



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Third Regular Session

10:00 A.M.

WEDNESDAY, November 5, 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, 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 – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Chvala 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 32

Relating to: providing that the proceeds of the state lottery, all moneys received by the state under Indian gaming agreements, other than moneys used to regulate and enforce the provisions of the Indian gaming agreements, and all moneys received by the state that are attributable to pari–mutuel on–track betting must be used for reducing property taxes imposed on principal dwellings by creating property tax credits and may be used for reducing rent constituting property taxes; and providing that the distribution of the proceeds of the state lottery, moneys received by the state under Indian gaming agreements and all moneys received by the state that are attributable to pari–mutuel on–track betting are not subject to the uniformity requirement of [article VIII, section 1, of the Wisconsin Constitution](#) (first consideration).

By Senators Decker, Breske, C. Potter, Burke, Jauch, Plache and Clausing; cosponsored by Representatives Plouff, Musser, Hebl, Meyer, Goetsch, Bock, La Fave, Krug, Wood, Dobyns, Springer, Kreuser, Huber, Robson, Baumgart, Ryba and Hasenohrl.

Read first time and referred to committee on **Economic Development, Housing and Government Operations**.

#### Senate Joint Resolution 33

Relating to: memorializing the United States Senate to support the admission of Poland to the North Atlantic Treaty Organization.

By Senators Grobschmidt, Burke, Shibilski, Drzewiecki, Breske and Welch; cosponsored by Representatives Ryba,

Kunicki, Handrick, Gard, Ott, Walker, Kreuser, Dobyns, R. Potter, Plale, Bock, Hasenohrl and Gronemus.

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

### REPORT OF COMMITTEES

The committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** reports and recommends:

#### Senate Bill 206

Relating to: requiring insurance coverage of certain immunizations for children.

Adoption of Senate amendment 1.

Ayes, 6 – Senators Moen, Breske, Wirch, Roessler, Rosenzweig and Fitzgerald.

Noes, 0 – None.

Adoption of Senate amendment 2.

Ayes, 6 – Senators Moen, Breske, Wirch, Roessler, Rosenzweig and Fitzgerald.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3.

Ayes, 6 – Senators Moen, Breske, Wirch, Roessler, Rosenzweig and Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Moen, Breske, Wirch, Roessler, Rosenzweig and Fitzgerald.

Noes, 0 – None.

#### Senate Bill 218

Relating to: health insurance coverage requirements, including preexisting condition exclusions, guaranteed issue, guaranteed acceptance, portability, rating restrictions, contract termination and renewability and fair marketing standards; eliminating the small employer health insurance plan and board; collective bargaining of certain health care coverage requirements; granting rule–making authority; and requiring the exercise of rule–making authority.

Without recommendation.

Ayes, 3 – Senators Moen, Breske and Wirch.

Noes, 3 – Senators Roessler, Rosenzweig and Fitzgerald.

#### Senate Bill 332

Relating to: requiring the department of health and family services to establish a health care coverage plan for employers in the private sector, creating a private employer health care coverage board and making an appropriation.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators Moen, Breske, Wirch and Roessler.

Noes, 2 – Senators Rosenzweig and Fitzgerald.

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

Ayes, 5 – Senators Moen, Breske, Wirch, Roessler and Rosenzweig.

Noes, 1 – Senator Fitzgerald.

Passage as amended.

Ayes, 4 – Senators Moen, Breske, Wirch and Roessler.

Noes, 2 – Senators Rosenzweig and Fitzgerald.

Rodney Moen  
Chairperson

## PETITIONS AND COMMUNICATIONS

### State of Wisconsin Ethics Board

November 4, 1997

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 that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

#### Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

#### Health Information Outsourcing Services Assn. of

Subject(s): WI S.B. 250; section 1.908.03 (6m)(d) Also: Chapter HSS 117 of the Wisconsin Administrative Code.

Swandby, Janet

#### Organization's authorization of additional lobbyists:

The following organizations previously registered with the Ethics Board have authorized to act on their behalf these additional licensed lobbyists:

#### Brown & Williamson Tobacco Corporation

Tenuta, James

#### Delta Dental Plan of Wisconsin, Inc.

Tenuta, James

#### Health Information Outsourcing Services, Assn. of

Swandby, Janet

#### Physical Therapy Assn., Wisconsin

Tenuta, James

#### Prosecutors, Assn. of State

Liebe, Thomas

#### Public Power Inc. SYSTEM, Wisconsin

Tenuta, James

#### Solid Wastes Management Assn., National

Tenuta, James

#### Theatre Owners, National Assn. of

Tenuta, James

#### Truck Stop Operators Inc., Wisconsin Assn. of

Tenuta, James

### Termination of lobbying authorizations:

The following individuals are no longer authorized to lobby on behalf of the organizations listed below, as of the dates indicated.

#### Madison Gas and Electric Co

Klauser, James R 10/29/97

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

#### Wisconsin Housing and Economic Development Authority

October 30, 1997

The Honorable, The Legislature:

Pursuant to Wisconsin Statute 234.93(5), please find enclosed a report on the number of guarantees, total dollar amount of guarantees and default rates for each of the programs supported by the Wisconsin Development Reserve Fund. Please note that the report also includes Wisconsin Development Reserve Fund program activity in fiscal 1997. Please feel free to contact me or Jim Langdon at 266-3529 with any questions.

Sincerely,

FRITZ RUF

Executive Director

### State of Wisconsin

#### Council on Physical Disabilities

October 31, 1997

The Honorable, The Legislature:

As required by s. 46.29 (f) of the state statutes, I am pleased to submit to you the Annual report of the Council on Physical Disabilities for state fiscal year 1997 (July 1, 1996 through June 30, 1997). The Council appreciates the opportunity to participate in state government as a representative of Wisconsin's citizens with physical disabilities.

Large print, Braille, audiotapes, and disc versions of this report are available by contacting the staff at the Council at 608/266-9667 (voice) or 608/267-3906 (Fax).

Sincerely,

JOEL RODNEY

Chairperson

## EXECUTIVE COMMUNICATIONS

### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

#### EXECUTIVE ORDER #320

#### *Relating to a Special Election for the Forty-Second Assembly District*

WHEREAS, State Representative Ben Brancel submitted his resignation as a State Representative for the forty-second Assembly District, effective November 2, 1997;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, pursuant to section 8.50 (4) of the Wisconsin Statutes, order that a special election be held on January 13, 1998 to fill the vacancy in the forty-second Assembly District. A description of the boundaries of the forty-second Assembly District as created in *Prosser et. al. v.*

*Elections Board et. al.*, Civil Action 92-C-0078-C (W.D. Wis. 1992) is set out in the 1995-96 Wisconsin Statutes following section 4.005. The term shall expire on the first Monday in January, 1999 and , if a primary is necessary, it shall be held December 16, 1997. Circulation of nomination papers for candidates may begin on November 3, 1997 and nomination papers may be filed no later than 5:00 P.M., November 18, 1997. This election shall be held, conducted, canvassed and returned in accordance with law.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this second day of November in the year one thousand nine hundred and ninety-seven.

TOMMY G. THOMPSON  
Governor

*BY THE GOVERNOR:*  
DOUGLAS LA FOLLETTE  
Secretary of State

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

**Senate Clearinghouse Rule 96-113**

Relating to water quality standards for wetlands, water quality certification and landfill location, performance and design criteria.

Submitted by Department of Natural Resources.

Report received from Agency, November 4, 1997.

Referred to committee on **Agriculture and Environmental Resources**, November 5, 1997.

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

**Senate Clearinghouse Rule 96-172**

Relating to the design and construction of public buildings and places of employment to provide accessibility for people with disabilities.

No action taken.

**Senate Clearinghouse Rule 97-094**

Relating to the Wisconsin sales and use tax as it applies to containers.

No action taken.

Gwendolynne Moore  
Chairperson

Senator Plache, with unanimous consent, asked that the Senate recess until 12:55 P.M..

10:20 A.M.

**RECESS**

12:55 P.M.

The Senate reconvened.  
Senator Risser in the chair.

**MESSAGES FROM THE ASSEMBLY**

By Charles Sanders, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

- Senate Bill 31**
- Senate Bill 316**
- Senate Bill 323**
- Senate Bill 327**

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

**Senate Bill 206**

Relating to: requiring insurance coverage of certain immunizations for children.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 206?**

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 206?**

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 206?**

Adopted.

Ordered to a third reading.

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

**Senate Bill 206**

Read a third time.

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

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausen, 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 – 33.

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 218**

Relating to: health insurance coverage requirements, including preexisting condition exclusions, guaranteed issue, guaranteed acceptance, portability, rating restrictions, contract termination and renewability and fair marketing standards; eliminating the small employer health insurance plan and board; collective bargaining of certain health care coverage requirements; granting rule-making authority; and requiring the exercise of rule-making authority.

Read a second time.

Senator Moen, with unanimous consent, asked that **Senate Bill 218** be referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

**Senate Bill 332**

Relating to: requiring the department of health and family services to establish a health care coverage plan for employers in the private sector, creating a private employer health care coverage board and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 332** be referred to the Joint Committee on **Finance**.

**Senate Bill 343**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the District 1199W/United Professionals for Quality Health Care, SEIU, AFL-CIO, for the 1997-99 biennium, covering employes in the professional patient care collective bargaining unit, and authorizing an expenditure of funds.

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.

**Senate Bill 343**

Read a third time.

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, 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 – 33.

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 344**

Relating to: ratification of an amendment to the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 1997-99 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

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 344**

Read a third time.

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, 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 – 33.

Noes – None.

Absent or not voting – None.

Passed.

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

**Assembly Bill 283**

Relating to: the regulation of the sale of merchandise below cost and providing a penalty.

Read a second time.

Senate amendment 1 to **Assembly Bill 283** offered by Senator Huelsman.

Senator Adelman, with unanimous consent, asked that **Assembly Bill 283** be referred to the committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Senator Moen objected.

Senator Chvala, with unanimous consent, asked that the Senate stand informal for 2 minutes.

1:16 P.M.

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**STOOD INFORMAL**

1:18 P.M.

The Senate reconvened.

Senator Chvala, with unanimous consent, asked that the Senate recess until 1:21 P.M.

1:19 P.M.

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**RECESS**

1:21 P.M.

The Senate reconvened.

Senator Risser in the chair.

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

Senator Adelman moved nonconcurrency in **Assembly Bill 283**.

The question was: Shall the Senate nonconcur in **Assembly Bill 283**?

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

Ayes – Senators Adelman, Darling, Ellis and Huelsman – 4.

Noes – Senators Breske, Burke, Chvala, Clausing, Cowles, Decker, Drzewiecki, Farrow, Fitzgerald, George, Grobschmidt, Jauch, Lasee, Moen, Moore, Panzer, Plache, Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 29.

Absent or not voting – None.

Nonconcurrency refused.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 283**?

Senator C. Potter moved rejection of Senate amendment 1 to **Assembly Bill 283**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 283**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Decker, Fitzgerald, George, Grobschmidt, Jauch, Moen, Plache, C. Potter, Risser, Roessler, Rude, Schultz, Shibilski, Welch, Wineke, Wirch and Zien – 21.

Noes – Senators Adelman, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, A. Lasee, Moore, Panzer, Rosenzweig and Weeden – 12.

Absent or not voting – None.

Rejected.

Senate amendment 2 to **Assembly Bill 283** offered by Senator Huelsman.

Senator Huelsman, with unanimous consent, asked that Senate amendment 2 to **Assembly Bill 283** be laid on the table.

Ordered to a third reading.

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

**Assembly Bill 283**

Read a third time and concurred in.

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**MOTIONS MAY BE OFFERED**

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 18** be withdrawn and taken up at this time.

**Senate Joint Resolution 18**

Relating to: proclaiming Blue and White Sunday.

Read.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 18**?

Adopted.

The question was: Adoption of **Senate Joint Resolution 18**?

Adopted.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 28** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Joint Resolution 28**

Relating to: commending Don Hutson for revolutionizing pro football's passing game to become the premier football player for the NFL and the Green Bay Packers.

Read.

Adopted.

Senator Drzewiecki moved that **Assembly Joint Resolution 11** be withdrawn from the committee on **Judiciary**,

**Campaign Finance Reform and Consumer Protection** and refer to the committee on **Senate Organization**.

Senator Chvala, with unanimous consent, asked that the Senate recess until 2:02 P.M..

2:00 P.M.

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**RECESS**

2:02 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Drzewiecki, with unanimous consent, asked that his motion to withdraw and refer **Assembly Joint Resolution 11** be withdrawn.

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

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**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 Annabelle Abler who is fighting a battle with lung cancer.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, November 6 at 10 A.M..

Adjourned.

2:05 P.M.