

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

TUESDAY, May 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, 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.

Absent — None.

Absent with leave — None.

The senate stood for a moment of silent prayer.

The senate remained standing and Senator Czarnecki 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 196

Relating to requiring the approval of a proposed racetrack by a town board under certain circumstances.

By Senator Shoemaker; cosponsored by Representatives Baldus and Harsdorf.

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

Senate Bill 197

Relating to controlled substances at or near schools or youth centers and providing penalties.

By Senators Weeden, Buettner, Rude, Lorman, Chilsen, Lasec, Kreul and Cowles; cosponsored by Representatives Robson, Tregoning, Moore, Panzer, Brancel, Rosenzweig, Huelsman, Farrow, Olt, Lorge, Duff, Van Gorden, Musser, Klusman, Brandemuehl, Schneiders, Harsdorf, Goetsch and Barca.

To committee on Judiciary and Consumer Affairs.

Senate Bill 199

Relating to the speed limit in a school zone and at a school crossing and providing a penalty.

By Senators Andrea and Kreul; cosponsored by Representatives Vanderperren, Hasenohrl, Boyle, Van Driel, Lehman and Volk.

To committee on Transportation, Conservation and Mining.

Senate Bill 200

Relating to changing the limit for tax incremental districts.

By Senators Burke, Rude, Andrea, Buettner, Feingold, Van Sistine, Kreul, Lorman and Weeden; cosponsored by Representatives Potter, Porter, Rosenzweig, Notestein, Fergus, Fortis, Brandemuehl, Vergeront, Duff, Loucks, Musser, Lehman, Huber, Farrow, Hamilton, Van Gorden, Lorge, Johnsrud and Moore.

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

COMMITTEE REPORTS

The committee on Senate Organization recommends the following nominations to committees for appointment by the Senate:

Legislative Council

Senator Joseph Czarnecki

Senate David Helbach

Rod Moen

Richard Kreul

Walter John Chilsen

Transportation Projects Commission

Senator Tim Weeden (to fill a Republican vacancy)

The question was: Adoption?

Adopted.

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

Senate Bill 198

Relating to a sales and use tax exemption for precious metal bullion and monetized bullion.

Introduction:

Ayes, 4 -- Senators Feingold, Moen, Buettner and Weeden;

Noes, 0 -- None.

Read first time and referred to Joint Survey committee on Tax Exemptions.

Russell D. Feingold

Chair

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

Assembly Bill 94

Relating to selecting works of art for the arts in state buildings program.

Concurrence:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine,
Burke, Rude and Lorman;

Noes, 0 -- None.

Assembly Bill 101

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

Concurrence:

Ayes, 6 -- Senators Plewa, Ulichny, Van Sistine,
Burke, Rude and Lorman;

Noes, 0 -- None.

John R. Plewa
Chair

The committee on Transportation, Conservation and
Mining reports and recommends:

Senate Bill 154

Relating to the operation of snowmobiles near
highways.

Passage:

Ayes, 5 -- Senators Kincaid, Roshell, Andrea,
Kreul and Lasec;

Noes, 0 -- None.

Senate Bill 156

Relating to acreage payments for county forests.

Passage:

Ayes, 5 -- Senators Kincaid, Roshell, Andrea,
Kreul and Lasec;

Noes, 0 -- None.

Senate Bill 157

Relating to the violation of laws regulating fireworks,
forest lands, forest croplands and managed forest land,
the sale of timber from forests and providing penalties.

Passage:

Ayes, 5 -- Senators Kincaid, Roshell, Andrea,
Kreul and Lasec;

Noes, 0 -- None.

Senate Bill 168

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

Passage:

Ayes, 5 -- Senators Kincaid, Roshell, Andrea,
Kreul and Lasec;

Noes, 0 -- None.

Senate Bill 170

An act relating to prohibiting removal of a certain
sign.

Passage:

Ayes, 5 -- Senators Kincaid, Roshell, Andrea,
Kreul and Lasec;

Noes, 0 -- None.

Lloyd Kincaid
Chair

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

BARNEY, WILLIAM A., of La Crosse, as a member of
the Waterways Commission, to serve for the term
ending March 1, 1994.

Confirmation:

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

Noes, 0 -- None.

SCHNEIDER, NEAL W., of Janesville, as a member of
the Natural Resources Board, to serve for the term
ending May 1, 1993.

Confirmation:

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

Noes, 0 -- None.

Senate Bill 147

Relating to providing penalties for violations of air
pollution laws.

Passage:

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

Noes, 0 -- None.

Senate Bill 150

Relating to elector registration with operator's
license renewals and making an appropriation.

Passage:

Ayes, 3 -- Senators Lee, Chvala and Burke;

Noes, 2 -- Senators Lasec and Kreul.

Senate Bill 176

Relating to banning products that contain
daminozide.

Introduction and adoption of Senate substitute
amendment 1:

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

Noes, 0 -- None.

Passage as amended:

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

Noes, 0 -- None.

Assembly Bill 188

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

Concurrence:

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

Noes, 0 -- None.

Mordecai Lee
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Audit Bureau

May 11, 1989

To the Honorable the Legislature:

We have completed an evaluation of the State's
amusement ride safety program as requested by the Joint

Legislative Audit Committee. The Department of Industry, Labor and Human Relations is responsible for registering and conducting safety inspections on all amusement rides operating in the state.

We found that serious injuries appear to occur in only a small number of the accidents reported to the State each year. However, the State currently has no way of knowing whether all serious amusement ride injuries are being reported by operators, or whether the reports that are filed are accurate. We have included recommendations for the Department to improve reporting by collection insurance claim data, by requiring more prompt reporting of serious accidents, and by requiring the accident victim's signature on each accident report.

We believe that adoption of formal inspection goals and a more formal procedure for scheduling ride inspections could improve staff productivity and efficiency. We also note that several long-standing amusement ride safety issues, such as the use of restraints on children's rides, have yet to be resolved, largely because the Department has not convened its amusement ride code advisory committee since 1985. We include a recommendation for the Department to convene the committee for the purpose of establishing safety standards in these areas.

Finally, we note that total inspection fee revenue offset approximately 60 percent of inspection costs in the last three years and we include a recommendation that the Department establish a fee for reinspections which are currently without charge.

We appreciate the courtesy and cooperation provided to us by department staff. The Department's response is the Appendix.

Sincerely,
DALE CATTANACH
State Auditor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
May 10, 1989

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
160 (partially vetoed)	-----14-----	May 10, 1989

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

May 10, 1989

To the Honorable, the Senate:

I have approved **Senate Bill 160** as 1989 Wisconsin Act 14, and deposited it in the office of the Secretary of State. I have exercised the partial veto power in one instance.

SECTION 10. This section authorizes the Department of Employee Trust Funds to administer an employe-funded reimbursement account plan. Paragraph (c) authorizes the Department to establish procedures for collecting program fees on a monthly basis. I am vetoing the phrase ", on a monthly basis," to provide ETF with the option of collecting fees on a less frequent basis if administrative cost savings or other efficiencies are possible.

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

May 8, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint **BRUCE F. PIERSON** of Janesville, as a member of the Bingo Control Board pursuant to the statute governing, to serve for the term ending May 1, 1994.

Respectfully,
TOMMY THOMPSON
Governor

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

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 89-7

Relating to a potato marketing order for the levy and payment of assessments for purposes of financing research, market development, industry communication, educational programs and the creation of a marketing board for administration of the marketing order.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, May 10, 1989.

Referred to committee on Agriculture, Health and Human Services, May 16, 1989.

The joint committee for Review of Administrative Rules, reports and recommends:

Senate Clearinghouse Rule 88-219

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

Nonconcurrency:

Ayes, 8 -- Senators Plewa, Kincaid and Kreul and Representatives Antaramian, Fortis, Schneider, Welch and Zeuske;

Noes, 0 -- None.

John Plewa
Co-chair

John Antaramian
Co-chair

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

Senate Clearinghouse Rule 88-195

Relating to the motor vehicle air pollution control equipment tampering prohibition and the creation of a tampering inspection procedure and requirement for a random inspection program in the ozone nonattainment area of southeastern Wisconsin.

No action taken.

Mordecai Lee
Chair

The committee on Transportation, Conservation and Mining reports and recommends:

Senate Clearinghouse Rule 87-181

Relating to the procedures and criteria for siting noise barriers.

No action taken.

Senate Clearinghouse Rule 88-192

Relating to private forestry assistance.

No action taken.

Senate Clearinghouse Rule 88-205

Relating to fish refuges.

No action taken.

Senate Clearinghouse Rule 88-214

Relating to housekeeping modifications to hunting, trapping and miscellaneous regulations.

No action taken.

Senate Clearinghouse Rule 88-218

Relating to northern pike fishing on Wilson Flowage, Price County.

No action taken.

Lloyd Kincaid
Chair

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

Senate Clearinghouse Rule 87-105

Relating to program approval for schools of nursing.

No action taken.

Senate Clearinghouse Rule 87-132

Relating to compensation for inmates of adult correctional institutions.

No action taken.

Senate Clearinghouse Rule 88-102

Relating to sanitary and quality standards for milk and the production of milk on dairy farms.

No action taken.

Senate Clearinghouse Rule 88-119

Relating to the treatment of life estates and land contracts in determining eligibility for medical assistance.

No action taken.

Senate Clearinghouse Rule 88-217

Relating to hotels, motels and tourist rooming houses.

No action taken.

Senate Clearinghouse Rule 88-132

Relating to reduced fat cheeses.

No action taken.

Senate Clearinghouse Rule 88-185

Relating to day services and day treatment programs for persons with alcohol or drug problems.

No action taken.

Senate Clearinghouse Rule 89-3

Relating to definitions, professional conduct, barbering and cosmetology establishments, inspections, sanitation and safety, courses of instruction, apprenticeship procedures, apprenticeship standards, examinations, endorsements, reciprocity license restoration and license reinstatement.

No action taken.

Rodney C. Moen
Chair

Senator Feingold, with unanimous consent, asked that **Senate Bill 200** be withdrawn from the committee on Aging, Banking, Commercial Credit and Taxation and referred to Education, Economic Development, Financial Institutions and Fiscal Policies.

Senator Adelman, with unanimous consent, asked that **Senate Bill 193** be withdrawn from Education, Economic Development, Financial Institutions and Fiscal Policies and referred to Senate Organization.

CALENDAR OF MAY 16, 1989

Senate Joint Resolution 21

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

By Senator Andrea; cosponsored by Representatives Porter, Barca and Antaramian, by request of Clayton Diskerud of Kenosha.

Read.

The question was: Concurrence in assembly amendment 1?

Senator Andrea moved nonconcurrency in assembly amendment 1.

The question was: Nonconcurrency in assembly amendment 1?

Nonconcurrent in.

Assembly Bill 1

Relating to establishing a minimum wage for certain employees.

By Representatives Barca, Ourada, M. Coggs, Ladwig, Loftus, Antaramian, Carpenter, Vanderperren, Clarenbach, Van Dreel, Zweck, Seery, Bell, Grobschmidt, Medinger, Barrett, Bock, Gruszynski, Young, Holschbach, Krug, Roberts, Boyle, Notestein, Fortis, Tesmer, S. Coggs, Williams, Black, Hauke, Travis, Gronemus, Wood, Robson, Rohan, Plache, Huber and Linton, cosponsored by Senators Chvala, Andrea, Burke, Czarnecki, Risser, Feingold, Strohl, Kincaid, Plewa, Te Winkle, George, Jauch and Helbach.

Read.

The question was: Adherence to the Senate position on senate substitute amendment 4?

Senator Chvala, with unanimous consent, asked that **Assembly Bill 1** be placed at the foot of the 12th order of business.

SPECIAL ORDER

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.

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

Adopted.

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

Ordered to a third reading.

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

Senate Bill 143

Read a third time and passed.

**SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS**

Senate Bill 77

Relating to the eligibility of a homemaker for an occupational license.

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 77

Read a third time and passed.

**SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS**

Assembly Joint Resolution 43

Relating to commending Milwaukee Police Chief Robert J. Ziarnik for his public service to the people of Milwaukee.

By Representatives Krusick, Barrett, S. Coggs, Fortis, Notestein and Tesmer, cosponsored by Senators Plewa, Burke, Czarnecki and Ulichny.

Read.

Senator Lee, with unanimous consent, asked that he be listed as a co-sponsor.

The question was: Concurrence?

Concurred in.

Assembly Bill 1

Relating to establishing a minimum wage for certain employees.

By Representatives Barca, Ourada, M. Coggs, Ladwig, Loftus, Antaramian, Carpenter, Vanderperren, Clarenbach, Van Dreel, Zweck, Seery, Bell, Grobschmidt, Medinger, Barrett, Bock, Gruszynski, Young, Holschbach, Krug, Roberts, Boyle, Notestein, Fortis, Tesmer, S. Coggs, Williams, Black, Hauke, Travis, Gronemus, Wood, Robson, Rohan, Plache, Huber and Linton, cosponsored by Senators Chvala, Andrea, Burke, Czarnecki, Risser, Feingold, Strohl, Kincaid, Plewa, Te Winkle, George, Jauch and Helbach.

Read.

The question was: Adherence to the Senate position on senate substitute amendment 4?

The Senate Adhered to its position.

The Senate agrees to a committee on conference.

Senator Strohl, with unanimous consent, asked that the Chair appoint conferees.

The Chair appoints Senators Chvala, Van Sistine and Weeden as conferees on its part.

The question was: Confirmation of Senators Chvala, Van Sistine and Weeden as conferees?

Confirmed.

MOTIONS

Senator Rude, with unanimous consent, asked that the senate adjourn in honor of Nursing Home Week this week and especially the Onalaska Health Care Center in Onalaska.

Senator Feingold, with unanimous consent, asked that the Senate adjourn in honor of Marlea Stefanski a member of the Allied Council of Senior Citizens, who passed away Sunday.

Senator Plewa, with unanimous consent, asked that the senate adjourn in honor of the marriage of Dave and Dianne Cieslewicz.

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

Senator Strohl, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, May 18.
10:35 A.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 32

1. Page 8, line3: delete "The" and substitute "(e) The"; and delete " Notwithstanding" and substitute "(f) Notwithstanding".
2. Page 8, line 13: substitute "(f)" for "(e)".
3. Page 13, line 23: substitute "s." for "section".