

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

Thursday, May 25, 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, 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 Feingold led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 44

Relating to opposing the inclusion of Kenosha county in the Chicago-area federal implementation plan for air pollution control.

By Senators Strohl and Andrea; cosponsored by Representatives Barca, Antaramian and Porter.

To committee on Urban Affairs, Environmental Resources, Utilities and Elections.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 209

Relating to creating the department of corrections, the parole commission and the division of corrections hearings and juvenile offender review in the department of health and social services, granting rule-making authority and making appropriations.

By Senators Lorman, Lekan, Weeden, Andrea, Shoemaker, Roshell, Rude, Helbach, Chilsen, Cowles, Davis and Ellis; cosponsored by Representatives Goetsch, Welch, Prosser, Deininger, Schmidt, Lehman, Vergeront, Schneiders, Huelsman, Porter, Brancel, Nelsen, Panzer, Krusick and Thompson.

To committee on Agriculture, Health and Human Services.

Senate Bill 210

Relating to creating a technology assessment and promotion board and a division of technology assessment and promotion in the department of development, creating a program related to technology assessment and development and making appropriations.

By Legislative Council.

To committee on Science, Technology, Communications and Energy.

Senate Bill 211

Relating to establishing a seed capital fund and a technology-based incubator program and making appropriations.

By Legislative Council.

To committee on Science, Technology, Communications and Energy.

Senate Bill 212

An act relating to the biotechnology transfer functions of the university of Wisconsin-Madison biotechnology center and making an appropriation.

By Legislative Council.

To committee on Science, Technology, Communications and Energy.

Senate Bill 213

Relating to directing the board of regents of the university of Wisconsin system to create agricultural bioethics committees and making an appropriation.

By Legislative Council.

To committee on Science, Technology, Communications and Energy.

Senate Bill 214

Relating to allowing the department of transportation to issue special plates to members of the Pearl Harbor Survivors Association.

By Senators Buettner, Cowles and Kreul; cosponsored by Representatives Panzer, Fortis, Underheim, Goetsch, Klusman, Lautenschlager, Rosenzweig, Brandemuehl, Lehman, Zien and Lahn.

To committee on Transportation, Conservation and Mining.

Senate Bill 215

Relating to permits to hunt wild turkeys.

By Senators Rude, Strohl, Kreul, Moen, Kincaid and Lorman; cosponsored by Representatives Johnsrud, Medinger, Hamilton, Brandemuehl, Bolle, Goetsch, Ladwig, Duff, Van Gorden, Ourada, Zeuske, Schneiders, Bock, Lahn, Lehman, Klusman, Radtke, Gard, Underheim, Tregoning, Brancel, Musser and Schmidt.

To committee on Transportation, Conservation and Mining.

State of Wisconsin
Office of the Secretary of State

May 22, 1989

Senate Bill 216

Relating to the renaming of First Capitol state park.

By Senators Rude, Risser and Kreul; cosponsored by Representatives Grobschmidt, Radtke, Lewis, Clarenbach, Brandemuehl, Schultz and Tregoning.

To committee on Transportation, Conservation and Mining.

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:

Jeffrey B. Bartell May 15, 1989, 1 S. Pinckney St., Ste. 600, Madison WI 53701-2113; (608)251-5000.

1) WI Institute of Certified Public Accountants Joseph Sperstad, 180 N. Executive Dr., Brookfield WI 53008; (414)785-0445.

Subjects: Representing WICPA in matters relating to accountant liability.

Joseph Czerwinski May 15, 1989, 135 W. Wells St., Milwaukee WI 53203; (414) 273-7374.

1) WI Hospital Assn. David R. Hewett; 5721 Odana Rd., Madison WI 53719; (608)274-1820.

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

William W. Gohdes May 19, 1989, 7 Buttonwood Ct., Indian Head Park IL 60525; (312)246-6151.

1) Upjohn Co. James A. Riesgraf; 7000 Portage Rd., Kalamazoo MI 49001; (616)384-2587.

Subjects: Legislative or administrative action relating to delivery of health care, health care services, animal health, agricultural products.

Gary R. Goyke May 19, 1989, 22 N. Carroll St., Madison WI 53703; (608) 251-5997.

1) WI Coin Laundry Assn. Sue Mokler; W14115 Plante Dr., Ripon WI 54971; (414) 748-7264.

Subjects: Taxation, phosphates, Department of Natural Resources.

Mark M. Huber May 19, 1989, 1330 N. 113th St., Ste. 190, Milwaukee WI 53226; (414)258-9100.

1) American Lung Assn. of WI Mark M. Huber; 1330 N. 113th St., Ste. 190, Milwaukee WI 53226; (414)258-9100.

Subjects: Health, smoking, taxation, regulation of tobacco products.

Jon A. Nelson May 18, 1989, ARC-WI, 6120 University Ave., Middleton WI 53562; (608)231-3335.

1) WI Assn. for Retarded Citizens, Inc. Jon A. Nelson, Exec. Dir., 6120 University Ave., Middleton WI 53562; (608)231-3335.

Subjects: Human service issues.

Ruthann Nelson May 19, 1989, 22 N. Carroll St., Madison WI 53703; (608) 251-5997.

COMMITTEE REPORTS

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

Senate Bill 151

Relating to tourist-oriented directional highway signs and specific information highway signs and granting rule-making authority.

Passage:

Ayes, 6 -- Senators Kincaid, Moen, Roshell, Andrea, Kreul and Lasee;

Noes, 0 -- None.

Lloyd Kincaid

Chair

The joint committee on Audit reports and recommends:

Senate Bill 217

Relating to discrimination in public places of accommodation or amusement.

Introduction:

Ayes, 8 -- Senators Lee, Ulichny, Lasee and Stitt and Representatives Barca, Schneider, Schultz and Lahn;

Noes, 0 -- None.

Read first time and referred to joint committee on Audit.

Mordecai Lee

Co-chair

Peter Barca

Co-chair

PETITIONS AND COMMUNICATIONS

1) WI Coin Laundry Assn. Sue Mokler; WI4115 Plante Dr., Ripon WI 54971; (414) 748-7264.
Subjects: Taxation, phosphates, Department of Natural Resources.

Larry O'Neill May 15, 1989, 800 N. Lindbergh Blvd., St. Louis MO 63167; (314)694-1000.

1) Monsanto Agricultural Co. A. Gerald Barnett; 800 N. Lindbergh Blvd., St. Louis MO 63167; (314)694-1000.

Subjects: All areas related to agriculture.

Jeffrey Remsik May 15, 1989, 2912 S. Delaware Ave., Milwaukee WI 53207; (414)481-6237.

1) Animal Health Institute Betsy Holler; 119 Oronoco St., Alexandria VA 22314; (703)684-0011.

Subjects: All areas related to agriculture.

2) Monsanto Agricultural Co. A. Gerald Barnett; 800 N. Lindbergh Blvd., St. Louis MO 63167; (314)694-1000.

Subjects: All areas related to agriculture.

Gloria Toivola May 17, 1989, UW-Superior, Superior WI 54880; (715) 394-8482.

1) Assn. of University of WI Professionals Edward J. Muzik; 139 W. Wilson, Madison WI 53702; (608)257-6177.

Subjects: All matters relating to higher education.

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

EXECUTIVE COMMUNICATIONS

Senator Weeden, with unanimous consent, asked that the senate recess until 11:42 A.M..

10:08 A.M.

RECESS

11:42 A.M.

The senate reconvened.

CALENDAR OF MAY 25, 1989

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

BARRY, JONATHAN B., of Madison, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1995.

CROWLEY, MICHAEL T., JR., of Mequon, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1993.

CULLEY, LYNDA, of Superior, as a member of the Public Defender Board, to serve for the term ending May 1, 1992.

EKLUND, SANDRA J., of Peshtigo, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1993.

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, 1995.

GELATT, CHARLES DANIEL, JR., of La Crosse, as a member of the University of Wisconsin System Board of Regents, to serve for the term ending May 1, 1996.

GORDON, THOMAS J., of Bayfield, as a member of the Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1995.

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

KANAVAS, THEODORE, J., of Brookfield, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1993.

KNUTH, ALLEN J., of Fond du Lac, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1993.

MC CRORY, MARC, of Janesville, as a member of the Public Defender Board, to serve for the term ending May 1, 1992.

MORGAN, JAMES R., of Madison, as a member of the Ethics Board, to serve for the term ending May 1, 1995.

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, Lasee, Lee, Leraan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 32.

Noes — Nonc.

Absent or not voting — None.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 88-212

Relating to updating corporation franchise or income tax rules and limiting their application to periods prior to federalization of the franchise or income tax laws.

Submitted by Department of Revenue.
Report received from agency, May 24, 1989.
Referred to committee on Aging, Banking,
Commercial Credit and Taxation, May 25, 1989.

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 51

Passed and asks concurrence in:

Assembly Bill 84

Assembly Bill 121

Assembly Bill 161

Assembly Bill 206

Assembly Bill 265

Assembly Bill 286

Assembly Bill 298

Assembly Bill 319

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 51

Relating to urging congress to place the National Training Center at Fort McCoy.

By committee on Veterans and Military Affairs.

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

Assembly Bill 84

Relating to the deposit of cash or securities as proof of financial responsibility for the future.

By Representatives Vanderperren, Hasenohrl, Porter, Bolle, Lehman, Volk, Van Gorden, Van Dreel and Barrett, cosponsored by Senators Van Sistine, Moen and Andrea.

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

Assembly Bill 121

Relating to controlled substances and providing penalties.

By Representatives Antaramian, Bock, Duff, Holschbach, Goetsch, Rohan, Porter, Robson, Rosenzweig, Brandemuehl, Schneiders, Van Dreel, Van Gorden, Vergeront, Ladwig and Lautenschlager, cosponsored by Senators Van Sistine, Shoemaker, Roshell, Moen, Kreul, Andrea, Buettner, Lorman and Chilsen.

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

Assembly Bill 161

Relating to arson by inmates and providing penalties.

By Representatives Thompson, Vanderperren, Van Dreel, Van Gorden, Schneiders, Welch, Panzer, Musser, Gard and Vergeront, cosponsored by Senators Andrea, Roshell and Cowles.

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

Assembly Bill 206

Relating to special registration plates for holders of an amateur radio station license.

By Representatives Holperin, Vanderperren, Hamilton, Holschbach, Baldus, Ourada, Zeuske, Brandemuehl, Lorge, Duff, Farrow, Panzer, Grobschmidt, Fortis and Van Dreel, cosponsored by Senators Kincaid, Van Sistine, Moen and Chilsen.

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

Assembly Bill 265

Relating to a license permitting the sale of wine in wineries.

By Representatives Holperin, Baldus, Brancel, Goetsch and Lahn, cosponsored by Senators Lee, Ulichny and Davis.

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

Assembly Bill 286

Relating to contributions to retailers by brewers and wholesalers of fermented malt beverages.

By Representatives Roberts, Medinger, Baldus, Gronemus, Johnsrud and Musser, cosponsored by Senator Rude.

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

Assembly Bill 298

Relating to towing operations, abandoned vehicles and transporting occupants of disabled vehicles.

By Representatives Vanderperren, Van Gorden, Seery, Goetsch, Gard, Lautenschlager, Robson, Lorge, Volk and Hasenohrl, cosponsored by Senators Kreul and Van Sistine.

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

Assembly Bill 319

Relating to the book kept by retail alcohol beverage licensees and permittees on premises for signature by patrons.

By Representatives Hubler, Baldus, Bock, Bolle, Thompson, Robson, Williams, Fortis, Huelsman, Musser, Lewis, Goetsch, Schneiders, Gard and Underheim, cosponsored by Senators Shoemaker and Van Sistine.

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

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

CALENDAR OF MAY 25, 1989

Senate Joint Resolution 16

Relating to eligibility to office of persons convicted of felonies (first consideration).

Read a second time.

Senator Strohl, with unanimous consent, asked that **Senate Joint Resolution 16** be referred to the committee on Senate Rules.

Senate Joint Resolution 41

Relating to the 100th anniversary of the university of Wisconsin-Madison's college of agricultural and life sciences.

Read.

Adopted.

Senate Bill 64

Relating to the issuance of subpoenas by attorneys in contested cases before 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 64

Read a third time and passed.

CHAIR

11:49 A.M.

Senator Helbach in the Chair.

Senate Bill 66

Relating to the coverage and enforcement of the clean indoor air law and providing a penalty.

Read a second time.

Senate amendment 1 to **Senate Bill 66** offered by Senators Andrea, George, Plewa and Shoemaker.

The question was: Adoption of senate amendment 1?

Senator Risser raised the point of order that the amendment was not germane.

Chair ruled the point well taken.

Senate amendment 2 to **Senate Bill 66** offered by Senator Andrea.

The question was: Adoption of senate amendment 2?

Senator Risser moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Feingold, Helbach, Jauch, Kincaid, Kreul, Lee, Leean, Moen, Risser, Strohl, Te Winkle, Ulichny and Weeden — 22.

Noes — Senators Andrea, George, Lasee, Lorman, Plewa, Roshell, Rude, Shoemaker, Stitt and Van Sistine — 10.

Absent or not voting — None.

Rejected.

Senator Andrea moved that **Senate Bill 66** be referred to Labor, Business, Insurance, Veterans' and Military Affairs.

The question was: Referral of **Senate Bill 66** to Labor, Business, Insurance, Veterans' and Military Affairs?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Ellis, George, Kincaid, Kreul, Lasee, Leean, Lorman, Plewa, Roshell, Rude, Shoemaker, Stitt and Van Sistine — 14.

Noes — Senators Adelman, Buettner, Burke, Chilsen, Chvala, Cowles, Czarnezki, Davis, Feingold, Helbach, Jauch, Lee, Moen, Risser, Strohl, Te Winkle, Ulichny and Weeden — 18.

Absent or not voting — None.

Motion fails.

Senator Kincaid, with unanimous consent, would like the journal to show he would have voted no on the last roll call.

Ordered to a third reading.

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

Senate Bill 66

Read a third time and 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 Rude moved that **Senate Bill 69** and all its amendments be referred to the committee on Housing, Government Operations and Cultural Affairs.

Senator Kincaid, with unanimous consent, withdrew senate amendment 3.

The question was: Referral of **Senate Bill 69** to committee on Housing, Government Operations and Cultural Affairs?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Buettner, Burke, Chilsen, Cowles, Feingold, Helbach, Kreul, Lasee, Lorman, Moen, Plewa, Risser, Roshell, Rude, Shoemaker, Stitt, Te Winkle, Ulichny, Van Sistine and Weeden — 21.

Noes — Senators Adelman, Chvala, Czarnecki, Davis, Ellis, George, Jauch, Kincaid, Lee, Llean and Strohl — 11.

Absent or not voting — None.

Referred.

Senate Bill 134

Relating to suspension and revocation of operating privileges.

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 134

Read a third time and passed.

Senate Bill 147

Relating to providing penalties for violations of air pollution laws.

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 147

Read a third time and passed.

Senate Bill 168

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

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 168

Read a third time and passed.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 30

Relating to observing the week of July 24 to 30, 1989, as Lyme Disease Awareness Week.

By Representatives Krusick, Robson, Baldus, Barca, Carpenter, Duff, Grobschmidt, Holschbach, Klusman, Lorge, Moore, Musser, Notestein, Porter, Radtke, Schneiders, Van Dreel, Vanderperren, Van Gorden and Zeuske, cosponsored by Senators Andrea, Czarnecki, Plewa and Kreul.

Read.

Concurred in.

Assembly Joint Resolution 36

Relating to the U.S. department of education's interpretation of the concept of least restrictive environment as it pertains to deaf and hard-of-hearing children.

By Representatives Coleman, Potter, Barca, Wood, Radtke, Black, Krug, Porter, Brandemuehl, Seery, Goetsch, Johnsrud, Holperin, Lautenschlager, Huelsman, Schmidt, Boyle, Ladwig, Plache, Brancel, Musser, Swoboda, Bolle, Gard, Thompson, Van Dreel, Klusman, Lorge, Tregoning and Gronemus, cosponsored by Senators Weeden, Ulichny, Jauch, Andrea, Rude, Kreul, Helbach, Roshell, Chilsen and Burke.

Read.

Concurred in.

Assembly Bill 216

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

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 216

Read a third time and concurred in.

MOTIONS

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

Senator Rude, with unanimous consent, asked that the senate adjourn in honor of Senate page Jane Kochl's 21 birthday today.

Senator Ulichny, with unanimous consent, asked that the senate adjourn in honor of Senate Sergeant-at-Arms, Daniel Fields' birthday which was Monday.

The chair, with unanimous consent, asked that the senate adjourn in honor of Senate Chief Clerk, Don Schneider's birthday which will be Monday.

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. Tuesday, May 30, 1989.

12:50 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Assembly Bill 134

Assembly Substitute Amendment 1

1. Page 2, line 19: delete "value. SECTION 6." and substitute: "value. SECTION 6."

Assembly Joint Resolution 51

According to the Assembly Journal dated May 23, 1989, the following correction is made:

1. Page 1, line 3: substitute "business" for "businesses".

AMENDMENTS OFFERED

Senate amendment 4 to **Senate Bill 69** offered by Senator Lee.