

Senate Journal

Eighty-Ninth Regular Session

10:00 A.M.

Tuesday, October 24, 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, Farrow, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lasee, Lecan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Absent — None.

Absent with leave — None.

The senate stood for the prayer which was offered by Pastor Nathan Eddy of the Four Square Church in Beloit.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 61

Relating to expressing support for efforts to improve the nation's and our state's air transportation system.

By Senators George, Roshell, Lorman, Kreul, Feingold, Farrow and Van Sistine.

To committee on Transportation, Conservation and Mining.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 335

An act relating to extended kindergarten and first grade programs in a 1st class city school district.

By Senator George; cosponsored by Representative M. Coggs.

To committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Senate Bill 336

Relating to authorizing a school board to grant foreign language credit for a course in American sign language.

By Senators Rude, Chvala, Kreul, Helbach, Stitt, Andrea, Kincaid, Jauch, Czarnecki and Van Sistine; cosponsored by Representatives Barca, Seery,

Grobschmidt, Johnsrud, Schultz, Medinger, Coleman, Van Gorden, Lorge, Panzer, Klusman, Hamilton, Rohan, Moore, Loucks, Larson, Lautenschlager, Young, Swoboda, Tregoning and Schmidt.

To committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 293

Relating to various changes in the unemployment compensation law, granting rule-making authority, providing a penalty and making an appropriation.

Passage:

Ayes, 16 -- Senators George, Roshell, Helbach, Chvala, Andrea, Czarnecki, Davis and Lecan; Representatives Kunicki, Travis, Coggs, Bell, Holperin, Hubler, Panzer and Nelson;

Noes, 0 -- None.

Gary R. George

Co-chair

Walter Kunicki

Co-chair

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

Senate Bill 289

Relating to reports concerning creation or abolition of positions by the board of regents of the university of Wisconsin system (suggested as remedial legislation by the university of Wisconsin system).

Passage:

Ayes, 6 -- Senators Jauch, Czarnecki, Moen, Helbach, Cowles and Weeden;

Noes, 0 -- None.

Senate Bill 312

Relating to authorizing the director of the vocational, technical and adult education system to appoint an executive assistant and making an appropriation.

Passage:

Ayes, 6 -- Senators Jauch, Czarnecki, Moen, Helbach, Cowles and Weeden;

Noes, 0 -- None.

Robert Jauch

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 173

Relating to the distribution of cigarettes or tobacco products for nominal or no consideration.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 4 -- Senators Adelman, Feingold, Chvala and Buettner;

Noes, 1 -- Senator Stitt.

Passage as amended:

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

Noes, 2 -- Senators Feingold and Stitt.

Senate Bill 174

Relating to disclosure of identifying information about birth parents and birth certificates.

Passage:

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

Noes, 2 -- Senators Chvala and Stitt.

Senate Bill 227

Relating to crime victim compensation.

Passage:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Senate Bill 267

Relating to the priority of certain mortgages and the conveyance of real property by a general partner or by a trustee.

Introduction and adoption of Senate amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Senate Bill 273

Relating to: notice about insurers doing a surety business; the agent in ancillary probate proceedings and notice of a petition for appointment or change of a guardian; coverage of certain court reporters under the unemployment compensation law; and court reporters administering oaths (suggested as remedial legislation by the director of state courts).

Passage:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Assembly Bill 27

Relating to jail and detention facility assessments.

Concurrence:

Ayes, 4 -- Senators Adelman, Feingold, Chvala and Stitt;

Noes, 1 -- Senator Buettner.

Senate Joint Resolution 34

Relating to removing the requirement that the clear proceeds of forfeitures and of the fines collected for breach of state penal laws be deposited in the school fund and requiring the clear proceeds of fines and forfeitures of money and property for breach of state penal laws to be used for programs relating to drug abuse, law enforcement, victims and witnesses of crimes, and offenders (first consideration).

Adoption:

Ayes, 1 -- Senators Adelman;

Noes, 4 -- Senators Feingold, Chvala, Stitt and Buettner.

Lynn S. Adelman

Chair

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 89-145

Relating to various benefits available from the department of veterans affairs.

Submitted by Department of Veterans Affairs.

Report received from agency, October 23, 1989.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, October 24, 1989.

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

Senate Clearinghouse Rule 89-73

Relating to self-insured plans for health care providers required to participate in the patients compensation fund.

No action taken.

Jerome Van Sistine

Chair

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 48

Assembly Joint Resolution 77

Assembly Joint Resolution 90

Assembly Joint Resolution 93

Passed and asks concurrence in:

Assembly Bill 33

Assembly Bill 168

Assembly Bill 220

Assembly Bill 352

Assembly Bill 416

Assembly Bill 452

Assembly Bill 464

Assembly Bill 562

Assembly Bill 564

Assembly Bill 619

Concurred in:

Senate Bill 181

Senate Bill 182

Senate Joint Resolution 58

Amended and concurred in as amended:

Senate Bill 66, Assembly amendment 1 to assembly amendment 1 and assembly amendment 1

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 48

Relating to a legislative council study of the exemption from the property tax of manufacturing machinery and equipment.

By Representatives Wineke, M. Coggs, Carpenter, Krusick, Black, Young, Bock, Holperin, Notestein, Fortis, Baldus, Volk, Holschbach, Roberts, Rohan, Boyle, Plache, Lepak and Lorge, cosponsored by Senators Czarnecki, Chvala, Moen, Lee and Plewa.

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

Assembly Joint Resolution 77

Relating to eradication of carp in lower Green Bay, the Fox river, the East river and Duck creek.

By Representatives Vanderperren, Van Dreel, Bolle, Prosser, Ott, Underheim, Thompson, Porter, Duff, Schneiders, Lorge, Lautenschlager and Hinkfuss, cosponsored by Senators Van Sistine and Kincaid.

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

Assembly Joint Resolution 90

Relating to the life and public service of state representative Earl F. McEssy.

By Representatives Panzer, Vanderperren, Prosser, Loftus, Tregoning, Hauke, Porter, Coleman, Schneider, Clarenbach, Welch, Radtke, Turba, Medinger, Lautenschlager, Zeuske and Hubler, cosponsored by Senators Buettner, Risser, Ellis, Chilsen and Strohl.

Read.

Considered as privileged and taken up.

The question was: Concurrence?

Concurred in by unanimous rising vote.

Assembly Joint Resolution 93

Relating to proclaiming 'Red Ribbon Week'.

By Representatives Zien, Barca, Vergeront, Rohan, Coleman, Goetsch, Grobschmidt, Bock, Lewis, Underheim, Duff, Hinkfuss, Linton, Boyle, Huelsman, Lehman, Rosenzweig, Carpenter, Lautenschlager, Schneider, Travis, Huber, Gard, Schmidt, Brandemuehl, Welch and Prosser.

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

Assembly Bill 33

Relating to restitution in civil actions involving forfeitures.

By Representatives Holschbach, Lautenschlager, Gruszynski, Barca, Branceel, Holperin, Potter, Fortis and Stower, cosponsored by Senator Te Winkle.

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

Assembly Bill 168

Relating to making the state fair park board independent of the department of agriculture, trade and consumer protection.

By Representatives Bell, Bock and Duff, cosponsored by Senators Czarnecki and Van Sistine.

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

Assembly Bill 220

Relating to various changes in the regulation of psychologists by the psychology examining board and granting rule-making authority.

By Representatives Zweck, Plache, Barca, Notestein, Robson, Van Dreel, Fergus, Huber, Duff, Van Gorden, Musser, Bolle, Holschbach, Rosenzweig, Brandemuehl and Swoboda, cosponsored by Senators Heilbach, Lecaen and Shoemaker, by request of Psychology Examining Board.

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

Assembly Bill 352

Relating to prohibiting interference with a multiunit dwelling resident's access to cable television service.

By Representatives Clarenbach, Medinger, Carpenter and Underheim, cosponsored by Senators Moen, Cowles and Kreul.

Read first time and referred to committee on Science, Technology, Communications and Energy.

Assembly Bill 416

Relating to the contents of the property tax assessment manual.

By Representatives Black, Stower, Roberts, Harsdorf, Deininger, Johnsrud, Turba, Moore, Schultz, Welch, Gruszynski, Volk, Grobschmidt, Young, Schneiders, Porter, Radtke, Van Dreel, Gard, Thompson, Lorge, Zeuske and Rohan, cosponsored by Senators Chvala, Cowles and Rude.

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

Assembly Bill 452

Relating to tribal vital records and granting rule-making authority.

By Legislative Council.

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

Assembly Bill 464

Relating to a record of severely handicapped employees in the state classified service.

By Representatives Barca, Van Dreel, Hinkfuss, Holschbach, Carpenter, Notestein, Rohan, Duff, Goetsch, Moore, Barrett, Robson, Stower, Bock, Lautenschlager, Radtke, Tregoning, Bolle, Fortis, Linton, Boyle, Hubler, Antaramian, Holperin, Plache, Young, Fergus, Huber, Hamilton, Hasenohrl, Baldus, Roberts, Zweck and Swoboda, cosponsored by Senators Burke, Buctner, Andrea, Plewa and Risser.

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

Assembly Bill 562

An act relating to the child support supplement program.

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

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

Assembly Bill 564

Relating to technical changes in the property tax collection laws.

By Representative Wincke.

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

Assembly Bill 619

Relating to payment for certain services provided by a facility in Racine county and making an appropriation.

By Representatives Fergus, Plache, Ladwig and Porter, cosponsored by Senators Strohl and Andrea.

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

Assembly Bill 146

Relating to procedures for school district reorganization and making an appropriation.

Read.

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

The Senate adheres to its position.

The question was: Shall the Senate adhere to its position on senate amendment 2?

The Senate adheres to its position.

The question was: Shall the Senate adhere to its position on senate amendment 5?

The Senate adheres to its position.

The question was: Shall the Senate adhere to its position on senate amendment 6?

The Senate adheres to its position.

Senator Jauch, with unanimous consent, asked that the Chair appoint conferees to a Committee on Conference.

The Chair appoints Senators Jauch, Helbach and Rude as conferees on its part.

The question was: Confirmation of the conferees?

Confirmed.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

Senate Joint Resolution 52

Relating to endorsing the efforts of the farm workers of California to boycott grapes grown with pesticides.

Read.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 to **Senate Joint Resolution 52** offered by Senator Weeden.

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

The question was: Adoption of **Senate Joint Resolution 52**?

Adopted.

Senate Joint Resolution 57

Relating to Economic Support Specialist Day.

Read.

Adopted.

Senate Bill 38

Relating to the purchase and loan of textbooks to pupils attending public and private schools, granting rule-making authority and making an appropriation.

Read a second time.

CHAIR

10:34 A.M.

Senator Helbach in the Chair.

The question was: Adoption of senate substitute amendment 1?

Senator George, with unanimous consent, asked that **Senate Bill 38** be referred to the joint committee on Finance.

Senate Bill 121

Relating to home visits, leaves, conditional releases and discharges of persons subject to criminal commitment orders, rights of crime victims and liability for failure to follow notification procedures.

Read a second time.

Senate amendment 1 to **Senate Bill 121** offered by Senator Adelman.

The question was: Adoption of senate amendment 1?

Senator Davis, with unanimous consent, asked that **Senate Bill 121** be placed at the end of the eleventh order of business.

Senate Bill 191

Relating to the regulation of respiratory care practitioners by the medical examining board and creating a respiratory care practitioners examining council.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 191** be referred to joint committee on Finance.

Senate Bill 195

Relating to granting creditable military service for service in the merchant marine.

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 195

Read a third time.

Senator Davis raised a point of order that the bill has a fiscal effect and should be referred to the joint committee on Finance.

Senator George, with unanimous consent, asked that **Senate Bill 195** be placed at the end of the eleventh order.

Senate Bill 219

Relating to advertising involving plumbing, various procedures, penalties and remedies for violations of certain plumbing laws and providing a penalty.

Read a second time.

Senator Van Sistine, with unanimous consent, asked that **Senate Bill 219** be referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs.

Senate Bill 225

Relating to blood alcohol concentration.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 225** offered by Senators Farrow, Stitt and Lecan.

Senator George, with unanimous consent, asked that **Senate Bill 225** be referred to joint committee on Finance.

Senate Bill 292

Relating to review of applications for approval of certain additional beds or of certain activities by a nursing home under the resource allocation program of the department of health and social services; reporting information concerning cancer to the department of health and social services; applying certain insurance

laws to federally regulated self-insured health and disability plans; the telecommunications assistance program; medical assistance eligibility of children in certain adoption placements; assignment by medical assistance recipients of rights to payment of medical expenses; treatment of income in determining eligibility for medical assistance; recovery of public assistance overpayments; and verification of eligibility for certain public assistance benefits (suggested as remedial legislation by the department of health and social services).

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 292

Read a third time and passed.

Senate Bill 325

Relating to training and competency requirements for nurse's assistants and home health aides.

Read a second time.

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

Senate amendment 2 to **Senate Bill 325** offered by Senator Chvala.

The question was: Adoption of senate amendment 2?

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

Senate amendment 3 to **Senate Bill 325** offered by Senators Chvala, Moen and Te Winkle.

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

Ordered to a third reading.

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

Senate Bill 325

Read a third time and passed.

Senate Bill 121

Relating to home visits, leaves, conditional releases and discharges of persons subject to criminal commitment orders, rights of crime victims and liability for failure to follow notification procedures.

Read a second time.

The question was: Adoption of senate amendment 1?

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

Senate amendment 2 to **Senate Bill 121** offered by Senator Adelman.

The question was: Adoption of senate amendment 2?

Adopted.

Ordered to a third reading.

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

Senate Bill 121

Read a third time and passed.

Senate Bill 195

Relating to granting creditable military service for service in the merchant marine.

Read a second time.

Senator Davis, with unanimous consent, withdrew his point of order.

Senator George, with unanimous consent, asked that **Senate Bill 195** be referred to joint committee on Finance.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Joint Resolution 28

Relating to observing the week of May 7 to 13, 1989, as Suicide Awareness Week.

Read.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Concurrence?

Concurred in as amended.

Assembly Joint Resolution 44

Relating to the inequity of medicare reimbursements between rural and urban physicians.

Read.

Senate amendment 1 to **Assembly Joint Resolution 44** offered by Senator Davis.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Concurrence?

Concurred in as amended.

MOTIONS

Senator Lasee moved that **Senate Bill 38** be withdrawn from the joint committee on Finance and referred to the committee on Senate Rules.

The question was: Shall **Senate Bill 38** be withdrawn from the joint committee on Finance and referred to the committee on Senate Rules?

Failed.

Senator Lasee moved that **Senate Bill 38** be withdrawn from the joint committee on Finance and referred to the committee on Senate Rules.

The question was: Shall **Senate Bill 38** be withdrawn from the joint committee on Finance and referred to the committee on Senate Rules?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 21; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Cowles, Ellis, Farrow, Kreul, Lasee, Lekan, Rude, Stitt, and Weeden 10.

Noes -- Senators Adelman, Andrea, Buettner, Burke, Chvala, Czarnecki, Davis, Feingold, George, Helbach, Jauch, Kincaid, Lorman, Moen, Plewa, Rissler, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine 21.

Absent or not voting -- None.

Failed.

Senator Van Sistine, with unanimous consent, asked that **Assembly Bill 464** be withdrawn from committee on Housing, Government Operations and Cultural Affairs and be referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs.

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

Senator Roshell, with unanimous consent, asked that the senate recess until 12:47 P.M..

11:28 A.M.

RECESS

12:47 P.M.

The senate reconvened.

CHAIR

12:47 P.M.

The President in the Chair.

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 337

Relating to transfer on death security registration and nonprobate transfers at death.

By Senators Davis, Adelman and George; cosponsored by Representatives Barrett, Rutkowski and Prosser.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

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

Senate Bill 263

Relating to policy and procedure manuals for jails and houses of correction.

Passage:

Ayes, 6 -- Senators Moen, Te Winkle, Feingold, Jauch, Lorman and Weeden;

Noes, 0 -- None.

Rodney C. Moen
Chair

MOTIONS

Senator Chilsen, with unanimous consent, asked that the record to withdraw **Senate Bill 38** from the joint committee on Finance be expunged.

Senator Strohl objected.

ADJOURNMENT

Senator Strohl, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, October 26.

12:53 P.M.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 235** offered by Senator Plewa.

Senate amendment 16 to **Senate Bill 300** offered by Senators Lecan, Rude, Cowles, Ellis, Kreul and Farrow.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 300

1. Page 1, line 20: substitute "allocate" for "allocated".