



# STATE OF WISCONSIN

# Senate Journal

## 1998 Extraordinary Session

10:00 A.M.

THURSDAY, April 23, 1998

The Senate met.

The Senate was called to order by Senator Mary Lazich.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### REPORT OF COMMITTEES

The committee on **Environment and Energy** reports and recommends:

#### **Assembly Bill 436**

Relating to: operation of snowmobiles in proximity to persons not on snowmobiles.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausing and Shibilski.

Noes, 0 – None.

#### **Assembly Bill 548**

Relating to: notices concerning proposals by American Indian tribal governing bodies to redesignate areas for air quality purposes.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausing and Shibilski.

Noes, 0 – None.

#### **Assembly Bill 701**

Relating to: a ban on disposal and incineration of used automotive oil filters.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausing and Shibilski.

Noes, 0 – None.

#### **Assembly Bill 858**

Relating to: grants to friends groups for property development on certain properties owned by the department of natural resources.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausing and Shibilski.

Noes, 0 – None.

#### **Assembly Bill 873**

Relating to: distribution of seized or confiscated fish and game to food distribution services.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausing and Shibilski.

Noes, 0 – None.

#### **Senate Joint Resolution 46**

Relating to: memorializing Congress to oppose the Environmental Protection Agency's proposed rules on animal waste.

Adoption.

Ayes, 4 – Senators Cowles, Farrow, Panzer and Shibilski.  
Noes, 1 – Senator Clausing.

Robert Cowles  
Chairperson

The committee on **Health, Family Services and Aging** reports and recommends:

#### **Assembly Bill 275**

Relating to: access by a child's substitute care provider to medical information concerning the child, the child's religious affiliation or belief and information relating to any involvement of the child in any sexual abuse, in any cult or group that promotes criminal activity or in any activities that are harmful to the child.

Concurrence.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirsch and Plache.

Noes, 0 – None.

#### **Assembly Bill 741**

Relating to: authorizing certain county community programs boards and certain county community programs directors, together with private or public organizations or affiliations, to organize, establish and participate in the governance and operation of an entity to operate a mental health-related service.

Concurrence.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirsch and Plache.  
Noes, 0 – None.

ARNDT, C. CHARLES, of Eagle River, as a member of the Board on Aging and Long-Term Care, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirsch and Plache.  
Noes, 0 – None.

BAKKER, DORIS L., of Neillsville, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirch and Plache.

Noes, 0 – None.

CONNOLLY–KEESLER, EILEEN M., of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirch and Plache.

Noes, 0 – None.

MCGLOCKLIN, JON, of Hartland, as a member of the Board of Trustees of the Medical College of Wisconsin, Inc., to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirch and Plache.

Noes, 0 – None.

SCHELLINGER, JUDGE JACQUELINE D., of Wauwatosa, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirch and Plache.

Noes, 0 – None.

SIZE, TIM, of Sauk City, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirch and Plache.

Noes, 0 – None.

SKOCHELAK, DR. SUSAN E., of Madison, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirch and Plache.

Noes, 0 – None.

VUE, MAI ZONG, of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirch and Plache.

Noes, 0 – None.

### **Senate Bill 521**

Relating to: a parent's right to know certain information about a family day care center and the posting and making available to parents of reports and notices of violations by family day care centers.

Passage.

Ayes, 7 – Senators Roessler, Rosenzweig, Zien, Welch, Moen, Wirch and Plache.

Noes, 0 – None.

Carol Roessler  
Chairperson

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

### **Assembly Bill 470**

Relating to: temporary "Class B" licenses and intoxicating liquor.

Concurrence.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

### **Assembly Bill 790**

Relating to: various measures affecting the state civil service.

Concurrence.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

### **Assembly Joint Resolution 52**

Relating to: memorializing Congress to begin the process of amending the constitution to enable Congress and the states to enact legislation prohibiting the desecration of the American flag.

Concurrence.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

### **Assembly Joint Resolution 54**

Relating to: proclaiming Armed Forces Day.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

DEMICHCHI, TED G., of Somers, as a member of the Board of Veterans Affairs, to serve for the interim term ending May 1, 2001.

Confirmation.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

### **Senate Bill 352**

Relating to: fishing licenses for certain disabled veterans.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

### **Senate Bill 474**

Relating to: solvency contribution rates applicable to certain employers for unemployment insurance purposes in 1998, unemployment insurance information technology systems and making an appropriation.

Passage.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

David Zien  
Chairperson

The committee on **Judiciary** reports and recommends:

**Assembly Bill 74**

Relating to: forfeiture of property used to commit certain crimes and court fees in property forfeiture proceedings.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 215**

Relating to: nitrous oxide and providing a penalty.

Introduction of Senate substitute amendment 1.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Wirch.

Noes, 0 – None.

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

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Wirch.

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Wirch.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Wirch.

Noes, 0 – None.

**Assembly Bill 242**

Relating to: placing bodily substances in edibles and providing a penalty.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 276**

Relating to: criminal invasion of privacy and providing a penalty.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 278**

Relating to: committing certain violent crimes against an elder person and providing a penalty.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 361**

Relating to: “sale or return” or consignment sales under the uniform commercial code.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Wirch.

Noes, 0 – None.

**Assembly Bill 589**

Relating to: delivery or distribution of a controlled substance, or possession with intent to deliver or distribute a controlled substance, on or near certain places and providing a penalty.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 621**

Relating to: the testimony at trial of child witnesses in certain cases.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 658**

Relating to: violations of nonsecure custody orders by juveniles and providing a penalty.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 713**

Relating to: the designation by a parent or the appointment by a court of a standby guardian of a child whose duty and authority as standby guardian begins on the incapacity, death, or debilitation and consent, of the parent.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Wirch.

Noes, 0 – None.

**Assembly Bill 866**

Relating to: committing a serious sex crime while infected with human immunodeficiency virus, acquired immunodeficiency syndrome or a sexually transmitted disease and providing a penalty.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

**Senate Bill 173**

Relating to: termination of parental rights over a child who on 3 or more separate occasions has been placed outside of his or her home by an order of the juvenile court.

Passage.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Wirch.

Noes, 0 – None.

**Senate Bill 251**

Relating to: the operating privilege of an underage person convicted of certain alcohol-related offenses.

Passage.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Wirch.

Noes, 0 – None.

**Senate Bill 527**

Relating to: the manufacture, distribution and sale in this state of any mattress, upholstered spring, comforter, pad, cushion or pillow designed and manufactured for the purpose of sleeping or reclining and providing a penalty.

Passage.

Ayes, 4 – Senators Huelsman, Welch, Darling and Wirch.  
Noes, 1 – Senator Risser.

Joanne Huelsman  
Chairperson

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

**Assembly Joint Resolution 50**

Relating to: proclaiming “Law Enforcement Week” and “Law Enforcement Memorial Day”.

Introduction and adoption of Senate amendment 1.

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

Concurrence as amended.

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

Michael Ellis  
Chairperson

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

**Assembly Bill 364**

Relating to: tampering with hour meters of farm equipment and providing a penalty.

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.  
Noes, 0 – None.

**Assembly Bill 392**

Relating to: the farm mediation and arbitration program, eliminating the farm mediation and arbitration board, the farmer assistance program, exit from and entry into the dairy industry, granting rule-making authority and making an appropriation.

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.  
Noes, 0 – None.

**Assembly Bill 453**

Relating to: the publication of a noxious weeds notice by a city, village or town.

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.  
Noes, 0 – None.

**Assembly Bill 659**

Relating to: approval and recording of final plats.

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.  
Noes, 0 – None.

**Assembly Bill 672**

Relating to: transportation project plats.

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.  
Noes, 0 – None.

**Assembly Bill 786**

Relating to: penalties for certain traffic offenses committed where persons working on a utility facility are at risk from traffic and providing a penalty.

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.  
Noes, 0 – None.

**Assembly Bill 802**

Relating to: exempting wood harvesting slashers from vehicle registration and granting rule-making authority.

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.

Noes, 0 – None.

**Assembly Bill 843**

Relating to: security interests in growing crops.

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.

Noes, 0 – None.

**Assembly Joint Resolution 81**

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

Concurrence.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.

Noes, 0 – None.

**Senate Bill 55**

Relating to: restrictions on on-property signs.

Passage.

Ayes, 4 – Senators A. Lasee, Drzewiecki, Zien and Clausing.

Noes, 0 – None.

Alan Lasee  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**Senate Petition 16**

A petition by 13 employees of the University of Wisconsin Hospitals and Clinics requesting the there be no changes in employee rights and benefits under the Public Authority.

By Senator Chvala.

To committee on **Health, Family Services and Aging**.

**State of Wisconsin**

April 23, 1998

The Honorable, The Senate:

I am designating the following members of the Joint Committee on Finance to serve on the listed committees and boards in my place: Senator Rosenzweig to the Joint Committee on Information Policy, Senator Schultz to the UW Hospital and Clinics Authority, and Senator Farrow to the Wisconsin Center District Board (Milwaukee Convention Center).

Thank you for your attention to this matter.

Sincerely,

SENATOR TIM WEEDEN  
15<sup>th</sup> Senate District

**State of Wisconsin**

April 23, 1998

The Honorable, The Senate:

I hereby resign from the Senate Committee on Judiciary.

Sincerely,

ROBERT W. WIRCH  
State Senator  
22<sup>nd</sup> Senate District

**State of Wisconsin**

April 23, 1998

The Honorable, The Senate:

Pursuant to **Senate Rule 20**, I have made the following appointments to Senate committees:

To the committee on Judiciary: Senator Clausing.

With regard to the members of the minority party, the appointments reflect the recommendations of that caucus.

Sincerely,

MICHAEL ELLIS

Chair, Committee on Senate Organization

**State of Wisconsin**

**Department of Health and Family Services**

March 27, 1998

The Honorable, The Legislature:

Pursuant to s. [46.76\(5\)](#), Wis. Stats., I am pleased to provide you with a copy of [Hunger Prevention in Wisconsin](#). This report was developed to be in compliance with the requirements of [1993 Wisconsin Act 168](#) which established a Board on Hunger charged with developing an annual plan "that documents areas of hunger and populations experiencing hunger within these areas and populations." According to the legislation, the report is to be submitted to the Governor, the Secretary, the Superintendent of Public Instruction and the appropriate standing committees of the state legislature.

The attached report acknowledges that Wisconsin continues to be a national leader with a healthy economy and low unemployment. Participation in the largest government food assistance program, the food stamp program, has declined. There are some signs however, that hunger and food insecurity exist for some Wisconsin residents. Evidence of this lies in the increase in demand for emergency food assistance in food pantries and soup kitchens in both rural and urban areas of our state.

The State Hunger Prevention Grants authorized in [1993 Wisconsin Act 168](#) have permitted local groups to develop some innovative responses to local hunger problems. Activities, which maximize contributions from many different sources and which, allow for a comprehensive integrated approach have the best chance of success. The report includes a set of recommendations that can serve as an agenda for future leaders in hunger prevention. As recommended, an Advisory Council on Hunger Prevention with leadership provided from both the private and public sectors could provide leadership for the implementation of these recommendations.

Sincerely,

SUSAN N. DREYFUS

Administrator

Chair, Board on Hunger

Referred to committee on **Health, Human Services and Aging**.

**State of Wisconsin**

**Department of Commerce**

April 17, 1998

The Honorable, The Legislature:

We are pleased to submit to you, the Recycling Market Development Board quarterly report for January through March 1998. We have been remiss in getting the past quarterly reports to the legislature in a timely fashion, due to the changes that have taken place in our Board's activities. We regret that this has happened and are forwarding our reports for April 1, 1997 to December 30, 1998.

To meet this statutory requirement, the Recycling Market Development Board will submit to the Senate Chief Clerk and the Assembly Chief Clerk according to the following timeline:

First Quarter (January – March): by April 30	Submit
Second Quarter (April – June) by July 31	Submit
Third Quarter (July – September) by October 31	Submit
Fourth Quarter (October – December) by January 31	Submit

Thank you for giving us the opportunity to update you on the Recycling Market Development Board activities. We hope this report will answer any questions you may have, as well as demonstrate the accomplishments we have made in our constant efforts to develop and sustain recycling markets in Wisconsin.

If you have any further questions or comments, please contact me at (608)267-9548

Sincerely,

GAIL MILLER WRAY

Executive Director

**State of Wisconsin**

**Southeast Wisconsin Professional Baseball Park District**

April 17, 1998

The Honorable, The Senate:

Enclosed please find the Miller Park monthly progress report for the month of March 1998 for your review and consideration.

We initiated the erection of the structural steel frame for Miller Park in March, placing nearly 600 tons of structural steel in the framework of the ballpark's home plate area. We also started placing the structural precast concrete seating bowl sections at field level. Our site work continued to focus on the reconstruction of USH 41 and the development of interim roads, ramps, and parking areas for Opening Day 1998.

As we have consistently stated, we are proud to report that Miller Park continues to develop as a quality facility, on time, within budget and with strong local participation.

Please feel free to contact me if you should have any questions or comments regarding the enclosed progress report.

Sincerely,

MICHAEL R. DUCKETT, P.E., R.L.S.

Executive Director

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

April 21, 1998

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 262</b>	<b>Wisconsin Act 156</b>	April 21, 1998
<b>Senate Bill 319</b>	<b>Wisconsin Act 157</b>	April 21, 1998
<b>Senate Bill 102</b>	<b>Wisconsin Act 160</b>	April 21, 1998
<b>Senate Bill 107</b>	<b>Wisconsin Act 161</b>	April 21, 1998
<b>Senate Bill 257</b>	<b>Wisconsin Act 162</b>	April 21, 1998
<b>Senate Bill 271</b>	<b>Wisconsin Act 163</b>	April 21, 1998

Senate Bill 384 Wisconsin Act 164 April 21, 1998

Senate Bill 496 Wisconsin Act 165 April 21, 1998

Sincerely,

TOMMY G. THOMPSON  
Governor

**State of Wisconsin  
Office of the Governor**

April 22, 1998

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 3	Wisconsin Act 171	April 22, 1998
Senate Bill 459	Wisconsin Act 172	April 22, 1998

Sincerely,

TOMMY G. THOMPSON  
Governor

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

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

**Senate Clearinghouse Rule 97-140**

Relating to bear hunting.

No action taken.

**Senate Clearinghouse Rule 97-141**

Relating to laboratory certification and registration.

No action taken.

**Senate Clearinghouse Rule 97-151**

Relating to deer hunting and bonus antlerless deer permits.

No action taken.

Alice Clausing  
Chairperson

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 98-013**

Relating to the criteria and procedures under which the Wisconsin arts board administers the funds available for grants to individual artists and arts organizations and administers the program of arts in public buildings.

No action taken.

Gwendolynne Moore  
Chairperson

**Senate Clearinghouse Rule 97-136**

Relating to regulation of metallic mineral mining [covered in a report on **Clearinghouse Rule 97-057**].

Submitted by Department of Natural Resources.

Withdrawn from committee on **Agriculture and Environmental Resources** and referred to committee on **Environment and Energy**, April 23, 1998.

**ADJOURNMENT**

Senator Lazich, with unanimous consent, asked that the Senate adjourn until Tuesday, April 28 at 10:00 A.M..

Adjourned.

10:01 A.M.

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 3**

**Senate Bill 459**

Presented to the Governor on April 21, 1998.

**AMENDMENTS OFFERED**

Senate amendment 1 to **Assembly Bill 790** offered by Senators Zien and Breske.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1997 ASSEMBLY BILL 601**

Prepared by the Legislative Reference Bureau  
(March 25, 1998)

**1.** Page 12, line 7: delete "20.435 (1) (o)" and substitute "20.435 (5) (o)".

**2.** Page 14, line 8: delete "20.435 (1) (b)" and substitute "20.435 (5) (b)".

NOTE: These statute references are changed because those statutes were renumbered by **1997 Wisconsin Act 27**.