

STATE OF WISCONSIN
Senate Journal
Ninety–Second Regular Session

WEDNESDAY, February 21, 1996

The Chief Clerk makes the following entries under the above date.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 556

Relating to: interest and penalty waivers for certain payments made to national guard technicians.

By Senators Fitzgerald, Schultz, Buettner, Jauch, Moen, C. Potter, Breske, Rude, Grobschmidt and Risser; cosponsored by Representatives Albers, Musser, Goetsch, Dobyns, Grothman, Baldus, Gunderson, Hahn, Nass, Ourada, Ward, Skindrud, Black, Owens, Boyle, Silbaugh, Ziegelbauer, La Fave, Gronemus, Bell, Johnsrud, R. Potter, Powers, Reynolds, Rutkowski, Travis, Seratti, Zukowski, Wirch, Vrakas, Lorge, Coleman, Kreuser, Porter and Schneiders.

To committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**.

Senate Bill 557

Relating to: property tax bills.

By Senator Weeden; cosponsored by Representative Brancel.

To committee on **State Government Operations and Corrections**.

Senate Bill 558

Relating to: business corporation law and limited liability company law revisions, creating a real estate transfer fee exemption for certain business entity transfers, extending the other state tax credit to members of a limited liability company, permitting a limited liability company to obtain a real estate brokers license, repealing provisions for bringing legal actions and for filing injunctions against corporations or limited liability companies and making an appropriation.

By Senators Petak, Huelsman, Fitzgerald, Rude, Buettner, Cowles, Farrow, Burke, Darling, Grobschmidt, George and Panzer; cosponsored by Representatives Albers, Porter, Baldus, Green, La Fave, Vrakas, Foti and Grothman.

To committee on **Business, Economic Development and Urban Affairs**.

Senate Bill 559

Relating to: the maximum permissible length of a semitrailer designed to transport livestock.

By Senators Fitzgerald, A. Lasee and Drzewiecki; cosponsored by Representatives Brandemuehl, Musser, Lehman, Hahn, Zukowski, Silbaugh, Ryba and Hasenohrl.

To committee on **Transportation, Agriculture and Local Affairs**.

Senate Bill 560

Relating to: authorizing the board of regents of the University of Wisconsin System and the board of control of a cooperative educational service agency to establish a charter school and granting rule-making authority.

By Senator Darling; cosponsored by Representative Coleman, by request of Governor Tommy G. Thompson.

To committee on **Education and Financial Institutions**.

Senate Bill 561

Relating to: limiting the liability of trustees, directors, officers and volunteers of religious organizations.

By Senators Huelsman, Drzewiecki, Panzer, Rosenzweig, Schultz, Rude, Buettner and Petak; cosponsored by Representatives Brancel, Porter, Kelso, Green, Musser, Otte, Olsen, Freese, Hahn, Zukowski, Gronemus, Goetsch, Baldus, Ladwig, Jensen, Ziegelbauer, Klusman, Vrakas and Ainsworth.

To committee on **Judiciary**.

Senate Bill 562

Relating to: reimbursement by the public defender board to private attorneys and private investigators and making an appropriation.

By Senator Weeden; cosponsored by Representative Brancel, by request of Governor Tommy G. Thompson.

To committee on **Judiciary**.

Senate Bill 563

Relating to: the purchase of goods, care and services for certain probationers, parolees and other offenders; the general program operations of the department of corrections; intergovernmental corrections agreements; the establishment and operation of state prison industries; youth service rates; and making an appropriation.

By Senator Weeden; cosponsored by Representative Brancel, by request of Governor Tommy G. Thompson.

To committee on **State Government Operations and Corrections**.

Senate Bill 564

Relating to: the Milwaukee parental choice program.

By Senator Weeden; cosponsored by Representative Brancel, by request of Governor Tommy G. Thompson.

To committee on **Education and Financial Institutions**.

Senate Bill 565

Relating to: recovery of enforcement costs by the department of agriculture, trade and consumer protection in drainage district cases; transferring responsibility for administration of the Wisconsin consumer act; transferring responsibility for supporting the uniform commercial code statewide lien system; correcting references in certain appropriations of the department of financial institutions; the number of unclassified division administrator positions in the department of financial institutions; reversion of transferred funds to the Wisconsin development fund; minority business early planning projects; renumbering the appropriation for administrative services for regulation of industry, safety and buildings; the Milwaukee parental choice program; waiver of relocation payments and services when property is acquired by an entity vested with the power of eminent domain; collection of certain fees by the employment relations commission; payment of principal and interest on bonds issued for the clean water fund program; purses for horse races and pari-mutuel tax for simulcast races; establishing a Mendota juvenile treatment center; a plan to assure continued funding for the mental health institutes; transferring an appropriation for principal repayment and interest from the department of industry, labor and job development to the department of health and family services; changing references to low-income and at-risk child care funding; state involvement with certain municipal boundary changes; refunding of municipal bonds; a performance evaluation audit of the University of Wisconsin Hospitals and Clinics Authority; the initial period of the lease agreement and affiliation agreement between the University of Wisconsin System and the University of Wisconsin Hospitals and Clinics Authority; the contractual services agreement between the University of Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals and Clinics Authority; storage and management of records of the University of Wisconsin Hospitals and Clinics Authority; applicability of municipal ordinances and regulations to certain buildings, structures and facilities constructed for the benefit or use of local professional baseball park districts; changing the name of the Kickapoo valley governing board; the effective date and initial applicability of adjustments in certain lobbying regulation fees; railroad stockholder reports; granting rule-making authority; and making and decreasing appropriations.

By Senator Weeden; cosponsored by Representative Brancel, by request of Governor Tommy G. Thompson.

To joint committee on **Finance**.

Senate Bill 566

Relating to: treatment of certain contributions made by a committee of a recognized political party to a candidate for state office or his or her personal campaign committee.

By Senator Panzer; cosponsored by Representatives Grothman, Ainsworth, Dobyns, Hahn, Kelso, Ladwig, Lazich, Lehman, Owens, Silbaugh, Zukowski and Seratti.

To committee on **State Government Operations and Corrections**.

Senate Bill 567

Relating to: eliminating the rental unit energy efficiency requirements, compliance with existing stipulations Relating to the rental unit energy efficiency requirements, creating a procedure for issuing citations to certain persons who fail to comply with existing stipulations Relating to the rental unit

energy efficiency requirements and granting rule-making authority.

By Senators Zien, Cowles, Buettner and Schultz; cosponsored by Representatives Vrakas, Freese, Grothman, Green, Lehman, Musser and Plombon.

To committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**.

Senate Bill 568

Relating to: creating a state promotions board and giving that board exclusive authority over the commercial use of certain state symbols and representations designed by the state or that are affixed to state property, providing grants to statewide organizations representing counties for promotion of international trade, business and economic development and making an appropriation.

By Senators Zien, Fitzgerald, Breske, Welch, Drzewiecki, Andrea and Shibilski; cosponsored by Representatives Seratti, Freese, Green, Klusman, Hutchison, Kreibich, Huebsch, Schiele, Dobyns, Ward, Porter, Gunderson, Underheim, Schneiders, Ainsworth, Ladwig, Gard and Lorge.

To committee on **Business, Economic Development and Urban Affairs**.

Senate Bill 569

Relating to: drilling beneath the beds of the Great Lakes and other waters to explore for or produce oil or gas.

By Senators Cowles, Darling, Burke, Clausing and Decker; cosponsored by Representatives Reynolds, Boyle, Hutchison, Black, Notestein, Cullen, Riley, Wirch, La Fave, Robson, Vander Loop, Kreuser and Baldwin.

To committee on **Environment and Energy**.

Senate Bill 570

Relating to: alcohol testing before issuance of a citation.

By Law Revision Committee .

To committee on **Judiciary**.

Senate Bill 571

Relating to: battery or reckless injury to a pregnant female resulting in great bodily harm to or death of her fetus.

By Senators Huelsman, Rosenzweig and Jauch.

To committee on **Judiciary**.

Senate Bill 572

Relating to: arrest and conviction record discrimination.

By Senators Huelsman and Darling; cosponsored by Representatives Kelso, Grothman, Zukowski, Underheim, Kaufert, Schneiders, Nass, Olsen, Silbaugh, Powers and Ladwig.

To committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**.

Senate Bill 573

Relating to: the definition of alcohol concentration.

By Senators Huelsman, Rosenzweig, Panzer, Darling and Buettner; cosponsored by Representatives Goetsch, Albers, Seratti, Musser, Brandemuehl, Olsen, Otte, Wasserman, Cullen, Huber, Hanson, Ward, Klusman, Robson, Lorge and Kelso.

To committee on **Judiciary**.

REPORT OF COMMITTEES

The committee on **Education and Financial Institutions** reports and recommends:

DEAN, RICHARD L., of Eau Claire, as Secretary of the Department of Financial Institutions, to serve for the term ending at the pleasure of the Governor

Confirmation.

Ayes, 9 – Senators Darling, Huelsman, Petak, Welch, Drzewiecki, C. Potter, Wineke, Shibilski and Grobschmidt.

Noes, 0 – None.

Alberta Darling
Chairperson

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

Assembly Bill 393

Relating to: creation of a special committee on the management and maintenance of state-owned heating and cooling plants.

Introduction and adoption of Senate amendment 1.

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

Noes, 0 – None.

Concurrence as amended.

Ayes, 3 – Senators Cowles, Farrow and Panzer.

Noes, 2 – Senators Burke and Clausing.

Assembly Bill 495

Relating to: requiring certain tank vessels to have double hulls or tug escorts, the operation of motorboats for commercial purposes under the intoxicated boating law, prohibiting open burning on vessels operated for commercial purposes, inspecting vessels and providing penalties.

Concurrence.

Ayes, 4 – Senators Cowles, Panzer, Burke and Clausing.

Noes, 1 – Senator Farrow.

Assembly Bill 728

Relating to: water and sewer rate increases by certain municipally owned utilities, providing an exemption from rule-making procedures and granting rule-making authority.

Concurrence.

Ayes, 4 – Senators Cowles, Panzer, Burke and Clausing.

Noes, 1 – Senator Farrow.

Senate Bill 500

Relating to: the ability of municipalities to fix, by ordinance, the limits of service provided by certain municipal utilities.

Introduction and adoption of Senate substitute amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Robert Cowles
Chairperson

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

Assembly Bill 344

Relating to: creating a separate collective bargaining unit for certain state employees engaged in law enforcement.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 548

Relating to: employment relations for attorneys employed in the office of the state public defender.

Concurrence.

Ayes, 4 – Senators Zien, Fitzgerald, Breske and Decker.

Noes, 1 – Senator A. Lasee.

Assembly Bill 648

Relating to: covering the University of Wisconsin Hospitals and Clinics Authority under laws prohibiting retaliatory action by a governmental employer against employees for disclosing certain information.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 690

Relating to: grants for military memorials for women and making appropriations.

Concurrence.

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

Noes, 0 – None.

Senate Bill 373

Relating to: prevailing wage rates and hours of labor for workers employed on state or local public works projects and providing penalties.

Introduction of Senate substitute amendment 1.

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

Noes, 0 – None.

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

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

Noes, 0 – None.

Senate substitute amendment 1 adoption.

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 472

Relating to: private rehabilitation counseling or rehabilitative training costs (suggested as remedial legislation by the department of industry, labor and human relations).

Passage.

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

Noes, 0 – None.

Senate Bill 508

Relating to: training programs for fire fighters.

Passage.

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

Noes, 0 – None.

Senate Bill 552

Relating to: authorizing the department of transportation to donate property for veterans memorials.

Passage.

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

Noes, 0 – None.

David Zien
Chairperson

The committee on **State Government Operations and Corrections** reports and recommends:

Assembly Bill 254

Relating to: publication or dissemination of false information pertaining to a response to certain questions and providing a penalty.

Concurrence.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Assembly Bill 261

Relating to: the definition of “meeting” under the open meetings law.

Concurrence.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Assembly Bill 509

Relating to: fishing by residents of state correctional institutions.

Concurrence.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Senate Bill 33

Relating to: granting credit for the payment of postretirement health insurance premiums under the state group health insurance program for accumulated unused sick leave earned for service in Wisconsin as a national guard technician prior to 1966 and making an appropriation.

Passage.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Senate Bill 483

Relating to: group insurance board contracts for administrative functions, the effective date for a retirement annuity for persons who are rejected for long-term disability insurance benefits, permitting the group insurance board to offer a life insurance plan to persons who are eligible for the Milwaukee teachers’ death benefit, increasing the time after which unclaimed published accounts are transferred to the appropriate employer account and rollovers to other retirement plans of certain lump sum and annuity benefits payable by the Wisconsin retirement system (suggested as remedial legislation by the department of employe trust funds).

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Senate Bill 502

Relating to: training costs for tribal law enforcement officers and making an appropriation.

Passage.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Senate Bill 503

Relating to: authorizing a sheriff and county board to contract with a federally recognized American Indian tribe or band to confine tribal prisoners in the county jail.

Passage.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Moen and Breske.

Noes, 0 – None.

Gary Drzewiecki
Chairperson

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

Assembly Bill 151

Relating to: weight and length limitations for vehicles and combinations of vehicles transporting potatoes.

Concurrence.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Assembly Bill 584

Relating to: the regulation of floodproofed residential basements under floodplain zoning ordinances.

Concurrence.

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

Noes, 1 – Senator Clausing.

Senate Bill 433

Relating to: the filing of certain forms related to a tax incremental financing district.

Passage.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Senate Bill 509

Relating to: the method of reviewing and establishing revised operator’s license examination standards and granting rule-making authority.

Passage.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Alan Lasee
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Ethics Board**

February 13, 1996

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.

Fertilizer & Chemical Assn, Wisconsin

Our primary interest lies in agriculture, air, land and water quality etc. as they relate to fertilizer and pesticide use. However the majority of our members operate retail businesses and as such are interested in worker and employment related issues even transportation of their products. We work for favorable regulation of their businesses and the agricultural fertilizer and chemical industry.

Ahner, Betsy

Friends of the Brule River and Forest

DNR Master Planning Rule

Any rules or legislation affecting the management of the State Forests

Kuhlmann, Walter

Managed Care Pharmacy Assn, American

Assembly Bill No. 770 (Oppose)

Blume, Edward

St. Paul Fire and Marine Insurance Company

Areas relating to health care liability insurance.

Vaughan, Michael

O'Connor, Alice

Organization's authorization of additional lobbyists:

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

Aurora Health Care, Inc

Hauser, Annette

Blue Cross/Blue Shield United of Wisconsin

Jentz, Robert

Pre-Need Coalition, Wisconsin

Hilbert, Lisa

O'Connor, Alice

Rural Development Center, Wisconsin

Wenzel, William

VITAS Healthcare Corp.

Graven, Mara

Waste Management of Wisconsin, Inc

Oakley, Kara

Termination of lobbying authorizations:

The following individual is no longer authorized to lobby on behalf of the organization listed below, as of the date indicated.

Homecare Organization, Wisconsin

Stadler, Mary Jo 6/14/95

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
Ethics Board**

February 20, 1996

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers.

Organization's authorization of additional lobbyists:

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

Milwaukee, County of

Schneider, Mary

Oneida Tribe

Bartels, Peggy

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
Office of Justice Assistance**

February 9, 1996

The Honorable, The Legislature:

The Anti-Drug Abuse Act of 1988 requires that the participating state's Legislature or its designated body be offered an opportunity to review the grant application for FFY96 anti-drug abuse funds at the same time of its submission to the U.S. Department of Justice, Bureau of Justice Assistance (BJA). The Act allows the Legislature 30 days for review and comment.

Enclosed is a copy of our application submitted simultaneously to BJA for FFY96 anti-drug abuse funds. The strategy addresses all components of the state's anti-drug efforts, including prosecution, enforcement, treatment and prevention.

I would very much appreciate your review and favorable response as soon as possible. Thank you in advance for your timely assistance. Please contact me or Ray Luick of my staff at 266-3323 should you require additional information.

Sincerely,

STEVEN D. SELL
Executive Director

Referred to committee on **Judiciary**.

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

Senate Clearinghouse Rule 93-032

Relating to petitions for variance and private sewage systems.

Submitted by Department of Industry, Labor and Human Relations.

Report received from Agency, February 16, 1996.

Referred to committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**, February 21, 1996.

Senate Clearinghouse Rule 93-033

Relating to mound type private sewage systems.

Submitted by Department of Industry, Labor and Human Relations.

Report received from Agency, February 16, 1996.

Referred to committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**, February 21, 1996.

Senate Clearinghouse Rule 95-063

Relating to discrimination, sanitation and confidentiality.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 14, 1996.

Referred to committee on **Business, Economic Development and Urban Affairs**, February 21, 1996.

Senate Clearinghouse Rule 95-169

Relating to claims for refund; the reproduction of franchise or income tax forms; notices of federal audit adjustments and federal or other states' amended returns; and amended Wisconsin returns.

Submitted by Department of Revenue.

Report received from Agency, February 20, 1996.

Referred to committee on **State Government Operations and Corrections**, February 21, 1996.

Senate Clearinghouse Rule 95-182

Relating to tribal medical relief programs funded by block grants.

Submitted by Department of Health and Social Services.

Report received from Agency, February 19, 1996.

Referred to committee on **Health, Human Services and Aging**, February 21, 1996.

The committee on **Education and Financial Institutions** reports and recommends:

Senate Clearinghouse Rule 95-181

Relating to the elimination of obsolete rules.

No action taken.

Alberta Darling
Chairperson

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

Senate Clearinghouse Rule 94-205

Relating to building and paying for electric distribution service extensions.

Modifications requested.

Ayes, 3 – Senators Cowles, Farrow and Panzer.

Noes, 2 – Senators Burke and Clausing.

Robert Cowles
Chairperson

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

Senate Clearinghouse Rule 95-147

Relating to atrazine use restrictions.

No action taken.

Alan Lasee
Chairperson

AMENDMENTS OFFERED

Senate amendment 1 to Assembly Joint Resolution 82 offered by Senator Moen.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

Corrections In:

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
To 1995 ASSEMBLY BILL 290**

Prepared by the Legislative Reference Bureau
(February 13, 1996)

In engrossing, the following corrections were made:

1. Page 4, line 13: on lines 13 and 14, delete "stormwater" and substitute "storm water".

2. Page 5, line 1: on lines 1 and 2, delete "stormwater" and substitute "storm water".