

# STATE OF WISCONSIN

## Senate Journal

### Eighty-Ninth Regular Session

10:00 A.M.

WEDNESDAY, April 26, 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, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

Absent -- None.

Absent with leave — None.

The senate stood for a moment of silent prayer.

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

#### INTRODUCTION OF BILLS

Read first time and referred:

##### Senate Bill 167

Relating to an earned income tax credit, offsetting credits and refunds and making an appropriation.

By Senators Chilsen, Lasee, Buettner, Kreul, Helbach, Rude, Feingold, Leean and Burke; cosponsored by Representatives Barca, Prosser, Van Dreef, Vergeront, Bock, Young, Van Gorden, Ladwig, Welch, Radtke, Musser, Schmidt, Johnsrud, Schneiders, Lorge, Fortis, Bolle, Goetsch, Rosenzweig, Antaramian, Secry and Krusick.

To committee on Aging, Banking, Commercial Credit and Taxation.

##### Senate Bill 168

Relating to designating a state trunk highway the Nelson Dewey Memorial Highway.

By Senators Kreul, Rude, Burke, Andrea, Plewa and Roshell; cosponsored by Representatives Brandemuehl, Tregoning, Johnsrud, Radtke, Lorge, Zien, Underheim and Van Gorden.

To committee on Transportation, Conservation and Mining.

##### Senate Bill 169

Relating to transfer of a home by certain applicants for and recipients of medical assistance.

By Senators Van Sistine, Burke, Plewa and Kreul; cosponsored by Representatives Vanderperren, Bolle, Holschbach, Volk, Plache, Gard, Rosenzweig,

Gronemus, Lautenschlager, Musser, Lorge, Schneiders and Wood.

To committee on Agriculture, Health and Human Services.

##### Senate Bill 170

An act relating to prohibiting removal of a certain sign.

By Senators Van Sistine and Kincaid; cosponsored by Representatives Vanderperren and Gard.

To committee on Transportation, Conservation and Mining.

##### Senate Bill 171

Relating to eligibility for increased state supplemental payments to supplemental security income.

By Senators Moen, Chvala and Plewa; cosponsored by Representatives Young, Volk, Wood, Lehman, Radtke, Holschbach, Lautenschlager, Goetsch, Robson, Lorge, Baldus and Hamilton.

To committee on Agriculture, Health and Human Services.

##### Senate Bill 172

Relating to operating a vehicle while under the influence of an intoxicant, drugs or both and providing a penalty.

By Senators Cowles, Plewa and Chilsen; cosponsored by Representatives Krusick, Panzer, Schultz, Goetsch, Schneiders, Duff, Carpenter, Holperin, Vergeront, Tregoning, Stower, Ott, Fortis, Brandemuehl, Lorge, Klusman, Zien and Rosenzweig.

To committee on Judiciary and Consumer Affairs.

#### COMMITTEE REPORTS

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

##### Assembly Bill 291

Relating to eligibility for medical assistance of, and providers of services for, certain pregnant women.

Concurrence:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold, Jauch, Shoemaker, Lorman and Weeden;

Noes, 0 -- None.

##### Senate Bill 165

Relating to the interest rate on loans related to agriculture that are guaranteed by the Wisconsin housing and economic development authority.

Passage:

Ayes, 7 -- Senators Moen, Te Winkle, Feingold, Jauch, Shoemaker, Lorman and Weeden;

Noes, 0 -- None.

Rodney C. Moen  
Chair

The joint committee on Finance reports and recommends:

**Senate Bill 148**

Relating to the Wisconsin retirement system, fixed retirement investment trusts, transferring funds, and the applicability of laws governing certain public employe benefits to state employes who are covered by a collective bargaining agreement.

Adoption of Senate substitute amendment 1:

Ayes, 14 -- Senators George, Roshell, Helbach, Chvala, Andrea, Czarnezki and Leean and Representatives Kunicki, Travis, Coggs, Bell, Holperin, Hubler and Panzer;

Noes, 2 -- Senators Davis and Representative Nelsen.

Passage as amended with Emergency statement attached:

Ayes, 14 -- Senators George, Roshell, Helbach, Chvala, Andrea, Czarnezki and Leean and Representatives Kunicki, Travis, Coggs, Bell, Holperin, Hubler and Panzer;

Noes, 2 -- Senators Davis and Representative Nelsen.

Gary R. George  
Co-chair

Walter Kunicki  
Co-chair

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

**Senate Bill 36**

Relating to eligibility for exemption from nonresident tuition at the university of Wisconsin system.

Introduction and adoption of Senate amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

**Senate Bill 37**

Relating to eligibility for exemption from nonresident tuition at the university of Wisconsin system.

Passage:

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

Noes, 0 -- None.

Robert Jauch  
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

**SAVAGE, JOHN P.**, of Milwaukee, as a member of the Public Defender Board, to serve for the interim term ending May 1, 1991.

Rejection:

Ayes, 3 -- Senators Adelman, Feingold and Chvala;  
Noes, 2 -- Senators Stitt and Buettner.

Lynn S. Adelman  
Chair

The committee on Labor, Business, Insurance, Veterans' and Military Affairs reports and recommends:

**Senate Bill 89**

Relating to the rendering of final decisions in contested cases before the department of veterans affairs.

Without recommendation:

Jerome Van Sistine  
Chair

Senator Van Sistine, with unanimous consent, asked that **Assembly Joint Resolution 37** be withdrawn from Labor, Business, Insurance, Veterans' and Military Affairs and referred to the committee on Senate Rules.

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Secretary of State

April 24, 1989

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(7).

If you have any questions concerning this transmittal, please contact Teresa Walker, Lobbyist Specialist, at (608) 266-5503.

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

**Michael M. Birkley April 19, 1989**, 3 S. Pinckney St., Ste. 601, Madison WI 53703; (608) 251-7799

1) National Solid Wastes Management Association 1730 Rhode Island Ave., NW, Ste. 1000, Washington DC 20036; (202) 659-4613.

Subjects: All matters affecting taxation, operation and regulation of the solid waste management industry.

**Wayne D. Clingman April 18, 1989**, 2832 S. Logan Ave., Milwaukee WI 53207; (414) 769-1475.

1) Glubb Institute for Middle East Affairs Wayne D. Clingman, 2832 S. Logan Ave., Milwaukee WI 53207; (414) 769-1475.

Subjects: Increase trade, understanding and friendship between the State of Wisconsin and Arab nations.

**Gail S. Humphreys April 18, 1989**, 3 S. Pinckney St., Ste. 722, Madison WI 53703; (608) 257-7887.

1) Great Lakes Fish Co., Inc. Gary Seger, 413 New York Ave., Sheboygan WI 53081; (414) 459-7822.

Subjects: Any legislation or administrative action affecting commercial or sport fishing.

**Ronald W. Kuehn** April 19, 1989, 2 E. Mifflin St., Ste. 600, Madison WI 53703; (608) 255-8891.

1) Victor Anthony 134 Shadow Lake Dr., Waupaca WI 54981; (715) 258-2587.

Subjects: Any function or activity of any branch, department or phase of federal, state or local government; agriculture, outdoors or environment; taxation; regulation of business, finance or insurance; or other topics pertaining to the general public health or welfare.

**Anthony R. Varda** April 18, 1989, 2 E. Mifflin St., Ste. 600, Madison WI 53703; (608) 255-8891.

1) Wisconsin Rail & Steel, Ltd. Paul M. Thomsen, 4321 College Ave., Appleton WI 54914; (414) 749-0789.

Subjects: Any function or activity of any branch, department or phase of federal, state or local government; agriculture; outdoors or environment; taxation; regulation of business, finance or insurance, or other topics pertaining to the general public health or welfare.

**William F. White** April 19, 1989, 1 S. Pinckney St., P.O. Box 1806, Madison WI 53701-1806; (608) 257-3501.

1) Wisconsin Association of Truck Stop Operators, Inc. Roger F. Kluge, P.O. Box 1348, Madison WI 53704; (608) 249-9000.

Subjects: Implementation of regulations and enforcement of the Unfair Sales Act.

#### TERMINATION OF LOBBYIST LICENSES:

Thomas W. Clausen terminated as of April 17, 1989 for The Coastal Corp.

Scott B. Reigstad terminated as of April 17, 1989 for The Coastal Corp.

Peter J. Tropman terminated as of April 21, 1989 for City of Madison, Wisconsin, Mayor's Office.

Steven A. Wolfgram terminated as of April 17, 1989 for The Coastal Corp.

#### TERMINATION OF PRINCIPALS:

Superior Water, Light & Power Co. terminated as of April 20, 1989.

#### STATE AGENCY LEGISLATION ACTIVITIES:

**DELETIONS OF LOBBYISTS:** Ave Bie, Department of Regulation and Licensing for the Office of the Governor - April 17, 1989. Don Severson, Department of Regulation and Licensing - April 18, 1989.

**ADDITIONS:** Ave Bie, Department of Regulation and Licensing April 17, 1989. Areas of legislative action: regulation and licensing. Kathleen D. McCleave,

Department of Employment Relations April 18, 1989. Areas of legislative action: Employee reimbursement accounts

program and other actions.

Sincerely,

DOUGLAS LAFOLLETTE  
Secretary of State

### EXECUTIVE COMMUNICATIONS

#### CALENDAR OF APRIL 26, 1989

Senator Strohl, with unanimous consent, asked that all the appointments be taken up enmasse except for **Richard Longabaugh** and **John P. Savage**.

**FERRIS, COLLINS H.**, of Madison, as a member of the Natural Resources Board, to serve for the interim term ending May 1, 1989.

**GLATZ, WILLIAM J.**, of Oshkosh, as a member of the Fox River Management Commission, to serve for the term ending March 1, 1991.

**JOHNSON, DOROTHY**, of Appleton, as a member of the Fox River Management Commission, to serve for the term ending March 1, 1992.

**MC CARTHY, ROBERT E.**, of Madison, as a member of the Education Communications Board, to serve for the term ending May 1, 1992.

**POFAHL, CHERYL L.**, of Madison, as Commissioner, Public Service Commission, to serve for the interim term ending March 1, 1989 and for the full term ending March 1, 1995.

**VAN DE HEY, RONALD**, of Kaukauna, as a member of the Fox River Management Commission, to serve for the term ending March 1, 1992.

Read.

The question was: Confirmation of the appointments?

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

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

Noes — None.

Absent or not voting — None.

Confirmed.

LONGABAUGH, RICHARD J., of Mequon, as Executive Director of the Wisconsin Housing and Economic Development Authority, to serve for the term ending February 1, 1991.

Read.

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, 0; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, 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 — 32.

Noes — None.

Absent or not voting — None.

Confirmed.

SAVAGE, JOHN P., of Milwaukee, as a member of the Public Defender Board, to serve for the interim term ending May 1, 1991.

Read.

The question was: Rejection of the appointment?

Senator Strohl, with unanimous consent, asked that the appointment of **John P. Savage** be returned to the committee on Senate Rules.

Senator Strohl, with unanimous consent, asked that the special order of business scheduled for 10:00 A.M. be taken up.

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## SPECIAL ORDER

### Senate Bill 148

Relating to the Wisconsin retirement system, fixed retirement investment trusts, transferring funds, and the applicability of laws governing certain public employe benefits to state employes who are covered by a collective bargaining agreement.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 148** offered by Senator Weeden.

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

Senator Jauch moved rejection of senate amendment 1 to senate substitute amendment 1.

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

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Burke, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lee, Moen, Plewa, Risser, Roshell, Shoemaker, Strohl, Te Winkle, Ulichny and Van Sistine — 20.

Noes — Senators Adelman, Buettner, Chilsen, Cowles, Davis, Ellis, Lasee, Lekan, Lorman, Rude, Stitt and Weeden — 12.

Absent or not voting — None.

Rejected.

Senate amendments 2, 3 and 4 to senate substitute amendment 1 to **Senate Bill 148** offered by Senator Davis.

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

Senator Andrea 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, 23; noes, 9; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Buettner, Burke, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lee, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny and Van Sistine — 23.

Noes — Senators Adelman, Chilsen, Cowles, Davis, Ellis, Lasee, Lekan, Stitt and Weeden — 9.

Absent or not voting — None.

Rejected.

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

Senator Jauch 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, 23; noes, 8; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Burke, Chilsen, Chvala, Czarnecki, Feingold, George, Jauch, Kincaid, Kreul, Lee, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 23.

Noes — Senators Adelman, Cowles, Davis, Ellis, Lasee, Lekan, Lorman and Stitt — 8.

Absent or not voting — Senator Helbach — 1.

Rejected.

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

Senator Andrea 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, 23; noes, 8; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Burke, Chilsen, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lee, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny and Van Sistine — 23.

Noes — Senators Adelman, Cowles, Davis, Lasee, Lekan, Lorman, Stitt and Weeden — 8.

Absent or not voting — Senator Ellis — 1.

Rejected.

Senate amendments 5, 6 and 7 to senate substitute amendment 1 to **Senate Bill 148** offered by Senator Stitt.

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

Senator Stitt, with unanimous consent, asked that senate amendment 5 to senate substitute amendment 1 be returned to the author.

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

Senator Jauch 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, 23; noes, 9; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lee, Moen, Plewa, Risser, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 23.

Noes — Senators Chilsen, Cowles, Davis, Ellis, Lasee, Lekan, Lorman, Roshell and Stitt — 9.

Absent or not voting — None.

Rejected.

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

Senator Jauch 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, 26; noes, 6; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lee, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 26.

Noes — Senators Cowles, Davis, Ellis, Lasee, Lekan and Stitt — 6.

Absent or not voting — None.

Rejected.

Senate amendment 8 to senate substitute amendment 1 to **Senate Bill 148** offered by Senator Lorman.

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

Senator Jauch 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, 29; noes, 2; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnecki, Davis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 29.

Noes — Senators Lekan and Lorman — 2.

Absent or not voting — Senator Ellis — 1.

Rejected.

Senate amendment 9 to senate substitute amendment 1 to **Senate Bill 148** offered by Senator Stitt.

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

Senator Jauch moved rejection of senate amendment 9 to senate substitute amendment 1.

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

Rejected.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

**Senate Bill 148**

Read a third time.

Senator Stitt raised the point of order that according to Article 4, Section 26 of the Statutes requires 3/4 vote to pass **Senate Bill 148**.

The Chair ruled the point not well taken and will spread its opinion upon the journal.

The question was: Passage?

The ayes and noes were required and the vote was: ayes, 26; noes, 6; absent or not voting, 0; as follows:

Ayes - Senators Andrea, Buettner, Burke, Chilsen, Chvala, Czarnecki, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lee, Lcean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Van Sistine and Weeden - 26.

Noes - Senators Adelman, Cowles, Davis, Lasee, Stitt and Ulichny - 6.

Absent or not voting - None.

Passed.

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

#### SENATE CLEARINGHOUSE ORDERS

State of Wisconsin  
Revisor of Statutes Bureau

May 1, 1989

To the Honorable the Legislature:

The following rules have been published and are effective:

Clearinghouse Rule 87-133 effective May 1, 1989.  
Clearinghouse Rule 87-156 effective May 1, 1989.  
Clearinghouse Rule 87-169 effective May 1, 1989.  
Clearinghouse Rule 88-028 effective May 1, 1989.  
Clearinghouse Rule 88-087 effective May 1, 1989.  
Clearinghouse Rule 88-107 effective May 1, 1989.  
Clearinghouse Rule 88-133 effective May 1, 1989.  
Clearinghouse Rule 88-134 effective May 1, 1989.  
Clearinghouse Rule 88-144 effective May 1, 1989.  
Clearinghouse Rule 88-145 effective May 1, 1989.  
Clearinghouse Rule 88-149 effective May 1, 1989.  
Clearinghouse Rule 88-151 effective May 1, 1989.  
Clearinghouse Rule 88-152 effective May 1, 1989.  
Clearinghouse Rule 88-158 effective May 1, 1989.  
Clearinghouse Rule 88-159 effective May 1, 1989.  
Clearinghouse Rule 88-180 effective May 1, 1989.  
Clearinghouse Rule 88-182 effective May 1, 1989.

Sincerely,

GARY L. POULSON

Assistant Revisor

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

#### Senate Clearinghouse Rule 88-219

Relating to an allocation of volume cap on private activity bonds.

Objection:

Ayes, 7 -- Senators Ulichny, Adelman, Czarnecki, Helbach, Jauch, Shoemaker and Chilsen;

Noes, 1 -- Senator Lorman.

Barbara Ulichny  
Chair

Read and referred to joint committee for Review of Administrative Rules.

#### Senate Clearinghouse Rule 88-184

Relating to grievances procedure requirements in preferred provider plans, health maintenance organizations and limited service health organizations.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, April 24, 1989.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, April 26, 1989.

#### Senate Clearinghouse Rule 89-32

Relating to an initial rehabilitation program as part of the Wisconsin development fund community development block grant.

Submitted by Department of Development.

Report received from agency, April 25, 1989.

Referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies, April 26, 1989.

#### 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 Joint Resolution 40**

**Assembly Joint Resolution 42**

**Assembly Bill 101**

**Assembly Bill 142**

**Assembly Bill 188**

**Assembly Bill 216**

**Assembly Bill 306**

Concurred in:

**Senate Bill 3**

#### MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Joint Resolution 40**

Relating to national nurse day.

By Representatives Robson, Loftus, Baldus, Barrett, Black, Bock, Boyle, Carpenter, Coleman, Deininger, Duff, Farrow, Fortis, Grobschmidt, Gruszynski, Hamilton, Hasenohrl, Holperin, Huelsman, Holschbach, Johnsrud, Krug, Lautenschlager, Lehman, Loucks, Ladwig, Medinger, Ourada, Plache, Potter, Radtke, Rosenzweig, Roberts, Schneiders, Turba, Vanderperren, Volk, Wood, Young, Zien, Van Dreef, Van Gorden, Hauke and Stower, cosponsored by Senators Strohl, Czarnecki, Andrea, Chvala, Cowles, Moen, Plewa, Rude, Te Winkle and Burke.

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

**Assembly Joint Resolution 42**

Relating to requesting a presidential commission inquiry into off-reservation treaty rights.

By Representatives Hubler, Holperin, Stower, Volk, Boyle, Rohan, Wood, Van Dreel, Hasenohrl, Musser, Larson, Panzer, Ladwig, Brancel, Lahn, Lepak, Duff, Welch, Lehman, Porter, Goetsch, Rosenzweig, Schmidt, Harsdorf, Hamilton and Thompson, cosponsored by Senators Roshell, Jauch, Shoemaker and Kreul.

Read and referred to committee on Transportation, Conservation and Mining.

**Assembly Bill 101**

Relating to costs incurred by a town in laying a highway to provide access to certain real estate.

By Representatives Holperin, Zweck, Volk, Holschbach, Boyle, Gronemus, Thompson, Bolle, Vergeront, Welch, Brandemuehl, Gard and Klusman, cosponsored by Senators Van Sistine, Moen, Shoemaker, Davis and Kreul.

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

**Assembly Bill 142**

Relating to requesting a school board to modify a pupil's program or curriculum.

By Representatives Krusick, Potter, Hauke, Radtke and Barca.

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

**Assembly Bill 188**

Relating to requiring tax key numbers on conveyances in populous counties.

By Representatives Krusick, Moore, Carpenter, Notestein, Seery, Barrett, Fortis and S. Coggs, cosponsored by Senators Burke, Czarnecki, Lee and Plewa.

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

**Assembly Bill 216**

Relating to various changes to the laws pertaining to handicapped education.

By Representatives Potter, Grobschmidt, Swoboda, Roberts, Krusick, Volk, Rohan, Barca, Lautenschlager, Coleman, Turba, Larson, Brandemuehl, Duff and Notestein, cosponsored by Senators Ulichny, Shoemaker, Czarnecki and Chilsen.

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

**Assembly Bill 306**

Relating to the interest rate on loans related to agriculture that are guaranteed by the Wisconsin housing and economic development authority.

By Representatives Gronemus and Loftus, cosponsored by Senator Moen.

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

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CALENDAR OF APRIL 26, 1989

**Senate Joint Resolution 31**

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

Read.

The question was: Shall assembly substitute amendment 1 be concurred in?

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.

The question was: Shall the Senate adhere to its position on senate amendment 1?

Senator Helbach moved that the Senate recede from its position on senate amendment 1.

The question was: Shall the Senate recede from its position on senate amendment 1?

Receded.

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SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

**Senate Joint Resolution 36**

Proclaiming May 3, 1989, Trzeciego Maja Day.

Read.

The question was: Adoption?

Adopted

**Senate Bill 29**

Relating to public utility customer service.

Read a second time.

Senate amendment 1 to **Senate Bill 29** offered by Senators Chvala and Lee.

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

Ordered to a third reading.

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

**Senate Bill 29**

Read a third time and passed.

**Senate Bill 36**

Relating to eligibility for exemption from nonresident tuition at the university of Wisconsin system.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 36** be referred to the joint committee on Finance.

**Senate Bill 37**

Relating to eligibility for exemption from nonresident tuition at the university of Wisconsin system.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 37** be referred to the joint committee on Finance.

**Senate Bill 48**

Relating to the office of health care information and granting rule-making authority.

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 bill be considered for final action at this time.

**Senate Bill 48**

Read a third time and passed.

**Senate Bill 59**

Relating to the term of office of the adjutant general.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 59**

Read a third time and passed.

**Senate Bill 67**

Relating to repealing the laws relating to the citizens utility board.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 67**

Read a third time and passed.

**Senate Bill 68**

Relating to membership of the laboratory of hygiene board.

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 bill be considered for final action at this time.

**Senate Bill 68**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; 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, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Noes — None.

Absent or not voting — Senator Stitt — 1.

Passed.

**Senate Bill 69**

Relating to the organization and regulation of state governmental purpose corporations.

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Lee, with unanimous consent, asked that **Senate Bill 69** be referred to the committee on Senate Rules.

**Senate Bill 70**

Relating to reports by charitable organizations and state agencies.

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 bill be considered for final action at this time.

**Senate Bill 70**

Read a third time and passed.

**Senate Bill 72**

Relating to reimbursement rates for library system-funded interlibrary borrowing payments.

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 bill be considered for final action at this time.

**Senate Bill 72**

Read a third time and passed.

**Senate Bill 73**

Relating to hospital approval and regulation by the department of health and social services, granting rule-making authority and providing penalties.

Read a second time.

Senate amendments 1, 2 and 3 to Senate substitute amendment 1 to **Senate Bill 73** offered by Senators Czarnecki and Lee.



Senator Lee, with unanimous consent, asked that **Senate Bill 73** be placed at the foot of the eleventh order.

**Senate Bill 89**

Relating to the rendering of final decisions in contested cases before the department of veterans affairs.

Read a second time.

Senator Strohl, with unanimous consent, asked that **Senate Bill 89** be referred to the committee on Senate Rules.

**Senate Bill 112**

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

Read a second time.

Senate amendment 1 to **Senate Bill 112** offered by Senator Leean.

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

Senator Leean, with unanimous consent, asked that **Senate Bill 112** be placed at the foot of the eleventh order.

**Senate Bill 136**

Relating to uses of certain lands adjacent to the shore of Lake Michigan.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 136**

Read a third time and passed.

**Senate Bill 143**

Relating to financial requirements for health maintenance organizations, limiting the liability of enrollees and policyholders of health maintenance organizations for covered health care costs, open enrollment for persons insured under a liquidated insurer's group health policy, special deposits by health maintenance organizations, eligibility of and deductibles for claims under the insurance security fund, other changes to the laws governing health maintenance organizations and insurer delinquency proceedings and granting rule-making authority.

Read a second time.

Senate amendment 1 to senate amendment 1 to **Senate Bill 143** offered by Senator Van Sistine.

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

Senator Strohl, with unanimous consent, asked that **Senate Bill 143** be referred to the committee on Senate Rules.

**Senate Bill 165**

Relating to the interest rate on loans related to agriculture that are guaranteed by the Wisconsin housing and economic development authority.

Read a second time.

Senator Moen, with unanimous consent, asked that **Assembly Bill 306** be withdrawn from the committee on Agriculture, Health and Human Services and taken up.

**Assembly Bill 306**

Relating to the interest rate on loans related to agriculture that are guaranteed by the Wisconsin housing and economic development authority.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 306**

Read a third time and concurred in.

Senator Strohl, with unanimous consent, asked that **Senate Bill 165** be referred to the committee on Senate Rules.

**Senate Bill 73**

Relating to hospital approval and regulation by the department of health and social services, 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?

Senate Czarnecki, with unanimous consent, asked that senate amendment 2 be placed after consideration of senate amendment 4.

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

Adopted.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Czarnecki.

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

Adopted.

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

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

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

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

**Senate Bill 73**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Buettner, Burke, Chvala, Cowles, Czarnezki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 31.

Noes None.

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

Passed.

**Senate Bill 112**

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

Read a second time.

Ordered to a third reading.

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

**Senate Bill 112**

Read a third time and passed.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

**Assembly Joint Resolution 24**

Relating to miscellaneous changes in the joint rules.

Read.

The question was: Concurrence?

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

Ayes -- Senators Adelman, Andrea, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 32.

Noes -- None.

Absent or not voting -- None.

Concurred in.

Senator Strohl, with unanimous consent, asked that the senate recess until 1:53 P.M.

1:35 P.M.

RECESS

1:53 P.M.

The senate reconvened.

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

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

**Senate Bill 160**

Relating to contract and administrative costs under employe-funded reimbursement accounts and making appropriations.

Introduction and adoption of Senate amendment 1:

Ayes, 14 -- Senators George, Roshell, Helbach, Andrea, Czarnezki, Davis and Leean and Representatives Kunicki, Travis, Bell, Holperin, Hubler, Panzer and Nelsen;

Noes, 0 -- None.

Passage as amended with Emergency statement attached:

Ayes, 14 -- Senators George, Roshell, Helbach, Andrea, Czarnezki, Davis and Leean and Representatives Kunicki, Travis, Bell, Holperin, Hubler, Panzer and Nelsen;

Noes, 0 -- None.

Gary R. George  
Co-chair

Walter Kunicki  
Co-chair

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

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

**Assembly Bill 14**, Senate Amendment 1 and Senate Amendment 2

Passed and asks concurrence in:

**Assembly Bill 95**

Adopted and asks concurrence in:

**Assembly Joint Resolution 41**

MESSAGE FROM THE ASSEMBLY CONSIDERED

**Assembly Bill 95**

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

By Representatives Loftus, Wineke, Young, Clarenbach, Black and Travis, cosponsored by Senators Risser, Feingold and Chvala.

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

**Assembly Joint Resolution 41**

Relating to commemorating the 75th anniversary of the cooperative extension service.

By Representatives Johnsrud, Gronemus and Ott, cosponsored by Senators Moen and Rude.

Read and referred to committee on Senate Organization.

Senator Strohl, with unanimous consent, asked that the Senate take up the supplemental calendar.

**Senate Bill 160**

Relating to contract and administrative costs under employe-funded reimbursement accounts and making appropriations.

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 bill be considered for final action at this time.

**Senate Bill 160**

Read a third time.

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

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

Noes — None.

Absent or not voting — None.

Passed.

**Assembly Joint Resolution 37**

Relating to proclaiming a 'Workers Memorial Day'.

Read.

Concurred in.

**Assembly Bill 291**

Relating to eligibility for medical assistance of, and providers of services for, certain pregnant women.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 291**

Read a third time.

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

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

Noes — None.

Absent or not voting — None.

Concurred in.

Senator Strohl, with unanimous consent, asked that **Assembly Joint Resolution 41** be withdrawn from Senate Organization and taken up.

**Assembly Joint Resolution 41**

Relating to commemorating the 75th anniversary of the cooperative extension service.

Read

Concurred in.

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

Senator Rude, with unanimous consent, asked that we adjourn today in honor of the Senator from the 17th district, Senator Kreul.

Senator Andrea, with unanimous consent, asked that we adjourn today in honor of President Risser's 62nd birthday.

Senator Buettner, with unanimous consent, asked that we adjourn today in honor of UW-Oshkosh Chancellor Edward Penson.

Senator Shoemaker, with unanimous consent, asked that we adjourn today in honor of the new UW-Stout Chancellor, Charles William Sorensen.

Senator Strohl, with unanimous consent, asked that we adjourn today in honor of Senator Burke's birthday.

Senator Strohl, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Tuesday, May 16, 1989.

2:09 P.M.

AMENDMENTS OFFERED

Senate amendment 3 to **Senate Bill 69** offered by Senators Kincaid and Czarnecki.

STATEMENT OF POSITION

Pursuant to Senate Rule 74, I wish to be recorded as voting in favor of the following measures as enumerated below:

Senate amendment 8 to **Senate Bill 65** and the bill itself.

BARBARA L. ULICHNY  
Senator of the 4th Senate District