



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fourth Regular Session

10:00 A.M.

TUESDAY, May 25, 1999

The Senate met.

The Senate was called to order by Senator Jon Erpenbach.

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

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 171

Relating to: designating “Oh Wisconsin, Land of My Dreams” as the Wisconsin state ballad.

By Senator Schultz; cosponsored by Representatives Albers, Spillner and Freese.

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

#### Senate Bill 172

Relating to: discharge or other retaliation or discrimination against an employe of a health care facility or a health care provider who reports a violation of the law or a violation of a clinical or ethical standard by the health care facility or health care provider or by an employe of the health care facility or health care provider and providing a penalty.

By Senators George, Robson, Baumgart, Burke, Cowles, Darling, Grobschmidt, Moen, Plache, Roessler and Rosenzweig; cosponsored by Representatives Underheim, Carpenter, Albers, Black, Bock, Boyle, Coggs, Colon, Cullen, Goetsch, Hahn, Hebl, Kelso, Kreuser, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Miller, Musser, Olsen, Pettis, Plouff, Pocan, Richards, Sinicki, Staskunas, Walker, Wasserman, Waukau and Ziegelbauer.

To committee on **Judiciary and Consumer Affairs.**

#### Senate Bill 173

Relating to: committing certain crimes while possessing, using or threatening to use a firearm and providing penalties.

By Senators Welch, Darling, Drzewiecki, Schultz and A. Lasee; cosponsored by Representatives Suder, Pettis, Urban, Handrick, La Fave, F. Lasee, Hasenohrl, Ziegelbauer, Ladwig, Vrakas, Stone, Freese, Jeskewitz, Musser, Gunderson, Hundertmark and Seratti.

To committee on **Judiciary and Consumer Affairs.**

#### Senate Bill 174

Relating to: the compatibility of the offices of elected member of a local governing body and employe of a certain department of that unit of government.

By Senators Welch, Darling and Panzer; cosponsored by Representatives Hahn, Hundertmark, Stone, Musser, Albers, Olsen, Kreibich, Sykora and Grothman.

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

#### Senate Bill 175

Relating to: payment and amounts of fees for recounts of elections.

By Senators Welch, Farrow and Darling; cosponsored by Representatives Jensen, Musser, Albers, Goetsch, Seratti, Olsen, Brandemuehl, Hahn, Ladwig, Staskunas, Handrick, Freese, Stone, Gundrum, Porter, Owens, Gard, Sykora, Ainsworth and Kreibich.

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

#### Senate Bill 176

Relating to: interstate emergency management assistance compact.

By Senators Moen, Breske, Roessler, Clausing, Darling, Moore, Panzer and Rude; cosponsored by Representatives Plouff, Musser, Brandemuehl, Bock, Seratti, Hasenohrl, Sykora, J. Lehman, La Fave and Nass, by request of Governor Tommy G. Thompson and Major General James G. Blaney, the Adjutant General..

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

#### Senate Bill 177

Relating to: mercury emissions from certain sources, reporting mercury emissions, mercury in medical waste sent to incinerators, fish advisories, granting rule–making authority, making an appropriation and providing a penalty.

By Senators Burke, Clausing, Darling, Risser, Robson and Wirch; cosponsored by Representatives Kaufert, Johnsrud, J. Lehman, Handrick, Bock, Goetsch, Black, Gunderson, Plale, Miller, Boyle, Hasenohrl, Gronemus, Schooff and La Fave.

To committee on **Agriculture, Environmental Resources and Campaign Finance Reform.**

### REPORT OF COMMITTEES

The committee on **Agriculture, Environmental Resources and Campaign Finance Reform** reports and recommends:

#### Assembly Joint Resolution 6

Relating to: petitioning the U.S. Postal Service and the U.S. Congress to establish a 1st class postage stamp entitled “Game Warden” to honor our nation’s conservation wardens, past and present.

Concurrence.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

BRANCEL, BEN, of Endeavor, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

DE GOLIER, LAURA P., of Fond du Lac, as Executive Secretary of the Wisconsin Conservation Corps Board, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

DONOHUE, STEPHEN V., of DePere, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

JOHNSON, JAMES R., of Waukesha, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

LINDGREN, WAYNE G., of Whitewater, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

**Senate Bill 12**

Relating to: escrowing certain payments to the federal government for the disposal of radioactive waste and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

**Senate Bill 102**

Relating to: the use of private sewage systems when a public sewer is available.

Without recommendation pursuant to s. 227.26(2)(h).

**Senate Joint Resolution 13**

Relating to: memorializing Congress to amend 21 USC 661 (a) to allow for the interstate shipment of state-inspected meat.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

Adoption as amended.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

**Senate Joint Resolution 6**

Relating to: urging the U.S. and Canadian governments to prohibit diversion of Great Lakes water.

Adoption.

Ayes, 4 – Senators Clausing, Baumgart, Wirch and Schultz.  
Noes, 1 – Senator A. Lasee.

Alice Clausing  
Chairperson

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

**Senate Bill 6**

Relating to: the transfer of firearms and providing a penalty.  
Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators George, Risser, Huelsman and Darling.  
Noes, 1 – Senator Clausing.

Passage as amended.

Ayes, 3 – Senators George, Risser and Darling.  
Noes, 2 – Senators Clausing and Huelsman.

Gary George  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

May 24, 1999

The Honorable, The Senate:

This is to request that my name be added as a coauthor of Senate Bill 166.

Sincerely,

DAN SCHOOF  
State Representative

**State of Wisconsin  
Ethics Board**

May 25, 1999

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 1999 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

- |                           |  |
|---------------------------|--|
| Anderson, Robert          | <b>Milwaukee Teachers' Education Association</b>       |
| Blumenfeld, Michael       | <b>Wisconsin Psychiatric Association</b>               |
| Blumenfeld, Michael       | <b>Wisconsin Association of Residential Facilities</b> |
| Boyce, Catherine          | <b>Northwestern Mutual Life Insurance Company</b>      |
| Broydrick, William        | <b>Northwestern Mutual Life Insurance Company</b>      |
| Brozek, Michael           | <b>National Marine Manufacturers Association</b>       |
| Carey, Ray                | <b>United Community Center</b>                         |
| Clancy, John              | <b>Wisconsin Initiative Seeking</b>                    |
| <b>Energy Reform, LLC</b> |  |
| Cullen, Lee               | <b>Midwest Hardware Association</b>                    |
| Harrington, Arthur        | <b>Wisconsin Initiative Seeking</b>                    |
| <b>Energy Reform, LLC</b> |  |

Kim, Jaemin **Consumers Union of United States Inc**  
 McClenahan, William **Dominion Asset Services LLC**  
 Pawlisch, Curt **Midwest Hardware Association**  
 Potter, Rosemary **United Community Center**  
 Springer, Thomas J **Wisconsin School Food Service Association**  
 Winters, Amy **Wisconsin Landscape Federation**

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,  
 ROTH JUDD  
 Director

**State of Wisconsin  
 Office of the Commissioner of Insurance**

May 6, 1999

The Honorable, The Legislature:

In accordance with s. 601.427 (9), Wis. Stats., I am pleased to submit this report to the Wisconsin Legislature. This report is to evaluate the impact that 1995 Wisconsin Act 10 has had on the following:

1. The number of health care providers practicing in Wisconsin.
2. The fees that health care providers pay under s. 655.27 (3), Wis. Stat.
3. The premiums that health care providers pay for health care liability insurance.

The evaluation performed included the collection and analysis of statistics regarding the number of health care providers and premiums charged for health care liability insurance. Analysis of these statistics determined the only discernable effect on these areas has been an estimated \$60.8 million dollars in reduction of fees collected under s. 655.27 (3), Wis. Stat. over the last five years. However, it was further noted that loss experience to date is too immature to validate the reduction.

The attached report provides information regarding the background of Act 10, the statistics collected and the analysis performed.

Sincerely,  
 CONNIE L. O'CONNELL  
 Commissioner

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

**Senate Clearinghouse Rule 99-070**

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1999,

to affirm open records law and exceptions apply to fund records and to impose a late fee on insurers and self-insurers who are late in filing certificates of insurance.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, May 24, 1999.

Referred to committee on **Insurance, Tourism, Transportation and Corrections**, May 25, 1999.

The committee on **Agriculture, Environmental Resources and Campaign Finance Reform** reports and recommends:

**Senate Clearinghouse Rule 98-081**

Relating to drainage districts.

No action taken, Ayes 4, Noes 1.

Ayes, 4 – Senators Clausing, Wirsch, Schultz and A. Lasee.  
 Noes, 1 – Senator Baumgart.

**Senate Clearinghouse Rule 99-010**

relating to flammable and combustible liquids.

No action taken.

Alice Clausing  
 Chairperson

**ADJOURNMENT**

Senator Erpenbach, with unanimous consent, asked that the Senate adjourn until Tuesday, June 1 at 10:00 A.M..

Adjourned.

10:01 A.M.

**LEGISLATIVE REFERENCE BUREAU  
 CORRECTIONS**

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 10,  
 TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
 TO 1999 ASSEMBLY BILL 52**

Prepared by the Legislative Reference Bureau  
 (May 19, 1999)

In engrossing, the following correction was made:

1. Page 2, line 9: delete "line 22" and substitute "line 14".

**CORRECTIONS IN:**

**1999 SENATE BILL 91**

Prepared by the Legislative Reference Bureau  
 (May 20, 1999)

2. Page 2, line 3: delete "3." and substitute "2."