

# STATE OF WISCONSIN

## Senate Journal

### Eighty-Ninth Regular Session

10:00 A.M.

THURSDAY, March 16, 1989

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, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engleleiter, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Absent — None.

Absent with leave — None.

The senate stood for the prayer which was offered by Pastor Gerry Peterson of Sugar Creek Lutheran Church in Elkhorn.

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

#### INTRODUCTION OF RESOLUTIONS

##### Senate Joint Resolution 31

Relating to the life and public service of James C. Devitt.

By Senator Adelman; cosponsored by Representatives Rutkowski and Duff.

Read.

Considered privileged and taken up.

Adopted by unanimous rising vote.

##### Senate Joint Resolution 32

Relating to the life and public service of Allen Busby.

By Senators Czarnecki, Burke and Engleleiter; cosponsored by Representatives Krusick, Bell, Hauke and Bock.

Read.

Considered privileged and taken up.

Adopted by unanimous rising vote.

Senator Chilsen, with unanimous consent, asked that all the senators be made coauthors of **Senate Joint Resolutions 31 and 32.**

#### INTRODUCTION OF BILLS

Read first time and referred:

##### Senate Bill 110

Relating to limits on wrongful death actions for loss of society and companionship.

By Senators Chvala, Feingold and Ulichny; cosponsored by Representatives Krug, Notestein, Clarenbach, Fortis, Wimmer and Seery.

To committee on Judiciary and Consumer Affairs.

##### Senate Bill 111

Relating to disbursement of child and spousal support payments.

By Senators Andrea, Roshell, Weeden, Van Sistine, Te Winkle, Helbach, Plewa, Jauch, Chvala, Strohl, Rude, Moen, Ulichny, Risser, Lasee, Shoemaker, Kincaid, Kreul and Lorman; cosponsored by Representatives Hauke, Panzer, Barca, Porter, Hasenohrl, Goetsch, Antaramian, Brancel, Thompson, Bell, Van Gorden, Holschbach, Vanderperren, Zweck, Plache, Hamilton, Vergeront, Carpenter, Holperin, Lorge, Volk, Gard, Gronemus, Underheim, Fergus, Bolle and Rosenzweig, by request of County Supervisors Louise Principe and Patricia Nelson, and Wisconsin Counties Association.

To committee on Judiciary and Consumer Affairs.

##### Senate Bill 112

Relating to passenger capacity of vessels eligible for alcohol beverages permits.

By Senators Shoemaker, Jauch and Rude; cosponsored by Representatives Baldus, Harsdorf and Roberts.

To committee on Labor, Business, Insurance, Veterans' and Military Affairs.

##### Senate Bill 113

Relating to the distribution schedule for state aid to school districts.

By Senators Moen, Czarnecki, Andrea, Van Sistine, Rude, Ellis, Chilsen, Lee, Te Winkle, Kreul, Lasee, Weeden, Feingold, Lekan, Lorman, Roshell and Kincaid; cosponsored by Representatives Wineke, Roberts, Volk, Goetsch, Zweck, Rohan, Brandemuehl, Larson, Boyle, Linton, Musser, Lahn, Klusman, Vergeront, Johnsrud, Brancel, Lautenschlager, Farrow, Stower, Porter, Hamilton, Radtke, Schultz, Deininger, Welch, Holschbach, Van Gorden, Swoboda, Hasenohrl, Schmidt, Ladwig, Turba, Barca, Harsdorf, Ourada, Rosenzweig, Ott, Van Dreef and Bock.

To committee on Educational Financing, Higher Education and Tourism.

COMMITTEE REPORTS

The committee on Educational Financing, Higher Education and Tourism reports and recommends:

**Assembly Bill 169**

An act relating to university of Wisconsin system student disciplinary procedures and granting rule-making authority.

Concurrence:

Ayes, 6 -- Senators Jauch, Shoemaker, Lee, Moen, Weeden and Cowles;

Noes, 0 -- None.

Robert Jauch  
Chair

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

**Senate Bill 65**

Relating to the authority of a metropolitan sewerage district established by a 1st class city to recover capital costs and to expand its boundaries.

Introduction and adoption of Senate amendment 8:

Ayes, 5 -- Senators Lee, Chvala, Burke, Lasee and Kreul;

Noes, 1 -- Senator Adelman.

Passage as amended:

Ayes, 4 -- Senators Lee, Chvala, Burke and Kreul;

Noes, 2 -- Senators Adelman and Lasee.

Mordecai Lee  
Chair

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

March 3, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARC MC CRORY of Janesville, as a member of the Public Defender Board pursuant to the statute governing, to serve for the term ending May 1, 1992.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin  
Office of the Governor

March 3, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DAGOBERTO

IBARRA of Waukesha, as a member of the Public Defender Board pursuant to the statute governing, to serve for the term ending May 1, 1992.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin  
Office of the Governor

March 3, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LYNDA CULLEY of Superior, as a member of the Public Defender Board pursuant to the statute governing, to serve for the term ending May 1, 1992.

Respectfully,  
TOMMY THOMPSON  
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

Senator Andrea, with unanimous consent, asked that **Senate Bill 111** be withdrawn from the committee on Judiciary and Consumer Affairs and referred to the committee on Senate Organization.

CALENDAR OF MARCH 16, 1989

BECK, CONSTANCE P., of Milwaukee, as Secretary of the Department of Employment Relations, to serve at the pleasure of the Governor.

The question was: Confirmation of the appointment?

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, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leraan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

Noes — None.

Absent or not voting — Senator Shoemaker — 1.

Confirmed.

Senator Strohl, with unanimous consent, asked that the remaining appointments be taken up en masse.

FLOWERS, ROCKNE G., of Madison, as a member of the Judicial Commission, to serve for the term ending August 1, 1991.

GUNDERSEN, ADOLF L., of La Crosse, as a member of the Board of Regents, to serve a term to expire May 1, 1995.

HEBRON, RICHARD, of Franksville, as a member of the Waste Facility Siting Board, to serve for the term ending May 1, 1991.

HODDINOTT, GERALD F., of Madison, as a member of the State Personnel Commission, to serve for the term ending March 1, 1993.

LILLIE, RICHARD H., of Milwaukee, as a member of the Investment Board, to serve for the interim term ending May 1, 1991.

MARTY, MATT, of Madison, as a member of the Personnel Board, to serve for the term ending July 1, 1993.

NICHOLS, JOHN T., of Green Bay, as a member of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1991.

NYSTROM, WILLARD G., of Superior, as a member of the Waterways Commission, to serve for the interim term ending March 1, 1991.

RUF, J. FREDERIC, of Pewaukee, as a member of the Waterways Commission, to serve for the term ending March 1, 1993.

TRIES, JOHN M., of Milwaukee, as a member of the Personnel Board, to serve for the term ending July 1, 1993.

WEILAND, MARILYNN, of Wautoma, as a member of the Judicial Commission, to serve for the term ending August 1, 1990.

YORK, STANLEY, of Middleton, as the Commissioner of the Midwest Low-Level Radioactive Waste Commission, to serve for the term ending at the pleasure of the Governor.

The question was: Confirmation of the appointments?

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, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engleiter, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 33.

Noes — None.

Absent or not voting — None.

Confirmed.

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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 17**

Passed and asks concurrence in:

**Assembly Bill 44**

**Assembly Bill 109**

**Assembly Bill 134**

Concurred in:

**Senate Bill 16**

**Senate Joint Resolution 23**

**Senate Joint Resolution 25**

**Senate Joint Resolution 26**

**Senate Joint Resolution 27**

**Senate Joint Resolution 28**

**Senate Joint Resolution 29**

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MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 17**

Relating to the life and public service of William R. Foley.

By Representative Boyle, cosponsored by Senator Jauch.

Read.

Considered privileged and taken up.

Concurred in by unanimous rising vote.

**Assembly Bill 44**

Relating to collective bargaining units consisting of supervisors.

By Representatives Krusick, Grobschmidt, Carpenter, Fortis, Notestein, Bell, Hauke and Bock, cosponsored by Senators Burke and Czarnecki.

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

**Assembly Bill 109**

Relating to state mutual aid law enforcement services and making appropriations.

By committee on State Affairs, by request of Governor Tommy G. Thompson.

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

**Assembly Bill 134**

Relating to changes in mortgage banking registration requirements.

By Representatives Fergus, Fortis, Grobschmidt, Foti, Hubler and Antaramian, cosponsored by Senators Plewa and Buettner.

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

CALENDAR OF MARCH 16, 1989

**Senate Bill 5**

Relating to the membership of the Milwaukee river revitalization council.

Read.

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

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

Senator George, with unanimous consent, asked that **Senate Bill 5** be placed at the foot fo the eleventh order.

**Senate Bill 6**

Relating to increasing payment for certain facilities that provide care to medical assistance recipients with respect to certain direct care costs, active treatment and operating deficits and making an appropriation.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

**Senate Bill 11**

Relating to suspension, revocation or cancellation of a motor vehicle operator's license.

Read.

The question was: Concurrence in assembly amendment 1?

Concurred in.

**Senate Joint Resolution 18**

Relating to the offices of county clerk, treasurer, register of deeds and clerk of the circuit court in populous counties (first consideration).

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

Senator Strohl, with unanimous consent, asked that the rules be suspended and that the joint resolution be considered for final action at this time.

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

Ayes - Senators Adelman, Andrea, Burke, Chvala, Cowles, Czarnecki, Davis, Engeleiter, Feingold, Jauch, Kincaid, Kreul, Lee, Lorman, Plewa, Risser, Strohl and Ulichny 18.

Noes — Senators Buettner, Chilsen, Ellis, George, Helbach, Lasee, Llean, Moen, Roshell, Rude, Shoemaker, Stitt, Te Winkle, Van Sistine and Weeden — 15.

Absent or not voting Nonc.

Adopted.

**Senate Joint Resolution 21**

Relating to inviting President George Bush to Wisconsin to present him with a Wisconsin fishing license.

Read.

Senate amendment 1 to **Senate Joint Resolution 21** offered by Senator Stitt.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption?

Adopted.

**Senate Joint Resolution 22**

Relating to urging all people to resist any attempts to suppress free speech.

Read.

Senate amendment 1 to **Senate Joint Resolution 22** offered by Senator Stitt.

The question was: Adoption of senate amendment 1?

By request of Senator Adelman, with unanimous consent, senate amendment 1 was laid on the table.

Senate amendment 2 to **Senate Joint Resolution 22** offered by Senator Adelman.

The question was: Adoption of senate amendment 2?

Adopted.

The question was: Adoption?

Adopted.

**Senate Joint Resolution 30**

Relating to promoting the celebration of St. Urho's day.

Read.

Senator Strohl, with unanimous consent, asked that **Assembly Joint Resolution 23** be withdrawn from the committee on Senate Organization and taken up.

**Assembly Joint Resolution 23**

Relating to promoting the celebration of St. Urho's day.

Read.

The question was: Concurrence?

Concurred in.

Senator Strohl, with unanimous consent, asked that **Senate Joint Resolution 30** be laid on the table.

**Senate Bill 27**

An act relating to reimbursement of attorneys and investigators for providing services under the state public defender program and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Stitt, with unanimous consent, asked that **Senate Bill 27** be placed at the foot of the calendar.

**Senate Bill 63**

Relating to requests for increased appropriations to state agencies.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 63** be referred to the joint committee on Finance.

**Senate Bill 5**

Relating to the membership of the Milwaukee river revitalization council.

Read.

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

Senator George, with unanimous consent, asked that **Senate Bill 5** be placed at the foot of the calendar.

**Assembly Joint Resolution 26**

Relating to designating April 9, 1989, as 'Wisconsin Former Prisoner of War Recognition Day'.

Read.

The question was: Concurrence?

Concurred in.

**Assembly Joint Resolution 27**

Relating to memorializing the President of the United States and the congress to fully fund the Vet Center program and other U.S. department of veterans affairs medical programs at federal fiscal year 1988 levels during fiscal year 1989 and fiscal year 1990.

Read.

Senate amendment 1 to **Assembly Joint Resolution 27** offered by Senator Davis.

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

The question was: Concurrence?

Concurred in as amended.

**Assembly Bill 169**

An act relating to university of Wisconsin system student disciplinary procedures and granting rule-making authority.

Read a second time.

Senator Jauch, with unanimous consent, asked that **Assembly Bill 169** be referred to Educational Financing, Higher Education and Tourism.

**Senate Bill 27**

An act relating to reimbursement of attorneys and investigators for providing services under the state public defender program and making an appropriation.

Read a second time.

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

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

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

Senate amendment 4 to **Senate Bill 27** offered by Senator Stitt.

The question was: Adoption of senate amendment 4? Senator Adelman raised the point of order that senate amendment 4 was not germane to the bill.

The Chair ruled the point of order not well taken.

Senator Davis, with unanimous consent, asked that the point of order be spread upon the journal.

The question was: Adoption of senate amendment 4?

Senator Adelman 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, 16; noes, 17; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Burke, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Risser, Strohl, Ulichny and Van Sistine — 16.

Noes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Kreul, Lasec, Lekan, Lorman, Plewa, Roshell, Rude, Shoemaker, Stitt, Te Winkle and Weeden — 17.

Absent or not voting — None.

Rejection refused.

The question was: Adoption of senate amendment 4?

Adopted.

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

The question was: Concurrence in assembly amendment 1?

Ayes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engleleiter, Kreul, Lasec, Lekan, Lorman, Roshell, Rude, Shoemaker, Stitt, Te Winkle and Weeden — 16.

Concurred in as amended.

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

Noes — Senators Adelman, Andrea, Burke, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Plewa, Risser, Strohl, Ulichny and Van Sistine — 17.

COMMITTEE REPORTS

Absent or not voting — None.  
Adoption refused.

The committee on Judiciary and Consumer Affairs reports and recommends:

**Assembly Bill 109**

Relating to state mutual aid law enforcement services and making appropriations.

Senate amendment 5 to **Senate Bill 27** offered by Senator Stitt.

Concurrence:

The question was: Adoption of senate amendment 5?

Senator Adelman moved rejection of senate amendment 5.

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;  
Noes, 0 -- None.

The question was: Rejection of senate amendment 5? Senator Stitt, with unanimous consent, asked that senate amendment 5 be laid on the table.

Lynn S. Adelman  
Chair

Senator Strohl, with unanimous consent, asked that the senate recess until 11:47 A.M..

11:45 A.M.

Ordered to a third reading.

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

**Senate Bill 27**

Read a third time.

RECESS

11:47 A.M.

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

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engleleiter, Feingold, George, Helbach, Jauch, Kincaid, Lasec, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

The senate reconvened.

Senator Strohl, with unanimous consent, asked that the supplemental calendar be taken up.

Noes — Senator Kreul — 1.

Absent or not voting — None.

Passed.

**Senate Bill 5**

Relating to the membership of the Milwaukee river revitalization council.

Read.

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

Senator George, with unanimous consent, asked that senate amendment 1 to assembly amendment 1 be laid on the table.

Senate amendment 2 to assembly amendment 1 offered by Senator George.

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

**Assembly Bill 109**

Relating to state mutual aid law enforcement services and making appropriations.

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.

**Assembly Bill 109**

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, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasec, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

Noes — None.

Absent or not voting — Senator Engleleiter — 1.

Concurred in.

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

Senator Strohl, with unanimous consent, asked that **Assembly Bill 14** be withdrawn from the committee on Senate Rules and referred to the committee on Science, Technology, Communications and Energy.

Senator Strohl, with unanimous consent, asked that **Senate Joint Resolution 17** be withdrawn from the committee on Senate organization and referred to committee on Science, Technology, Communications and Energy.

Senator Strohl, with unanimous consent, asked that **Senate Bill 91** be withdrawn from committee on Senate Organization and referred to the committee on Judiciary and Consumer Affairs.

Senator Strohl, with unanimous consent, asked that **Senate Bill 92** be withdrawn from the committee on Senate Organization and referred to the committee on Judiciary and Consumer Affairs.

Senator Strohl, with unanimous consent, asked that **Senate Bill 85** be withdrawn from the committee on Senate Rules and referred to the committee on Housing, Government Operations and Cultural Affairs.

Senator Strohl, with unanimous consent, asked that **Senate Joint Resolution 12** be withdrawn from the committee on Housing, Government Operations and Cultural Affairs and referred to the committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Senator Helbach with unanimous consent asked that the senate adjourn in honor of Senator Strohl's 43rd birthday on March 19, 1989.

Senator Adelman with unanimous consent asked that the senate adjourn in honor of the Sheboygan North Boys Basketball team and wish them luck in the Class A State Tournament.

Senator Chvafa with unanimous consent asked that the senate adjourn in honor of the Monroe Girls Basketball team for winning the Class A State Championship and also in honor of the Madison East team for placing second in the same tournament.

Senator Kreul with unanimous consent asked that the senate adjourn in honor of the Iowa Grant Boys Basketball team and wish them luck in the Class C State Tournament and to also wish the Cuba City Boys Basketball team luck in the Class B State Tournament.

Senator Leman with unanimous consent asked that the senate adjourn in honor of the Clintonville Boys Basketball team and wish them luck in the Class B State Tournament.

Senator Andrea with unanimous consent asked that the senate adjourn in honor of the UW-Madison Badger Basketball team in their victory over the University of New Orleans in the National Invitation Tournament held in Madison.

Senator Shoemaker with unanimous consent asked that the senate adjourn in honor of the Glenwood City Boys Basketball team and wish them luck in the Class C State Tournament.

Senator Weeden with unanimous consent asked that the senate adjourn in honor of the Eau Claire North Boys Basketball team and wish them luck in the Class A State Tournament.

Senator George with unanimous consent asked that the senate adjourn in honor of the UW-Marquette Basketball team's winning season.

Senator Roshell with unanimous consent asked that the senate adjourn in honor of the Bloomer Blackhawk Boys Basketball team and wish them luck in the Class B State Tournament.

Senator Lorman with unanimous consent asked that the senate adjourn in honor of the Randolph Rockets Boys Basketball team and wish them luck in the Class C State Tournament.

Senator Chilsen with unanimous consent asked that the senate adjourn in honor of the UW-Madison Badger Coach Steve Yoder and wish him success in the National Invitation Tournament.

Senator Strohl, with unanimous consent, asked that the Senate adjourn pursuant to **Assembly Joint Resolution 1**.

12:12 P.M.