

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

9:00 A.M.

Wednesday, February 16, 1994

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 a moment of silent meditation.

The Senate remained standing and Senator Petak 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 733

Relating to state reimbursement to certain cities for costs incurred in providing police protection to protect access to certain facilities in which abortions are performed and to preserve public peace at a rally, demonstration or parade held by the Ku Klux Klan; and making an appropriation.

By Senators Moore, George, Burke, Darling and Rosenzweig; cosponsored by Representatives Carpenter, Baldwin, Coggs, Bock, Notestein and Robson.

To committee on Business, Economic Development and Urban Affairs.

COMMITTEE REPORTS

The select committee on Health Care Reform reports and recommends:

Senate Bill 722

Relating to expanding the small employer insurance board and renaming it the comprehensive health care board; modified community rating, fair market standards, portability, preexisting condition exclusions and guarantee issue for individual and certain group health benefit plans; establishing a standard plan; allowing the group insurance board to contract with purchasing coalitions; and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 4 - Senators Rosenzweig, Lorman, Buettner and Huelsman;

Noes, 3 - Senators Moen, Helbach and Decker.

Passage as amended:

Ayes, 4 - Senators Rosenzweig, Lorman, Buettner and Huelsman;

Noes, 3 - Senators Moen, Helbach and Decker.

Peggy Rosenzweig

Chair

The committee on State Government Operations and Corrections reports and recommends:

Senate Bill 701

Relating to: expanding the real estate transfer fee exemption for transfers between a corporation and its shareholders; the deadline for appealing decisions of a board of review; the form of the property tax assessor's affidavit; penalties assessed against manufacturers for failing to file property tax reports; shared revenue payments under the public utility component; excluding from a school district's equalized valuation the estimated value of land for which aids in lieu of taxes are paid; real estate transfer fee returns; the bases for adjustments of property taxes; and discontinuing the right to make claims for excessive property tax assessments.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 - Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 - None.

Passage as amended:

Ayes, 5 - Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 - None.

Gary Drzewiecki

Chair

The committee on Judiciary and Insurance reports and recommends:

Senate Bill 581

Relating to substitution of judges in criminal cases.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 - Senators Huelsman, Petak, Darling, Drzewiecki and Risser;

Noes, 2 - Senators Adelman and Chvala.

Passage as amended:

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

Noes, 3 -- Senators Risser, Adelman and Chvala.

**Senate Bill 691**

Relating to the right to a trial by jury in a juvenile court proceeding involving a child who is alleged to have violated a civil law or a municipal ordinance or a child who is alleged to be in need of protection or services.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 6 -- Senators Huelsman, Petak, Darling, Drzewiecki, Risser and Chvala;

Noes, 1 -- Senator Adelman.

Passage as amended:

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

Noes, 2 -- Senators Risser and Adelman.

Joanne B. Huelsman  
Chair

The committee on Environment and Energy reports and recommends:

**Senate Bill 158**

Relating to utility tree trimming damages.

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 466**

Relating to the imposition of a fee on sewage holding tank owners to provide for inspectors of such tanks.

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 603**

Relating to the waiver of requirements for fishing and hunting approvals for certain events or programs sponsored or approved by the department of natural resources, granting rule-making authority and providing an exemption from and extending the time limit for emergency rule procedures.

Passage:

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

Noes, 0 -- None.

**Senate Bill 678**

Relating to prohibitions on landfill disposal and incineration of major appliances, awards of waste reduction and recycling demonstration grants, responsible units for recycling programs and waivers of requirements for effective recycling programs.

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.

Robert Cowles  
Chair

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Department of Administration

January 27, 1994

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 December, 1993.

On December 20, 1993 the Cemetery Construction Fund balance was negative one thousand dollars (-\$1,000). This shortfall continued through the end of December. The shortfall is due to the timing of revenues to the fund.

The Cemetery Construction 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 reallocations of balance authority.

Sincerely,  
James Klauser  
Secretary

Read and referred to the committee on Business, Economic Development and Urban Affairs.

Senate Bill 722

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 93-234

Relating to designating certain persons as "individual accredited investors" for purposes of s. 551.23 (8) (g), Stats.

Submitted by Office of the Commissioner of Securities.

Report received from agency, February 10, 1994.

Referred to committee on Financial Institution and Cultural Affairs, February 16, 1994.

Relating to expanding the small employer insurance board and renaming it the comprehensive health care board; modified community rating, fair market standards, portability, preexisting condition exclusions and guarantee issue for individual and certain group health benefit plans; establishing a standard plan; allowing the group insurance board to contract with purchasing coalitions; and granting rule-making authority.

Read a second time.

Senator Moen, with unanimous consent, asked that the Senate recess until 10:57 A.M..

9:27 A.M.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 1126

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1126

Relating to abolishing the property tax levy for school operations and establishing a school funding study committee.

By Representatives Kunicki, Linton, Travis, Carpenter, Notestein, Potter, Bell, Meyer, Springer, Bock, Wood, Baldus, Wilder, Stower, Gronemus, Baumgart, Reynolds, Black, Morris-Tatum, Coggs, Huber, Boyle, Gruszynski, Holperin, Roberts, Hasenohrl, Grobschmidt, Robson, Baldwin, Wirch, Kreuser, Cullen, Ryba, Vander Loop, L. Young, Riley, Hinkfuss, Hubler, Musser, Lorge, Porter, Johnsrud, Krusick, R. Young, Hanson and Bolle, cosponsored by Senators Jauch, Wineke, Clausing, Chvala, Moen, Potter, Decker, Risser, Breske, Plewa and Burke.

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

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

RECESS

10:57 A.M.

The Senate reconvened.

Senate amendment 1 to Senate substitute amendment 1 to Senate Bill 722 offered by Senators Adelman, Burke, Moen, Helbach, Decker, Breske, Potter, Clausing, Wineke, Risser, Plewa, Jauch, Moore, Andrea and George.

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

Senator Rosenzweig raised the point of order that Senate amendment 1 to Senate substitute amendment 1 to Senate Bill 722 is not germane.

Senator Rosenzweig, with unanimous consent, asked that her point of order be withdrawn.

CHAIR

11:49 A.M.

Senator Lasee in the Chair.

Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 to Senate Bill 722 offered by Senator Jauch.

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

Senator Rosenzweig moved that Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 be laid on the table.

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The question was: Shall Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 be laid on the table?

Senator Jauch, with unanimous consent, asked that Senate amendment 1 to Senate amendment 1 to Senate substitute amendment be returned to the author.

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

Senator Rosenzweig raised the point of order that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 722** in not germane.

The Chair rules the point well taken.

Senator Jauch appeals the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the decision 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, Llean, 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 decision of the Senate.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 722** offered by Senators Decker and Clausing.

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

CHAIR

1:03 P.M.

Senator Rude in the Chair.

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

Senator Rosenzweig moved that Senate amendment 2 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 be laid on the table?

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, Llean, 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.

Tabled.

Senate amendments 3 and 4 to Senate substitute amendment 1 to **Senate Bill 722** offered by Senator Helbach.

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

Senator Schultz moved that Senate amendment 3 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 be laid on the table?

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, Llean, 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.

Tabled.

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

Senator Llean moved that Senate amendment 4 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 be laid on the table?

Tabled.

Senator Ellis, with unanimous consent, asked that the Senate recess until 2:18 P.M..

1:29 P.M.

RECESS

2:18 P.M.

The Senate reconvened.

Senator Ellis, with unanimous consent, asked that the Senate stand informal for 7 minutes.

2:20 P.M.

2:27 P.M.

The Senate reconvened.

Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 722** offered by Senators Helbach and Decker.

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

Senator Rosenzweig moved that Senate amendment 5 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 5 to Senate substitute amendment 1 be laid on the table?

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, Llean, 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.

Tabled.

Senate amendments 6 and 7 to Senate substitute amendment 1 to **Senate Bill 722** offered by Senator Helbach.

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

Senator Schultz moved that Senate amendment 6 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 6 to Senate substitute amendment 1 be laid on the table?

Tabled.

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

Senator Rosenzweig moved that Senate amendment 7 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 7 to Senate substitute amendment 1 be laid on the table?

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, Llean, 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.

Tabled.

Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 722** offered by Senators Decker and Moore.

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

Senator Rosenzweig moved that Senate amendment 8 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 8 to Senate substitute amendment 1 be laid on the table?

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, Llean, 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.

Tabled.

Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 722** offered by Senators Decker, Plewa, Chvala, Breske and Clausing.

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

Senator Huelsman moved that Senate amendment 9 to Senate substitute amendment 1 be laid on the table.

The question was: Shall Senate amendment 9 to Senate substitute amendment 1 be laid on the table?

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.

Tabled.

The question was: Adoption of Senate substitute amendment 1?

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.

Adopted.

Senate substitute amendment 2 to **Senate Bill 722** offered by Senators Chvala, Clausing, Jauch, Decker, Risser and Burke.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 722** offered by Senators Chvala, Clausing, Decker, Risser, Jauch, and Burke.

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

Adopted.

The question was: Adoption of Senate substitute amendment 2?

Senator Leean raised the point of order that Senate substitute amendment 2 to **Senate Bill 722** is not germane.

The Chair ruled the point of order well taken.

Ordered to a third reading.

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

Senator Jauch objected.

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#### ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, February 17.  
4:08 P.M.