate amendment 1 offered by Senator Lorman.

Senate amendment 2 offered by Senators Chilsen and Chvala.

Senate substitute amendment 1 offered by Senator Adelman.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Roshell, with unanimous consent, the senate recessed until 5:07 P.M.

3:47 P.M.

RECESS

5:07 P.M.

The senate reconvened.

The question was: Adoption of senate substitute amendment 1?

Senator Van Sistine 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, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chvala, Cullen, Ellis, Feingold, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Llean, Moen, Otte, Plewa, Roshell, Rude, Theno, Ulichny and Van Sistine -- 19.

Noes -- Senators Adelman, Chilsen, Czarnezki, Davis, Engeleiter, George, Hanaway, Lee, Lorman, McCallum, Norquist, Risser, Stitt and Strohl -- 14.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 1?

Senator Van Sistine moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The motion prevailed.

The question was: Adoption of senate amendment 2?

By request of Senator Cullen, with unanimous consent, senate amendment 2 was placed after senate amendment 5.

Senate amendments 3, 4 and 5 offered by Senator Adelman.

The question was: Adoption of senate amendment 3?

Senator Van Sistine moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

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

Ayes -- Senators Andrea, Chvala, Cullen, Kincaid, Kreul, Lasee, Llean, Moen, Otte, Plewa, Roshell, Rude, Stitt, Ulichny and Van Sistine -- 15.

Noes -- Senators Adelman, Chilsen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Lee, Lorman, McCallum, Norquist, Risser, Strohl and Theno -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 3?

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

Ayes -- Senators Adelman, Chilsen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Lee, Llean, Lorman, McCallum, Norquist, Risser, Strohl and Theno -- 19.

Noes -- Senators Andrea, Chvala, Cullen, Kincaid, Kreul, Lasee, Moen, Otte, Plewa, Roshell, Rude, Stitt, Ulichny and Van Sistine -- 14.

Absent or not voting -- None.

So the amendment was adopted.

The question was: Adoption of senate amendment 4?

Senator Van Sistine moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes -- Senators Andrea, Chvala, Cullen, Ellis, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Llean, Moen, Norquist, Otte, Plewa, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 23.

Noes -- Senators Adelman, Chilsen, Czarnezki, Engeleiter, Hanaway, Lee, Lorman, McCallum and Risser -- 9.

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

So the motion prevailed.

The question was: Adoption of senate amendment 5?

Senator Van Sistine moved rejection of senate amendment 5.

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The question was: Rejection of senate amendment 5?

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

Ayes -- Senators Andrea, Chvala, Cullen, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leean, Moen, Norquist, Otte, Plewa, Roshell, Rude, Stitt, Theno, Ulichny and Van Sistine -- 20.

Noes -- Senators Adelman, Chilsen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, Hanaway, Lee, Lorman, McCallum, Risser and Strohl -- 13.

Absent or not voting -- None.

So the motion prevailed.

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

Senator Adelman asked unanimous consent that **Assembly Bill 473** be referred to committee on Labor, Business, Veterans Affairs and Insurance.

Senator Van Sistine objected.

Senate amendment 6 offered by Senator Chilsen.

The question was: Adoption of senate amendment 6?

Senator Van Sistine moved rejection of senate amendment 6.

The question was: Rejection of senate amendment 6?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chvala, Cullen, Ellis, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leean, Moen, Otte, Plewa, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 22.

Noes -- Senators Adelman, Chilsen, Czarnezki, Davis, Engeleiter, Hanaway, Lee, Lorman, McCallum, Norquist and Risser -- 11.

Absent or not voting -- None.

So the motion prevailed.

Senator Adelman moved that **Assembly Bill 473** be referred to joint committee on Finance.

The question was: Shall **Assembly Bill 473** be referred to joint committee on Finance?

The senate stood informal for 15 minutes.

6:52 P.M.

7:07 P.M.

The senate reconvened.

By request of Senator Adelman, with unanimous consent, he withdrew his motion to refer **Assembly Bill 473** to joint committee on Finance.

Senate amendment 7 offered by Senator Adelman.

The question was: Adoption of senate amendment 7?

Senator Van Sistine moved rejection of senate amendment 7.

The question was: Rejection of senate amendment 7?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chvala, Ellis, Helbach, Kincaid, Kreul, Lasee, Leean, Moen, Otte, Plewa, Roshell, Rude, Stitt, Theno, Ulichny and Van Sistine -- 17.

Noes -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Lee, Lorman, McCallum, Norquist, Risser and Strohl -- 16.

Absent or not voting -- None.

So the motion prevailed.

Senator Adelman asked unanimous consent that **Assembly Bill 473** be referred to committee on Senate Organization.

Senator Van Sistine objected.

Senate Adelman moved that **Assembly Bill 473** be referred to committee on Senate Organization.

The question was: Shall **Assembly Bill 473** be referred to committee on Senate Organization?

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

Ayes -- Senators Adelman, Chilsen, Davis, Engeleiter, Hanaway, Lee, Lorman, McCallum, Norquist and Risser -- 10.

Noes -- Senators Andrea, Chvala, Cullen, Czarnezki, Ellis, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leean, Moen, Otte, Plewa, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 23.

Absent or not voting -- None.

So the motion did not prevail.

Ordered to a third reading.

Senator Cullen ask unanimous consent that the bill be considered for final action at this time.

Senate Adelman objected.

Assembly Bill 499

Relating to flood damage aids and making an appropriation.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 499

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, Chilsen, Chvala, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold,

George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill was concurred in.

Senator Van Sistine asked unanimous consent the rules be suspended and **Assembly Bill 473** be considered at this time.

Senator Adelman objected.

Senator Van Sistine moved the rules be suspended and **Assembly Bill 473** be considered at this time.

The question was: Shall the rules be suspended and **Assembly Bill 473** be considered at this time?

The ayes and noes were required and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chvala, Cullen, Czarnezki, Ellis, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lekan, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 26.

Noes -- Senators Adelman, Chilsen, Davis, Engleiter, Hanaway, Lee and Lorman -- 7.

Absent or not voting -- None.

More than two-thirds having voted in the affirmative the bill was considered at this time.

Assembly Bill 473

Relating to civil liability for furnishing alcohol beverages.

Read a third time.

Senator Adelman moved that **Assembly Bill 473** be referred to joint committee on Finance.

The question was: Shall **Assembly Bill 473** be referred to joint committee on Finance?

Senator Chilsen moved that **Assembly Bill 473** be laid on the table.

The question was: Shall **Assembly Bill 473** be laid on the table?

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

Ayes -- Senators Adelman, Chilsen, Davis, Engleiter, Hanaway, Lee, Lorman, McCallum, Norquist and Risser -- 10.

Noes -- Senators Andrea, Chvala, Cullen, Czarnezki, Ellis, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lekan, Moen, Otte, Plewa, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 23.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Shall **Assembly Bill 473** be referred to joint committee on Finance?

By request of Senator Adelman, with unanimous consent, he withdrew his motion to refer **Assembly Bill 473** to joint committee on Finance.

The question was: Shall the bill concurred in?

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

Ayes -- Senators Andrea, Chvala, Cullen, Czarnezki, Davis, Ellis, Feingold, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lekan, Lorman, McCallum, Moen, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 27.

Noes -- Senators Adelman, Chilsen, Engleiter, Hanaway, Lee and Norquist -- 6.

Absent or not voting -- None.

So the bill was concurred in as amended.

Assembly Bill 575

Relating to extending the period during which the department of health and social services may pay claims against foster parents.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 575

Read a third time and concurred in.

Senate Bill 136

Relating to misappropriation of trade secrets.

Read a second time.

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

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 136

Read a third time and passed.

Senate Bill 388

Relating to requesting consideration of consenting to an anatomical gift.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 388

Read a third time and passed.

Senator Cullen ask unanimous consent all action be ordered immediately messaged.

Senator Adelman objected.

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By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged with the exception of **Assembly Bill 473**.

Senator Cullen moved reconsideration of the vote by which **Assembly Bill 473** was concurred in.

The question was: Reconsideration of the vote by which **Assembly Bill 473** was concurred in?
The motion did not prevail.

Senate amendment 1 to **Senate Bill 386** by Senator Harsdorf.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Friday, October 18.

7:52 P.M.

AMENDMENTS OFFERED

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 281** by Senator Lorman.