



STATE OF WISCONSIN

Senate Journal

Ninety–Third Regular Session

10:00 A.M.

TUESDAY, January 28, 1997

The Senate met.

The Senate was called to order by Senator Fred Risser.

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

Senators Adelman, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

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

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 7

Relating to: eliminating the constitutional authorizations for pari–mutuel on–track betting and the state lottery beginning on January 1, 2005 (first consideration).

By Senators Risser and Welch; cosponsored by Representatives La Fave, Plouff, Black, Springer, R. Young, Ward, Grothman and Baldwin.

Read first time and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 25

Relating to: the school aid distribution schedule.

By Senators Plache and Moen; cosponsored by Representatives Ladwig, J. Lehman, Turner, Notestein, Meyer, Black, Ryba, Baldwin, Musser, Grothman, R. Young and Seratti.

To committee on **Education**.

Senate Bill 26

Relating to: ordinances that prohibit truancy and habitual truancy and authorize suspension of the operating privilege of a person under 18 years of age if he or she drops out of school.

By Senators Plache, Buettner and Moen; cosponsored by Representatives Ladwig, Turner, J. Lehman, Krusick, Olsen and Plale.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Senate Bill 27

Relating to: permitting certain individuals to make written requests for medication for the purpose of ending their lives, and providing penalties.

By Senators Risser and Jauch; cosponsored by Representatives Boyle, Baldwin and Kunicki.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Senate Bill 28

Relating to: restricting the Milwaukee parental choice program to nonsectarian private schools.

By Senators Wineke and Moen; cosponsored by Representatives R. Young, Meyer, Hanson and La Fave.

To committee on **Education**.

Senate Bill 29

Relating to: discontinuing the property tax exemption for governmental property that is leased and which the lessee uses as a country club.

By Senators Wineke, Decker, Moen and Weeden; cosponsored by Representatives R. Young, Turner, Baldwin, Albers and Otte.

To joint survey committee on **Tax Exemptions**.

Senate Bill 30

Relating to: providing a penalty of either death or life imprisonment for the first–degree intentional homicide of a child younger than 16 years old, affecting parole eligibility and granting rule–making authority.

By Senators A. Lasee, Fitzgerald, Drzewiecki, Huelsman, Zien, Welch and Buettner; cosponsored by Representatives Kaufert, Ladwig, Brandemuehl, Musser, Foti, Handrick, Owens, Green, Dobyns, Kreibich, Hoven and Ott.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Senate Bill 31

Relating to: the requirements for receiving an automatic joint survivor death benefit under the Wisconsin retirement system.

By Senators Grobschmidt, C. Potter, Rude, Risser, Buettner, Plache, Fitzgerald, Shibilski, Moen and Schultz;

cosponsored by Representatives Hanson, Ott, Travis, Musser, Dobyns, Huber, Notestein, Boyle, Turner, Ziegelbauer, R. Young, Plale, Kreuser, Springer, Baldwin, Gronemus, Black, Hasenohrl, Ryba, Brandemuehl, Murat, Meyer and Lorge.

To joint survey committee on **Retirement Systems**.

Senate Bill 32

Relating to: the 5-year vesting requirement to receive an annuity under the Wisconsin retirement system.

By Senators Grobschmidt, Risser, Wirch, Buettner and Plache; cosponsored by Representatives Notestein, Musser, Plale, Baumgart, Meyer, Springer, Riley, Huber, Seratti, Boyle, Powers, Baldwin, F. Lasee, Dobyns, R. Young, Murat and Hanson.

To joint survey committee on **Retirement Systems**.

Senate Bill 33

Relating to: the minimum number of persons required on train crews, granting rule-making authority and providing a penalty.

By Senators Jauch, Wineke, Wirch, Schultz, Rude, Grobschmidt, Risser, C. Potter, Moore and George; cosponsored by Representatives Dobyns, Schneider, Ourada, Black, M. Lehman, Musser, Johnsrud, Ryba, Albers, Bock, Freese, Ziegelbauer, Hahn, Gunderson, Murat, Boyle, Vander Loop, Seratti, Baumgart, La Fave, Plale, Plouff, Meyer, Huber, Olsen, Baldwin, F. Lasee, Urban, Hanson, Hoven, Lorge, Powers, Schafer, Linton, Riley, Huebsch, Gronemus, L. Young, Zukowski, Kunicki and Travis.

To committee on **Labor, Transportation and Financial Institutions**.

Senate Bill 34

Relating to: disposal facilities on outlying waters for toilet wastes from boats and granting rule-making authority.

By Senators Cowles, Risser, Rude, Clausing, Schultz and Plache; cosponsored by Representatives Johnsrud, Hutchison, Baumgart, Albers, R. Young, Goetsch, Seratti, Musser, Olsen and Gronemus.

To committee on **Agriculture and Environmental Resources**.

REPORT OF COMMITTEES

The committee on **Agriculture and Environmental Resources** reports and recommends:

Senate Bill 2

Relating to: regulation of various trading practices on the National Cheese Exchange.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Clausing, Shibilski, Wirch, Lasee and Zien

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Clausing, Shibilski, Wirch, Lasee and Zien

Noes, 0 – None.

Senate Bill 5

Relating to: the appointment of the Secretary of Natural Resources.

Passage.

Ayes, 3 – Senators Clausing, Shibilski and Wirch.

Noes, 2 – Senators Lasee and Zien

Alice Clausing
Chairperson

The committee on **Senate Organization** reports and recommends:

Assembly Joint Resolution 1

Relating to: the joint rules.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.
Noes, 0 – None.

Assembly Joint Resolution 2

Relating to: the life and public service of Willis Hutnik.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.
Noes, 0 – None.

Assembly Joint Resolution 3

Relating to: commending the Green Bay Packers for winning the National Football Conference championship.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.
Noes, 0 – None.

Senate Joint Resolution 3

Relating to: proclaiming National Garden Week in Wisconsin.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.
Noes, 0 – None.

Senate Joint Resolution 4

Relating to: proclaiming the week of June 29 to July 5, 1997, National 4th Infantry Division Week.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.
Noes, 0 – None.

Senate Joint Resolution 6

Relating to: commending the Green Bay Packers on their Super Bowl victory.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.
Noes, 0 – None.

Charles Chvala
Chairperson

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 95–206

Relating to use of incapacitating agents and firearms by division of probation, sanctions and parole staff members.

Submitted by Department of Corrections.

Report received from Agency, January 23, 1997.

Referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**, January 28, 1997 .

Senate Clearinghouse Rule 96–095

Relating to patient records.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 22, 1997.

Referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**, January 28, 1997 .

Senate Clearinghouse Rule 96-129

Relating to reimbursement procedures for regional and local hazardous materials emergency response teams when a person responsible cannot be found or when the person responsible is unable or unwilling to pay.

Submitted by State Emergency Response Board.

Report received from Agency, January 23, 1997.

Referred to committee on **Agriculture and Environmental Resources**, January 28, 1997.

Senate Clearinghouse Rule 96-136

Relating to procedural rules concerning petition to and handling of cases by the labor and industry review commission.

Submitted by Labor and Industry Review Commission.

Report received from Agency, January 22, 1997.

Referred to committee on **Labor, Transportation and Financial Institutions**, January 28, 1997.

Senate Clearinghouse Rule 96-162

Relating to calibration of audiometric equipment and the use of support personnel.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 23, 1997.

Referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**, January 28, 1997.

Senate Clearinghouse Rule 96-167

Relating to deadlines to apply for death benefits payable from the Wisconsin retirement system and timing of automatic distribution of these benefits.

Submitted by Department of Employee Trust Funds.

Report received from Agency, January 23, 1997.

Referred to committee on **Labor, Transportation and Financial Institutions**, January 28, 1997.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 3

Relating to: proclaiming National Garden Week in Wisconsin.

Adopted.

Senate Joint Resolution 4

Relating to: proclaiming the week of June 29 to July 5, 1997, National 4th Infantry Division Week.

Adopted.

Senate Joint Resolution 6

Relating to: commending the Green Bay Packers on their Super Bowl victory.

Adopted.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Plache, with unanimous consent, asked that the Senate recess until 12: 34 P.M..

10:20 A.M.

RECESS

12: 34 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senate Bill 2

Relating to: regulation of various trading practices on the National Cheese Exchange.

Read a second time.

Senator A. Lasee, with unanimous consent, asked to be added as a coauthor of **Senate Bill 2**.

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

Adopted.

Senator Welch raised the point of order that bill requires an emergency statement and must be referred to the joint committee on Finance.

The Chair ruled the point well taken.

Senator Burke, with unanimous consent, asked that **Senate Bill 2** be referred to the Joint Committee on **Finance**.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Joint Resolution 1

Relating to: the joint rules.

The question was: Shall **Assembly Joint Resolution 1** be concurred in?

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

Ayes – Senators Adelman, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Goerge, Grobschmidt, Huelsman, Jauch, Lasee, Moen, Moore, Panzer, Plache, Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien;

Noes – None.

Absent or not voting – None.

Concurred in.

Assembly Joint Resolution 2

Relating to: the life and public service of Willis Hutnik.

The question was: Shall **Assembly Joint Resolution 2** be concurred in?

Concurred in by unanimous rising vote.

Assembly Joint Resolution 3

Relating to: commending the Green Bay Packers for winning the National Football Conference championship.

The question was: Shall **Assembly Joint Resolution 3** be concurred in?

Concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

ANNOUNCEMENTS, ADJOURNMENT HONORS AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Roxanne Nelson of the Chief Clerks Office, 50th birthday.

Senator Rude, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Errol Kindschy the West Salem Lions Club Citizen of the Year.

Senator Drzewiecki, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Super Bowl XXXI Champs the Green Bay Packers.

ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Wednesday, January 29 at 6:40 P.M..
Adjourned.