



# STATE OF WISCONSIN Senate Journal Ninety–Third Regular Session

10:00 A.M.

TUESDAY, January 13, 1998

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 Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

As we begin today's session, I would like to note that this is the year of the Sesquicentennial Celebration of Statehood for Wisconsin. The first election for the State Senate was not held until May 8, 1848, the President signed the Statehood Order on May 29, 1848, and the first session of the Wisconsin State Senate was called to order on Monday June 5th, 1848 by the Secretary of the Territorial Council.

Today's session is making history also. It is the first session of the Wisconsin State Senate to have the audio signal broadcast around the world via the Internet. The legislature's world wide web site now provides access to the sound system of this Chamber.

I would also like to note that the next time the State Senate begins a New Year's session, the Senate will be called to order in the Senate Chamber in the State Capitol as it was for the first time in 1913.

FRED A. RISSER  
President of the Senate

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

### Senate Bill 393

Relating to: issuance of uncertified copies of vital records for events occurring before October 1, 1907.

By Senators Moen, Wineke, Risser, Weeden, Roessler, Huelsman, Schultz and Panzer; cosponsored by Representatives Ladwig, Ryba, Plale, Huber, Albers, Baldwin, Brandemuehl, Dobyns, Foti, Freese, Grothman, Hasenohrl, La Fave, F. Lasee, J. Lehman, M. Lehman, Nass, Owens, Powers,

Turner and Musser, by request of the Wisconsin State Genealogical Society and the Wisconsin Genealogical Council.

To committee on **Economic Development, Housing and Government Operations.**

### Senate Bill 394

Relating to: hunting near certain schools.

By Senator C. Potter; cosponsored by Representative Ziegelbauer.

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

### Senate Bill 395

Relating to: a structure in the Rock River in the city of Beloit.

By Senator Weeden; cosponsored by Representative Robson.

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

### Senate Bill 396

Relating to: underage persons and certain billiards centers where alcohol beverages are sold and consumed.

By Senators Risser, Decker and Breske; cosponsored by Representatives Baldwin, Powers, Boyle, Goetsch, F. Lasee, Musser and Grothman.

To committee on **Economic Development, Housing and Government Operations.**

### Senate Bill 397

Relating to: the authority of the personnel commission to receive and process complaints Relating to family or medical leave and appeals to the personnel commission of delegatory actions taken by an appointing authority (suggested as remedial legislation by the personnel commission).

By Law Revision Committee.

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

## PETITIONS AND COMMUNICATIONS

### Senate Petition 14

A petition by 35,134 residents of the State of Wisconsin urging the continued operation of the Wisconsin School for the Visually Handicapped at Janesville, Wisconsin.

By Senator Weeden.

To committee on **Education.**

**State of Wisconsin  
Department of Revenue**

January 6, 1998

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31, 1997. As required by s.

565.37(3), Wis. Stats., the attached materials contain Wisconsin Lottery year to date sales and financial information. If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,  
CATE ZEUSKE  
Secretary of Revenue

**State of Wisconsin  
Department of Revenue**

January 7, 1998

The Honorable, The Legislature:

Section 565.45, Wisconsin Statutes, requires the Department of Revenue to submit a biennial report to the legislature regarding the impact on lottery operations of the 15% expense limitation under s. 25.75(3)(b).

Sincerely,  
CATE ZEUSKE  
Secretary of Revenue

**State of Wisconsin  
Department of Health and Family Services**

December 23, 1997

The Honorable, The Senate:

Section 46.03(26) of the statutes requires the Department of Health and Family Services to report annually on information system projects under development. The attached report is a summary of the departmental systems currently under development.

Sincerely,  
JOE LEEAN  
Secretary

Senator Chvala, with unanimous consent, asked that the Senate recess until 1:35 P. M..

10:20 A.M.

**RECESS**

1:35 P. M.

The Senate reconvened.  
Senator Risser in the chair.

**EXECUTIVE COMMUNICATIONS**

Senator Chvala, with unanimous consent, asked that the appointments with the exception of Joseph P. Mettner and Cheryl L. Parrino be taken up en masse.

BEIL, MARTIN, of Mazomanie, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2001.

Read.

CASPER, PHILIP E., of Mequon, as a member of the Board of Trustees of the Medical College of Wisconsin, to serve for the interim term ending May 1, 2001.

Read.

MAHKORN, SANDRA, of Milwaukee, as a member of the Medical Examining Board, to serve for the term ending July 1, 2001.

Read.

PEDRAZA, PABLO M., of Whitefish Bay, as a member of the Medical Examining Board, to serve for the term ending July 1, 2000.

Read.

RATHBURN, ANNE MARIE, of Oneida, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2001.

Read.

ROONEY, JAMES F., of Racine, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 1999.

Read.

SCHILS, PETER J., of Sheboygan, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2001.

Read.

SIMIC, WILLIAM J., JR., of Woodruff, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2001.

Read.

STOLPMAN, KATHLEEN F., of Brookfield, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2000.

Read.

STROZINSKY, RUTH ANN, of Tomah, as a member of the Board on Aging and Long-Term Care, to serve for the term ending May 1, 2002.

Read.

SUTTER, SUSAN L., of Horicon, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2001.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Noes – None.

Absent or not voting – None.

Confirmed.

METTNER, JOSEPH P., of Madison, as a member of the Public Service Commission, to serve for the interim term ending March 1, 1999.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Chvala, with unanimous consent, asked he be recorded with the majority on the last roll call.

Senator George objected.

Senator Chvala moved that he be recorded with the majority on the last roll call.

The question was: Shall Senator Chvala be recorded with the majority on the last roll call?

The ayes and noes were demanded and the vote was: ayes, 31; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – Senator George – 1.

Absent or not voting – None.

Recorded.

PARRINO, CHERYL L., of Madison, as a member of the Public Service Commission, to serve for the term ending March 1, 2003 and to serve as Chair for the term ending March 1, 1999.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Noes – None.

Absent or not voting – None.

Confirmed.

**REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 97-057**

Relating to regulation of metallic mineral mining.

Submitted by Department of Natural Resources.

Report received from Agency, January 8, 1998.

Referred to committee on **Agriculture and Environmental Resources**, January 13, 1998.

**State of Wisconsin Revisor of Statutes Bureau**

December 1, 1997

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>95- 59</b>	December 1, 1997
<b>95- 62</b>	December 1, 1997
<b>96-118</b>	December 1, 1997
<b>96-184</b>	December 1, 1997
<b>97- 6</b>	December 1, 1997
<b>97- 28</b>	December 1, 1997
<b>97- 34</b>	December 1, 1997
<b>97- 48</b>	December 1, 1997

<b>97- 61</b>	December 1, 1997
<b>97- 70</b>	December 1, 1997
<b>97- 71</b>	December 1, 1997
<b>97- 81</b>	December 1, 1997
<b>97-100</b>	December 1, 1997

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**State of Wisconsin Revisor of Statutes Bureau**

January 1, 1998

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>96-151</b>	January 1, 1998
<b>96-172 (part)</b>	January 1, 1998
<b>96-189</b>	January 1, 1998
<b>97- 16</b>	January 1, 1998
<b>97- 21</b>	January 1, 1998
<b>97- 23 (part)</b>	January 1, 1998
<b>97- 26</b>	January 1, 1998
<b>97- 39</b>	January 1, 1998
<b>97- 40</b>	January 1, 1998
<b>97- 41</b>	January 1, 1998
<b>97- 58</b>	January 1, 1998
<b>97- 80</b>	January 1, 1998
<b>97- 85</b>	January 1, 1998
<b>97- 88</b>	January 1, 1998
<b>97- 94</b>	January 1, 1998
<b>97- 96 (part)</b>	January 1, 1998
<b>97-103</b>	January 1, 1998
<b>97-108</b>	January 1, 1998
<b>97-112</b>	January 1, 1998

Sincerely,  
GARY L. POULSON  
Deputy Revisor

Senators Moen, Panzer and Roessler, with unanimous consent, asked to be made coauthors of **Senate Joint Resolution 34**.

**MESSAGES FROM THE ASSEMBLY**

**Senate Bill 35**

Relating to: the purchase of used home furnishings by antique dealers and recyclers and providing a penalty.

Read.

The question was: Shall Assembly amendment 1 to **Senate Bill 35** be concurred in?

Concurred in.

The question was: Shall Assembly amendment 2 to **Senate Bill 35** be concurred in?

Concurred in.

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

Senator Burke, with unanimous consent, asked that **Senate Bill 148** be withdrawn from the joint committee on **Finance** and referred to the committee on **Senate Organization**.

**Senate Joint Resolution 34**

Relating to: urging the U.S. secretary of agriculture to immediately change the federal milk pricing system.

Read.

Adopted.

**Senate Bill 8**

Relating to: transferring the public intervenor to the department of justice and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 8** be referred to the Joint Committee on **Finance**.

**Senate Bill 78**

Relating to: assignments of earnings, pension benefits, lottery winnings and other benefits for the payment of assessments, fines, restitution and surcharges and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 78**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 78**?

Adopted.

The question was: Adoption of Senate amendment 1 to Senate amendment 3 to **Senate Bill 78**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 78**?

Adopted.

Senator Burke, with unanimous consent, asked that **Senate Bill 78** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 78** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 78**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – Senator George – 1.

Absent or not voting – None.

Passed.

**Senate Bill 190**

Relating to: noncompetitive appointment of certain disabled veterans to positions in the classified service of the state.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 190**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 190**

Read a third time and passed.

**Senate Bill 258**

Relating to: the regulation and licensure of podiatrists, abolishing the podiatry examining council and creating a podiatrists affiliated credentialing board, granting rule-making authority and providing a penalty.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 258**

Read a third time and passed.

**Senate Bill 275**

Relating to: regulation of grain dealers and grain warehouse keepers.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 275**

Read a third time and passed.

**Senate Bill 308**

Relating to: revising the investment securities chapter of the uniform commercial code.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 308**

Read a third time and passed.

**Senate Bill 326**

Relating to: creating a tuition protection program for students enrolled in proprietary schools, granting rule-making authority and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 326** be referred to the Joint Committee on **Finance**.

**Senate Bill 330**

Relating to: calculating the probate filing fee.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 330** be referred to the Joint Committee on **Finance**.

**Senate Bill 339**

Relating to: prohibitions regarding members of public service commission.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 339**

Read a third time and passed.

**Senate Bill 357**

Relating to: eliminating some of the school district and cooperative educational service agency reporting requirements and granting rule-making authority.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 357**

Read a third time and passed.

**Senate Bill 364**

Relating to: creating a professional standards council for teachers.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 364**?

Adopted.

Senate amendment 2 to **Senate Bill 364** offered by Senators Darling, Huelsman, Fitzgerald and Welch.

Senator Grobschmidt moved rejection of Senate amendment 2 to **Senate Bill 364**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 364**?

Rejected.

Senate amendment 3 to **Senate Bill 364** offered by Senators Darling, Huelsman, Fitzgerald and Welch.

Senator Grobschmidt moved rejection of Senate amendment 3 to **Senate Bill 364**.

The question was: Rejection of Senate amendment 3 to **Senate Bill 364**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Decker, Ellis, George, Grobschmidt, Jauch, Moen, Moore, Plache, C. Potter, Risser, Rude, Schultz, Shibilski, Wineke, Wirch and Zien – 20.

Noes – Senators Cowles, Darling, Drzewiecki, Farrow, Fitzgerald, Huelsman, A. Lasee, Panzer, Roessler, Rosenzweig, Weeden and Welch – 12.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

**Senate Bill 364**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 4; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Decker, Drzewiecki, Ellis, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Welch, Wineke, Wirch and Zien – 28.

Noes – Senators Darling, Farrow, Fitzgerald and Weeden – 4.

Absent or not voting – None.

Passed.

**Senate Bill 366**

Relating to: nonresident individual income tax reciprocity with the state of Illinois and making appropriations.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 366** be referred to the Joint Committee on **Finance**.

**SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

**Assembly Joint Resolution 42**

Relating to: memorializing Congress to fully fund the federal share of state veterans homes construction projects.

Senator Roessler and Moen, with unanimous consent, asked to be made cosponsors of **Assembly Joint Resolution 42**.

The question was: Shall **Assembly Joint Resolution 42** be concurred in?

Concurred in.

**Assembly Joint Resolution 48**

Relating to: recognizing the importance of the Kettle Moraine.

The question was: Shall **Assembly Joint Resolution 48** be concurred in?

Concurred in.

**Assembly Bill 20**

Relating to: the method of estimating the number of children residing in a school district for purposes of taking an annual school count.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Bill 20**?

Adopted.

Ordered to a third reading.

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

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 20**.

**Assembly Bill 20**

Read a third time and concurred in as amended.

**Assembly Bill 29**

Relating to: authorizing specific information signs on a certain portion of USH 14.

Read a second time.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 29**.

Ordered to a third reading.

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

**Assembly Bill 29**

Read a third time and concurred in.

**Assembly Bill 132**

Relating to: barricades around ice holes.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 132**

Read a third time and concurred in.

**Assembly Bill 141**

Relating to: the information gathered regarding veterans burials.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 141**

Read a third time and concurred in.

**Assembly Bill 261**

Relating to: statute of limitations for special education appeals.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 261**

Read a third time and concurred in.

**Assembly Bill 266**

Relating to: substitute care providers of children, termination of parental rights, the appointment of a relative of a child as the guardian of the child, paternity determinations and the duties of juvenile court intake workers.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 266**

Read a third time and concurred in.

**Assembly Bill 397**

Relating to: hospital visitation.

Read a second time.

Senator Rosenzweig and Rude, with unanimous consent, asked to be made cosponsors of **Assembly Bill 397**.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 397**?

Adopted.

Ordered to a third reading.

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

**Assembly Bill 397**

Read a third time and concurred in as amended.

**Assembly Bill 419**

Relating to: motor vehicle pursuit by law enforcement officers, training of law enforcement officers, requiring the exercise of rule-making authority and providing a penalty.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 419**

Read a third time and concurred in.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS AND REMARKS UNDER SPECIAL  
PRIVILEGE**

Senator Panzer, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Senator Roessler's 50th birthday.

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

Senator Jauch, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the movie crew and actors Bill Paxton, Billy Bob Thornton, Brent Briscoe and actress Bridget Fonda for helping the local economy of the Ashland area and for their kind friendship to the people of the Ashland area.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, January 15 at 10:00 A.M..

Adjourned.

2:50 P.M.

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**AMENDMENTS OFFERED**

Senate amendment 4 to **Senate Bill 269** offered by Senator Decker.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1997 SENATE BILL 388**

Prepared by the Legislative Reference Bureau  
(January 9, 1998)

1. Page 28, line 4: delete "assessable" and substitute "accessible".