

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

9:30 A.M.

Thursday, October 7, 1993

The Senate met.

The Senate was called to order by Brian D. Rude, President of the Senate.

The roll was called and the following Senators answered to their names:

Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Moore, Panzer, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 33.

Absent — None.

Absent with leave — None.

The Senate stood for the prayer which was offered by Senator Petak of the 21st Senate District.

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

INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 490**

Relating to permitting a court to order a party in a civil action to submit to a vocational examination.

By Senator Huelsman; cosponsored by Representative Baldus.

To committee on Judiciary and Insurance.

**Senate Bill 491**

Relating to the requirements for licensure as a certified public accountant and granting rule-making authority.

By Senators Ellis, Cowles and Buettner; cosponsored by Representative Underheim, by request of Joe Garlock, CPA.

To committee on Business, Economic Development and Urban Affairs.

**Senate Bill 492**

Relating to demolition of historic buildings and providing a penalty.

By Senators Rude, Huelsman, Risser, Rosenzweig, Moen and Wineke; cosponsored by Representatives R. Young, Freese, Stower, Musser, Roberts, Duff, Grobschmidt, Ott, Potter, Ourada, Walker and Boyle.

To committee on Judiciary and Insurance.

**Senate Bill 493**

Relating to the uniform commercial code statewide lien system and making appropriations.

By Senators Darling, Moen, Moore and Risser; cosponsored by Representatives Roberts, Baldus, Hahn, Kaufert, Ott, Hasenohrl and Huber.

To committee on State Government Operations and Corrections.

**Senate Bill 494**

Relating to tax-exempt individual medical accounts.

By Senators Buettner, Plewa, Schultz, Andrea, Rude, Potter, Leraan, Farrow and Breske; cosponsored by Representatives Kreibich, Carpenter, Brancel, Krusick, Gard, Ryba, Silbaugh, Musser, Ladwig, Jensen, Ainsworth, Lorge, Ott, Urban, Goetsch, Duff, Zukowski, Freese, Walker, Hahn, Vergeront, Underheim, Ziegelbauer, Beal and Seratti.

To Joint Survey committee on Tax Exemptions.

COMMITTEE REPORTS

The committee on Environment and Energy reports and recommends:

**Senate Bill 92**

Relating to an energy conservation code for public buildings and places of employment and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

Passage as amended:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

**Senate Bill 342**

Relating to regulation of batteries containing mercury.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

Passage as amended:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

**Senate Bill 420**

Relating to impersonating a utility employe.

Passage:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

**Senate Bill 424**

Relating to the use of pilings and the placement of pilings on the beds of navigable waters.

Introduction and adoption of Senate amendment 1:

Ayes, 4 — Senators Cowles, Farrow, Panzer and Clausing;

Noes, 1 — Senator Burke.

Passage as amended:

Ayes, 4 — Senators Cowles, Farrow, Panzer and Clausing;

Noes, 1 — Senator Burke.

NELSEN, BETTY JO, of Shorewood, as a member of the Natural Resources Board, to serve for the term ending May 1, 1999.

Confirmation:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

SCHNEIDER, NEAL W., of Janesville, as a member of the Natural Resources Board, to serve for the term ending May 1, 1999.

Confirmation:

Ayes, 4 — Senators Cowles, Farrow, Panzer and Clausing;

Noes, 1 — Senator Burke.

SOLBERG, TRYGVE A., of Minocqua, as a member of the Natural Resources Board, to serve for the term ending May 1, 1999.

Confirmation:

Ayes, 4 — Senators Cowles, Farrow, Panzer and Clausing;

Noes, 1 — Senator Burke.

**Senate Bill 106**

Relating to ozone-depleting substances, regulation of the installation and servicing of heating, ventilating and air conditioning equipment, granting rule-making authority, providing penalties and making appropriations.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

Passage as amended:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

**Senate Bill 382**

Relating to rough fish that are caught in nets or on setlines.

Passage:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

**Senate Bill 411**

Relating to the definition of a small telecommunications utility.

Passage:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

**Senate Bill 450**

An act relating to cryptosporidium and giardia monitoring.

Passage:

Ayes, 5 — Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 — None.

Robert Cowles  
Chair

The committee on Human Resources, Labor, Tourism, Veterans and Military Affairs reports and recommends:

**Senate Bill 430**

Relating to a book on the experiences of the state's Vietnam war veterans and making an appropriation.

Passage:

Ayes, 5 — Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 — None.

**Senate Bill 15**

Relating to reimbursement for costs incurred because of discharges from petroleum storage tanks.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 — Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 — None.

Passage as amended:

Ayes, 5 — Senators Zien, Lasee, Drzewiecki, Breske and Decker;

Noes, 0 — None.

David A. Zien  
Chair

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

**Senate Bill 146**

Relating to certificates of title for repaired salvage vehicles.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 — Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Noes, 0 — None.

Passage as amended:

Ayes, 5 — Senators Lasee, Drzewiecki, Zien, Andrea and Clausing;

Noes, 0 — None.

Alan J. Lasee  
Chair

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

**Assembly Bill 172**

Relating to the regulation of physical therapists by the department of regulation and licensing, abolishing the physical therapists examining council, creating a physical therapists examining board, granting rule-making authority and providing a penalty.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 6 — Senators Buettner, Lorman, Rude, Rosenzweig, Breske and Moore;

Noes, 1 — Senator Moen.

Concurrence as amended:

Ayes, 6 — Senators Buettner, Lorman, Rude, Rosenzweig, Breske, and Moore;

Noes, 1 — Senator Moen.

**Senate Bill 200**

Relating to general relief benefits, eligibility, procedures and reimbursements.

Introduction and adoption of Senate amendment 1:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Introduction and adoption of Senate amendment 2:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Introduction and adoption of Senate amendment 3:

Ayes, 5 — Senators Buettner, Rude, Rosenzweig, Moen and Breske;

Noes, 2 — Senators Lorman and Moore.

Introduction and adoption of Senate amendment 4:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Introduction and adoption of Senate amendment 5:

Ayes, 6 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen and Breske;

Noes, 1 — Senator Moore.

Passage as amended:

Ayes, 6 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen and Breske;

Noes, 1 — Senator Moore.

**Senate Bill 206**

Relating to penalties, sanctions and licensure for certain agencies and facilities licensed by the department of health and social services, granting rule-making authority and providing penalties.

Introduction and adoption of Senate amendment 1:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Passage as amended:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Carol A. Buettner  
Chair

The committee on Judiciary and Insurance reports and recommends:

**Senate Bill 488**

Relating to: mandatory minimum sentences for certain repeat criminal offenders; oleoresin of capsicum and tear gas; participation at parole interviews and hearings; notification to crime victims and protected persons; admissibility of evidence regarding the manner of dress of a complaining witness; granting rule-making authority; and providing a penalty.

Introduction and adoption of Senate amendment 1:

Ayes, 7 — Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 — None.

Passage as amended:

Ayes, 5 — Senators Huelsman, Petak, Darling, Drzewiecki and Chvala;

Noes, 2 — Senators Risser and Adelman.

**Senate Bill 478**

Relating to: law enforcement, crime, grants, cocaine, substitution of judges, the amount that an agency may retain from the sale of forfeited property, disclosure of the contents of recorded communications in court proceedings for felony offenses, revocation or suspension of alcohol beverage licenses or permits for convictions of certain crimes, making appropriations and providing penalties.

Passage:

Ayes, 4 — Senators Huelsman, Petak, Darling and Drzewiecki;

Noes, 3 — Senators Risser, Adelman and Chvala.

**Senate Bill 476**

Relating to holding a juvenile in a secure detention facility; permitting the victim of a child's act to attend the dispositional hearing regarding that act; providing notice to the victim of a child's act of hearings regarding that act; permitting certain victims to make a statement before the juvenile court imposes a disposition; extended juvenile court jurisdiction; waiver of juvenile court jurisdiction; jurisdiction over a child who is accused of a misdemeanor involving the use of a firearm or a felony after the juvenile court has waived its jurisdiction over the child for a previous violation; the payment of restitution by juveniles; establishing a juvenile boot camp program for delinquent children; the disclosure of information obtained by a juvenile intake worker or a dispositional staff member while performing services under the children's code; the establishment of a task force on improving services to children and families and a report by that task force to the legislature and the governor regarding collaboration between schools and social services agencies in serving children and families; proposing legislation related to confidential juvenile records; reimbursement from the parents or guardian of a child who is alleged to be

delinquent or in need of protection or services for legal representation provided by the state or counties to that child; increasing funding for drug abuse resistance education grants; making an appropriations; and providing a penalty.

Passage:

Ayes, 5 — Senators Huelsman, Petak, Darling, Drzewiecki and Chvala;

Noes, 2 — Senators Risser and Adelman.

**Senate Bill 27**

Relating to juvenile court orders applicable to parents, guardians and legal custodians.

Introduction and adoption of Senate amendment 1:

Ayes, 7 — Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 — None.

Passage as amended:

Ayes, 7 — Senators Huelsman, Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 0 — None.

**Senate Bill 23**

Relating to providing a penalty of either death or life imprisonment for certain kinds of first-degree intentional homicide, affecting parole eligibility and granting rule-making authority.

Introduction of Senate substitute amendment 1:

Ayes, 4 — Senators Huelsman, Petak, Darling and Drzewiecki;

Noes, 3 — Senators Risser, Adelman and Chvala.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1:

Ayes, 5 — Senators Petak, Darling, Risser, Adelman and Chvala;

Noes, 2 — Senators Huelsman and Drzewiecki.

Introduction and adoption of Senate amendment 2 to Senate substitute amendment 1:

Ayes, 6 — Senators Petak, Darling, Drzewiecki, Risser, Adelman and Chvala;

Noes, 1 — Senator Huelsman.

Adoption of Senate substitute amendment 1:

Ayes, 4 — Senators Huelsman, Petak, Darling and Drzewiecki;

Noes, 3 — Senators Risser, Adelman and Chvala.

Passage as amended:

Ayes, 4 — Senators Huelsman, Petak, Darling and Drzewiecki;

Noes, 3 — Senators Risser, Adelman and Chvala.

**Senate Bill 141**

Relating to gangs, crimes, weapons, waiver of juvenile court jurisdiction, a disposition for a child who has committed a gang-related delinquent act, access by law enforcement agencies, school principals and school boards to court records relating to children who commit gang-related delinquent acts and making appropriations.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 — Senators Huelsman, Petak, Darling, Drzewiecki and Chvala;

Noes, 2 — Senators Risser and Adelman.

Passage as amended:

Ayes, 5 — Senators Huelsman, Petak, Darling, Drzewiecki and Chvala;

Noes, 2 — Senators Risser and Adelman.

Joanne B. Huelsman  
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Ethics Board

September 28, 1993

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules. For each organization I have noted the general area of legislative or administrative action which the organization has described as the object of its lobbying activity and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

**Mercury Marine, Division of Brunswick Corp.**

Subjects: Environmental legislation and Department of Natural Resources rules relating to environmental issues.

Thimke, Mark

**Systems Control, Inc.**

Subjects: Transportation and air pollution control, and state funding; in addition any other subject activity or function of the legislature or any other agency of state government.

Petersen, Eric  
Wimmer, James

**Vic Tanny International of Wisconsin, Inc.**

Subjects: Amendment to Wisconsin's Public Accommodation Law — Section 101.22(9)(c) — to exempt "Fitness Centers" as defined under Section 134.70(1).

Hass, D. Winthrop  
Krings, Jerome D.

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,  
R. Roth Judd  
Executive Director

State of Wisconsin  
Ethics Board

September 28, 1993

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

**Organization's authorization of additional lobbyists:** The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

**Bell South Cellular Corp.**

Stitt, Donald

**Lutheran Social Services of Wisconsin and Upper Michigan, Inc.**

Kelly, Erin

**Medical Society of Wisconsin, State**

Wencel, Sally

**Organization's termination of lobbyists:** Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

**Family and Children's Agencies, Wisconsin Assoc. of**

Kelly, Erin 9/21/93

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,  
R. Roth Judd  
Executive Director

State of Wisconsin  
Ethics Board

October 5, 1993

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

**Organization's authorization of additional lobbyists:** The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

**Credit Union League, Wisconsin**

Budisch, Marybeth

**Fire Fighters of Wisconsin, Professional**

Clarenbach, David

**Johnson Controls, Inc.**

Driessen, Anthony

**Motor Carriers Assoc., Wisconsin**

Bentley, Marc

**Organization's termination of lobbyists:** Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

**Credit Union League, Wisconsin**

Brunner, Ralph 10/4/93

**Johnson Controls, Inc.**

Cook, Sharon 10/4/93

Mitchell, Brian 10/4/93

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,  
R. Roth Judd  
Executive Director

State of Wisconsin  
Department of Administration

September 29, 1993

To the Honorable the Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of August, 1993.

On August 1, 1993 the **Health Insurance Risk Fund** balance was \$-1 thousand. This shortfall continued through August 31, 1993. The shortfall is due to the timing of revenues to the fund.

The Health Insurance Risk Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by State Finance will automatically reflect the use of these temporary reallocation of balance authority.

Sincerely,  
James R. Klauser  
Secretary

Read and referred to committee on State Government Operations and Corrections.

State of Wisconsin  
 Department of Development  
 September 29, 1993

To the Honorable the Legislature:

Section 560.55, Wis. Stats., requires the Department of Development to submit the enclosed evaluation of the state entrepreneurial assistance network to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172(2).

To conduct the 1993 evaluation, the Department's Entrepreneurial Assistance Network Program (EANP) surveyed 90 programs that provide business assistance in Wisconsin, and 99 percent responded. The EANP is designed to improve the start-up and success rates of entrepreneurial firms in Wisconsin by coordinating assistance to entrepreneurs. The main findings and recommendations of the evaluation are as follows:

The state network for entrepreneurial assistance is a well-developed system that is actively used by the staff of state government assistance programs. Providers predominantly serve businesses in the first stages of development. While some survey respondents cited entrepreneurs' lack of business skills as an impediment to successful entrepreneurial activity, providers did not report difficulty finding referrals for general business assistance. The state offers almost 50 programs that provide some type of basic business assistance.

The single most-often identified problem for businesses in the overall entrepreneurial climate in Wisconsin was obtaining small amounts of capital. In addition, survey responses revealed a need for outreach to very specialized assistance programs and to those located in agencies with missions unrelated to business assistance. When asked what they thought would improve Wisconsin's network of entrepreneurial assistance, respondents requested more contact with each other and information about other programs.

The Entrepreneurial Assistance Network Program in the Department of Development has in place several current and future activities that address needs illustrated by the survey.

\* A regular lunch-time information series that offers state government assistance providers both the opportunity to learn more about specific topics and to network one-on-one.

\* A "Ready Reference" menu of state government assistance programs. The menu will afford assistance providers an at-a-glance overview of programs, services offered, and contact people.

\* A "Round Table" of state government assistance providers to consider challenges to entrepreneurialism in Wisconsin and to develop strategies to improve the state's entrepreneurial climate and assistance from state government.

The survey identified two matters for consideration by the Round Table:

1. The need of entrepreneurs for small amounts of capital.
2. The need for additional outreach to providers with specialized assistance programs in order to offer them increased access to the larger assistance network.

Two existing entrepreneurial services provided by the DOD are well-known and frequently-used. Of respondents outside the DOD, 81 percent were aware of the Department's toll-free business assistance telephone number, 1-800-HELP BUS, and 60 percent referred clients to it in the past year. Likewise, 74 percent were aware of the DOD's Entrepreneurial Resource Series, and 65 percent had these publications.

If you have any questions regarding the evaluation please contact Cheryl Gain at 267-9384. Thank you.

Sincerely,  
 Robert N. Trunzo  
 Secretary

EXECUTIVE COMMUNICATIONS

CALENDAR OF THURSDAY, OCTOBER 7, 1993

NELSEN, BETTY JO, of Shorewood, as a member of the Natural Resources Board, to serve for the term ending May 1, 1999.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes - Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Moore, Panzer, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien - 33.

Noes - None.

Absent or not voting - None.

Confirmed.

SCHNEIDER, NEAL W., of Janesville, as a member of the Natural Resources Board, to serve for the term ending May 1, 1999.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Andrea, Breske, Buettner, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Panzer, Petak, Plewa, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien – 26.

Noes – Senators Adelman, Burke, Chvala, Moen, Moore, Risser and Wineke – 7.

Absent or not voting – None.  
Confirmed.

SOLBERG, TRYGVE A., of Minocqua, as a member of the Natural Resources Board, to serve for the term ending May 1, 1999.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Andrea, Breske, Buettner, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Panzer, Petak, Plewa, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien – 27.

Noes – Senators Adelman, Burke, Chvala, Moore, Risser and Wineke – 6.

Absent or not voting – None.

Confirmed.

SENATE CLEARINGHOUSE ORDERS

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

**Clearinghouse Rule 93-84**

Relating to equine infectious anemia.  
No action taken.

Alan J. Lasee  
Chair

**Clearinghouse Rule 93-44**

Relating to petroleum environmental cleanup fund.  
Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, October 5, 1993.

Referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs, October 7, 1993.

**Clearinghouse Rule 93-47**

Relating to sales and use taxes.  
Submitted by Department of Revenue.

Report received from agency, October 4, 1993.

Referred to committee on State Government Operations and Corrections, October 7, 1993.

**Clearinghouse Rule 93-136**

Relating to the environmental fee program.  
Submitted by Department of Natural Resources.  
Report received from agency, October 4, 1993.  
Referred to committee on Environment and Energy, October 7, 1993.

**Clearinghouse Rule 93-138**

Relating to complaint procedures.  
Submitted by Elections Board.

Report received from agency, October 5, 1993.

Referred to committee on State Government Operations and Corrections, October 7, 1993.

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 89**

**Assembly Joint Resolution 90**

**Assembly Joint Resolution 91**

Passed and asks concurrence in:

**Assembly Bill 204**

**Assembly Bill 281**

**Assembly Bill 320**

**Assembly Bill 321**

**Assembly Bill 341**

**Assembly Bill 380**

**Assembly Bill 401**

**Assembly Bill 402**

**Assembly Bill 406**

**Assembly Bill 537**

**Assembly Bill 753**

**Assembly Bill 754**

MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 89**

Relating to the life and public service of Oswald H. Johnson.

By Representative Musser, cosponsored by Senator Moen.

Read.

Considered as privileged and taken up.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 90**

Relating to the life and public service of Fred Moser.

By Representatives Hubler and Stower, cosponsored by Senator Jauch.

Read.

Considered as privileged and taken up.

Concurred by unanimous rising vote.

**Assembly Joint Resolution 91**

Relating to the life and public service of Ellsworth Gaulke.

By Representative Holperin.

Read.

Considered as privileged and taken up.

Concurred by unanimous rising vote.

**Assembly Bill 204**

Relating to law enforcement authority across state lines, eluding a peace officer and evidence from another state.

By Representatives Stower, Robson, Musser, Lorge, Baldus, Ziegelbauer, Nass, Brandemuehl, Hasenohrl, Schneiders, Owens, Holperin, Kaufert, Roberts, Ladwig, Morris-Tatum, Dobyms, Ryba, Krusick, Potter and Boyle, cosponsored by Senators Moen, Breske, Rude, Decker, Schultz, Petak, Drzewiecki and Clausing.

Read first time and referred to committee on Judiciary and Insurance.

**Assembly Bill 281**

Relating to fleeing or attempting to elude a traffic officer, imposing liability upon the owner of a vehicle for fleeing a traffic officer and providing penalties.

By Representatives Krusick, Boyle, Brandemuehl, Lorge, Musser, Ourada, Porter, Riley, Rosenzweig, Ryba and Ziegelbauer, cosponsored by Senators Burke, Huelsman and Leean.

Read first time and referred to committee on Judiciary and Insurance.

**Assembly Bill 320**

Relating to causing great bodily harm by the intoxicated use of a vehicle and providing a penalty.

By Representatives Cullen, Carpenter, Notestein, Black, Turner, Deininger, Rosenzweig, Holperin, Bock, Huber, Plache and Riley, cosponsored by Senator Burke.

Read first time and referred to committee on Judiciary and Insurance.

**Assembly Bill 321**

Relating to requiring hospitals and ambulatory surgery centers to provide certain information on uniform patient billing forms submitted to the office of health care information.

By Representatives Bock, Robson, Urban, R. Young, Hahn, Huber, Silbaugh, Krusick, Ott, Stower, Schneiders, Cullen, La Fave, Riley, Potter, Rosenzweig, Baldus and Springer, cosponsored by Senator Burke.

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

**Assembly Bill 341**

Relating to groundwater standards for mining activities and mining waste facilities.

By Representatives Reynolds, Bock, Black, Springer, Robson, Huber, Boyle, Notestein and Potter, cosponsored by Senators Decker, Cowles and Clausing.

Read first time and referred to committee on Environment and Energy.

**Assembly Bill 380**

Relating to hazardous employment injury pay for state employes who supervise and discipline children placed at a secured correctional facility or on aftercare supervision.

By Representatives Kunicki, Travis, Prosser and Linton, cosponsored by Senators Ellis, Rude, Helbach and Leean, by request of Governor Tommy G. Thompson.

Read first time and referred to committee on State Government Operations and Corrections.

**Assembly Bill 401**

Relating to county and tribal reporting of recoveries of public assistance benefits.

By Representatives Kunicki, Travis, Prosser and Linton, cosponsored by Senators Ellis, Rude, Helbach and Leean, by request of Governor Tommy G. Thompson.

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

**Assembly Bill 402**

Relating to notification of proposed settlements of certain claims involving minors or mentally incompetent persons.

By Representatives Kunicki, Travis, Prosser and Linton, cosponsored by Senators Ellis, Rude, Helbach and Leean, by request of Governor Tommy G. Thompson.

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

**Assembly Bill 406**

Relating to penalties, sanctions and licensure for certain agencies and facilities licensed by the department of health and social services, granting rule-making authority and providing penalties.

By Representatives Kunicki, Travis, Prosser and Linton, cosponsored by Senators Ellis, Rude, Helbach and Leean, by request of Governor Tommy G. Thompson.

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

**Assembly Bill 537**

Relating to the transfer of ownership of motor vehicles, vehicle mileage disclosure requirements, vehicle titles and registrations, granting rule-making authority and providing penalties.

By Representatives Hasenohrl, Ryba, Turner, Roberts, Baldus, Notestein, R. Young, Carpenter, Musser, Holperin, Robson, Lorge, Goetsch, Boyle, Freese, Ott, Otte, Silbaugh, Plache, Ourada, Gronemus and Huber, cosponsored by Senators Lasee, Burke, Clausing, Petak and Andrea.

Read first time and referred to committee on Transportation, Agriculture, Local and Rural Affairs.



**Assembly Bill 753**

An act to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1993-95 biennium, covering employes in the professional engineering collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Organization.

**Assembly Bill 754**

An act to ratify the agreement negotiated between the state of Wisconsin and the Association of State Prosecutors for the 1993-95 biennium, covering employes in the assistant district attorneys collective bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

Read first time and referred to committee on Senate Organization.

SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS

**Senate Bill 23**

Relating to providing a penalty of either death or life imprisonment for certain kinds of first-degree intentional homicide, affecting parole eligibility and granting rule-making authority.

Read a second time.

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

Senator Leean, with unanimous consent, asked that **Senate Bill 23** be referred to joint committee on Finance.

**Senate Bill 141**

Relating to gangs, crimes, weapons, waiver of juvenile court jurisdiction, a disposition for a child who has committed a gang-related delinquent act, access by law enforcement agencies, school principals and school boards to court records relating to children who commit gang-related delinquent acts and making appropriations.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Senator Leean, with unanimous consent, asked that **Senate Bill 141** be referred to joint committee on Finance.

**Senate Bill 155**

Relating to crimes against judges and their families and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1?

Adopted.

Senate amendments 2 and 3 to **Senate Bill 155** offered by Senator Adelman.

The question was: Adoption of Senate amendment 2?

Senator Adelman moved indefinite postponement of **Senate Bill 155**.

The question was: Shall **Senate Bill 155** be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 6; noes, 27; absent or not voting, 0; as follows:

Ayes - Senators Adelman, Clausing, George, Helbach, Risser and Wineke - 6.

Noes - Senators Andrea, Breske, Buettner, Burke, Chvala, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Moore, Panzer, Petak, Plewa, Potter, Rosenzweig, Rude, Schultz, Weeden and Zien - 27.

Absent or not voting - None.

Indefinite postponement refused.

Senator Adelman, with unanimous consent, asked that Senate amendments 2 and 3 be returned to the author.

Ordered to a third reading.

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

**Senate Bill 155**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes - Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Panzer, Petak, Plewa, Potter, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien - 29.

Noes - Senators Adelman, George, Moore and Risser - 4.

Absent or not voting - None.

Passed.

**Senate Bill 238**

Relating to licensure of the superintendent of the Milwaukee public schools and excluding the position of assistant superintendent in the Milwaukee public schools from the classified service and from tenure provisions.

Read a second time.

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

Senator Schultz raised the point of order that Senate amendment 1 to **Senate Bill 238** was not germane.

The Chair rules the point well taken.

The question was: Adoption of Senate amendment 2?  
Senator Lorman 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, 11; noes, 22; absent or not voting, 0; as follows:

Ayes – Senators Darling, Drzewiecki, Ellis, Farrow,  
Helbach, Huelsman, Lasee, Leraan, Lorman, Panzer and  
Zien – 11.

Noes – Senators Adelman, Andrea, Breske, Buettner,  
Burke, Chvala, Clausing, Cowles, Decker, George, Jauch,  
Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig,  
Rude, Schultz, Weeden and Wineke – 22.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 2?

Adopted.

Ordered to a third reading.

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

### Senate Bill 238

Read a third time.

The ayes and noes were demanded and the vote was:  
ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner,  
Burke, Chvala, Clausing, Cowles, Darling, Decker, Ellis,  
Farrow, Helbach, Huelsman, Jauch, Lasee, Leraan,  
Lorman, Moen, Moore, Panzer, Petak, Plewa, Risser,  
Rosenzweig, Rude, Schultz, Weeden and Zien – 29.

Noes – Senators Drzewiecki, George, Potter and  
Wineke – 4.

Absent or not voting – None.

Passed.

### Senate Bill 314

Relating to the limits on liability for improvements to  
real property.

Read a second time.

Senate substitute amendment 1 to Senate Bill 314  
offered by Senator Risser.

The question was: Adoption of Senate substitute  
amendment 1?

Senator Huelsman raised the point of order that Senate  
substitute amendment 1 to Senate Bill 238 was not  
germane.

The Chair ruled the point well taken.

Senator Risser appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand  
as the judgment of the Senate?

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

Ayes – Senators Buettner, Cowles, Darling,  
Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leraan,

Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz,  
Weeden and Zien – 17.

Noes – Senators Adelman, Andrea, Breske, Burke,  
Chvala, Clausing, Decker, George, Helbach, Jauch, Moen,  
Moore, Plewa, Potter, Risser and Wineke – 16.

Absent or not voting – None.

The ruling of the Chair stands as the judgment of the  
Senate.

Senate amendment 1 to Senate Bill 314 offered by  
Senators Decker, Potter, Jauch, Burke and Wineke.

The question was: Adoption of Senate amendment 1?

Senator Huelsman moved rejection of Senate  
amendment 1.

The question was: Rejection of Senate amendment 1?

The ayes and noes were demanded and the vote was:  
ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Andrea, Buettner, Cowles, Darling,  
Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leraan,  
Lorman, Moore, Panzer, Petak, Rosenzweig, Rude,  
Schultz, Weeden and Zien – 19.

Noes – Senators Adelman, Breske, Burke, Chvala,  
Clausing, Decker, George, Helbach, Jauch, Moen, Plewa,  
Potter, Risser and Wineke – 14.

Absent or not voting – None.

Rejected.

Senate amendment 2 to Senate Bill 314 offered by  
Senator Jauch.

The question was: Adoption of Senate amendment 2?

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

Ayes – Senators Buettner, Cowles, Darling,  
Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leraan,  
Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz,  
Weeden and Zien – 17.

Noes – Senators Adelman, Andrea, Breske, Burke,  
Chvala, Clausing, Decker, George, Helbach, Jauch, Moen,  
Moore, Plewa, Potter, Risser and Wineke – 16.

Absent or not voting – None.

Rejected.

Senate amendment 3 to **Senate Bill 314** offered by Senator Burke.

The question was: Adoption of Senate amendment 3?

Senator Huelsman moved rejection of Senate amendment 3.

The question was: Rejection of Senate amendment 3?

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

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.

Absent or not voting — None.

Rejected.

Senate amendment 4 to **Senate Bill 314** offered by Senators Moore and Burke.

The question was: Adoption of Senate amendment 4?

Senator Moore, with unanimous consent, asked that Senate amendment 4 be returned to the author.

Senate amendment 5 to **Senate Bill 314** offered by Senators Moore and Burke.

The question was: Adoption of Senate amendment 5?

Senator Huelsman moved rejection of Senate amendment 5.

The question was: Rejection of Senate amendment 5?

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

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.

Absent or not voting — None.

Rejected.

Ordered to a third reading.

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

#### **Senate Bill 314**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean,

Lorman, Panzer, Petak, Plewa, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien — 20.

Noes — Senators Adelman, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Potter and Risser — 13.

Absent or not voting — None.

Passed.

#### **Senate Bill 328**

Relating to violations of fish and game laws and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1?

Adopted.

Ordered to a third reading.

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

#### **Senate Bill 328**

Read a third time and passed.

#### **Senate Bill 364**

Relating to eliminating the council on public broadcasting.

Read a second time.

Ordered to a third reading.

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

#### **Senate Bill 364**

Read a third time and passed.

#### **Senate Bill 373**

Relating to requiring divorcing parents to attend an educational program concerning the effect of divorce on children.

Read a second time.

Ordered to a third reading.

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

#### **Senate Bill 373**

Read a third time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 373** be placed at the foot of the days calendar.

#### **Senate Bill 430**

Relating to a book on the experiences of the state's Vietnam war veterans and making an appropriation.

Read a second time.

Senator Leean, with unanimous consent, asked that **Senate Bill 430** be referred to joint committee on Finance.

**Senate Bill 476**

Relating to holding a juvenile in a secure detention facility; permitting the victim of a child's act to attend the dispositional hearing regarding that act; providing notice to the victim of a child's act of hearings regarding that act; permitting certain victims to make a statement before the juvenile court imposes a disposition; extended juvenile court jurisdiction; waiver of juvenile court jurisdiction; jurisdiction over a child who is accused of a misdemeanor involving the use of a firearm or a felony after the juvenile court has waived its jurisdiction over the child for a previous violation; the payment of restitution by juveniles; establishing a juvenile boot camp program for delinquent children; the disclosure of information obtained by a juvenile intake worker or a dispositional staff member while performing services under the children's code; the establishment of a task force on improving services to children and families and a report by that task force to the legislature and the governor regarding collaboration between schools and social services agencies in serving children and families; proposing legislation related to confidential juvenile records; reimbursement from the parents or guardian of a child who is alleged to be delinquent or in need of protection or services for legal representation provided by the state or counties to that child; increasing funding for drug abuse resistance education grants; making an appropriations; and providing a penalty.

Read a second time.

Senator Leean, with unanimous consent, asked that **Senate Bill 476** be referred to joint committee on Finance.

**Senate Bill 478**

Relating to: law enforcement, crime, grants, cocaine, substitution of judges, the amount that an agency may retain from the sale of forfeited property, disclosure of the contents of recorded communications in court proceedings for felony offenses, revocation or suspension of alcohol beverage licenses or permits for convictions of certain crimes, making appropriations and providing penalties.

Read a second time.

Senator Leean, with unanimous consent, asked that **Senate Bill 478** be referred to joint committee on Finance.

**Senate Bill 488**

Relating to: mandatory minimum sentences for certain repeat criminal offenders; oleoresin of capsicum and tear gas; participation at parole interviews and hearings; notification to crime victims and protected persons; admissibility of evidence regarding the manner of dress of a complaining witness; granting rule-making authority; and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1?

Senator Leean, with unanimous consent, asked that **Senate Bill 488** be referred to joint committee on Finance.

SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS

**Assembly Bill 64**

Relating to job shifting requirements for industrial development revenue bond projects.

Read a second time.

Senate amendment 1 to **Assembly Bill 64** offered by Senator Leean.

The question was: Adoption of Senate amendment 1?

Senator Ellis, with unanimous consent, asked that **Assembly Bill 64** be placed at the foot of the days calendar.

**Assembly Bill 193**

Relating to requiring insurers to provide notice of loss of insurance coverage and eligibility for medicare.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 193**

Read a third time and concurred in.

**Assembly Bill 261**

Relating to mutual aid agreements between Wisconsin law enforcement agencies and law enforcement agencies in physically adjacent states.

Read a second time.

Senator Leean, with unanimous consent, asked that **Assembly Bill 261** be referred to joint committee on Finance.

**Assembly Bill 753**

An act to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1993-95 biennium, covering employes in the professional engineering collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Assembly Bill 753** be placed at the foot of the days calendar.

**Assembly Bill 754**

An act to ratify the agreement negotiated between the state of Wisconsin and the Association of State Prosecutors for the 1993-95 biennium, covering employes in the assistant district attorneys collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Assembly Bills 754, 753 and 64** and **Senate Bill 373** be laid on the table.

MOTIONS

Senator Schultz, with unanimous consent, asked that his name be removed as an author of **Senate Bill 30**.

Senator Zien, with unanimous consent, asked that he be listed as a co-author of **Senate Bill 23**.

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

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Tuesday, October 12.

12:30 P.M.