



# STATE OF WISCONSIN

# Assembly Journal

## Ninety–Third Regular Session

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WEDNESDAY, May 27, 1998

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

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### ADVERSE DISPOSAL

The following Assembly bill was in the possession of the Assembly at the end of the veto review floorperiod, which was adjourned on April 30, 1998 pursuant to Senate Joint Resolution 1, and therefore adversely disposed of pursuant to Senate Joint Resolution 1:

#### Assembly Bill 969

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### ADMINISTRATIVE RULES

#### Assembly Clearinghouse Rule 97–083

Relating to hearing procedure and practice.  
Submitted by Office of the Commissioner of Railroads.  
Report received from Agency, May 14, 1998.  
To committee on **Highways and Transportation**.  
Referred on May 20, 1998.

#### Assembly Clearinghouse Rule 97–084

Relating to railroad ratemaking.  
Submitted by Office of the Commissioner of Railroads.  
Report received from Agency, May 14, 1998.  
To committee on **Highways and Transportation**.  
Referred on May 20, 1998.

#### Assembly Clearinghouse Rule 97–089

Relating to groundwater quality standards.  
Submitted by Department of Natural Resources.  
Report received from Agency, May 13, 1998.  
To committee on **Natural Resources**.  
Referred on May 20, 1998.

#### Assembly Clearinghouse Rule 97–157

Relating to electric construction by public utilities requiring public service commission review and approval.  
Submitted by Public Service Commission.  
Report received from Agency, May 14, 1998.  
To committee on **Utilities Oversight**.  
Referred on May 20, 1998.

#### Assembly Clearinghouse Rule 98–016

Relating to pharmacists and pharmacies.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, May 12, 1998.

To committee on **Health**.  
Referred on May 20, 1998.

#### Assembly Clearinghouse Rule 98–026

Relating to amendments to the learnfare program.  
Submitted by Department of Workforce Development.  
Report received from Agency, May 8, 1998.  
To committee on **Wisconsin Works Oversight**.  
Referred on May 19, 1998.

#### Assembly Clearinghouse Rule 98–036

Relating to subsidized health insurance premiums for persons with human immunodeficiency virus (HIV) infection.

Submitted by Department of Health and Family Services.  
Report received from Agency, May 13, 1998.  
To committee on **Health**.  
Referred on May 20, 1998.

#### Assembly Clearinghouse Rule 98–048

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1998, to limit fund fee refund requests to the current and immediate prior year only and to establish standards for the application of the aggregate underlying liability limits upon the termination of a claims–made policy.

Submitted by Office of the Commissioner of Insurance.  
Report received from Agency, May 18, 1998.  
To committee on **Insurance, Securities and Corporate Policy**.  
Referred on May 26, 1998.

#### Assembly Clearinghouse Rule 98–051

Relating to filing campaign finance reports in electronic format.

Submitted by Elections Board.  
Report received from Agency, May 15, 1998.  
To committee on **Elections and Constitutional Law**.  
Referred on May 20, 1998.

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### ENROLLED BILLS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

**Assembly Bill 119**  
**Assembly Bill 736**

**Assembly Bill 864**  
**Assembly Bill 966**  
**Assembly Bill 967**  
**Assembly Bill 968**  
**Assembly Bill 970**  
**Assembly Bill 971**

*CHARLES R. SANDERS*  
Assembly Chief Clerk

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**REMARKS BY**  
**SPEAKER PRO TEMPORE FREESE**  
**MAY 15, 1998**

Pursuant to the unanimous consent request made by Representative Green on Friday, May 15, 1998 (Page 906 of the Assembly Journal), the remarks made by Speaker Pro Tempore Freese to the members of the Assembly on Friday May 15, 1998 follow:

"It has been a long standing tradition for the Speaker Pro Tem to end the session with a poem or a top 10 list or something similar. I will tell you I'm not as talented as Rep. Clarenbach was when it comes to doing a poem or Rep. Carpenter as it is doing a top ten list. I thought this year being our sesquicentennial year, and Marlin continually lecturing this body about how history will be repeating itself, or what goes around comes around, or its going to bite you in the....I'm not going to go there. I thought it would be appropriate, since we began this year making history in Belmont, for us to end this session looking at a glimpse of history in this chamber and our state.

For many of you, you may not know if you weren't natives to Wisconsin, how we became called the Badger State so I did a little looking back into the history books on why we have been known as the Badger State. In the view of all these clearly unreliable stories of why Wisconsin is called the Badger State, it is worthwhile to report the explanation given to Governor Nelson Dewey by his mother. Now Nelson Dewey was our state's first state governor. She said, I quote, "The first settlers actually came to do mining," she said, "and remained and dug deep—and to discriminate between these people and those who came up from Illinois in the spring and ran back in the fall doing only shallow mining, they were called 'Suckers' and we were called 'Badgers'.

In 1903 President Roosevelt visited this very state capitol to view Wisconsin's most famous Civil War veteran. "By George! I'm glad to see him, he said, I read about him in my school reader when I was a boy at school." "I always felt a lively interest in Old Abe". It was actually in 1915 that the Wisconsin Assembly received a replica of Old Abe and it has been mounted over the speaker's chair since then. Now as you probably don't know, Old Abe never was in this chamber at any point in time prior to the capitol being destroyed by fire and he came to rest here so that the people of Wisconsin visiting the peoples house would have an opportunity to see him.

As I was looking at each of our representatives who are leaving, and we have a significant number who are leaving

this year, I tried to put together a piece of history and something about each of the representatives who have served here. I'm going to start with Rep. Barb Notestein who, as she leaves, will be, I think, remembered as an individual who stood up for women's rights. So I looked back into the history books trying to find another time period with a famous woman who stood up for women's rights dealing with the Assembly Chamber. In a story that appeared 1889 the Milwaukee Sentinel, a feature story by Lillie Deveraux Blake, who asserted that Old Abe had laid eggs and therefore was a female eagle. Blake, the Sentinel explained, "is a women's rights woman." Blake offered no evidence to back up her claim. Several stories later the most that can be asserted about the question of Old Abe's gender is that we lack sufficient data to prove the case. So nobody really knows whether he did, or she did, lay an egg.

Jerome Case, founder of the agricultural machinery firm – Case, was so impressed by the figure of Old Abe, adopted the war eagle's likeness for his company's trademark.

On June 6, 1944, when the Allies launched their invasion of France, it was somehow fitting that Old Abe should symbolically take part in the greatest airborne assault in history. The likeness of Old Abe on the uniforms of the 18,000 troopers of America's elite 181st Airborne Division called "the Screaming Eagles" whose left shoulder patch depicts an eagle's head on a black shield.

Earlier this year, Speaker Jensen had as his guest, his dog Regis. There were many members who suggested that Regis should be the Mascot of the Wisconsin State Assembly, but in looking back in to history I found that we already have a mascot by Joint Resolution 80, of 1945 – Trooper, a male German Shepherd seeing eye dog whose master was Assemblyman Clair Finch. He served his master 4 terms in the Assembly from 1943–1949. Now some on the other side of the aisle have suggested that Regis should be enrolled in seeing eye dog school for they feel his master, the Speaker, might be blind on a few issues from time to time.

Some of the greatest remarks that I heard on the floor this year were done by Rep. Tom Hebl where he introduced "Peter Goesinya", or Rep. Leon Young after the famous Reggie White's speech who, I'm told, was really upset because he couldn't sing or dance either. When Rep. Bill Murat was presiding over the chamber, he, after I warned him that the microphone picks up a lot, said "I can't talk and chew gum at the same time" when someone called him on the telephone. So those were some interesting experiences.

I think, dealing with intensity, probably the most intense speech was given by the gentleman from the 72nd when he kind of blew his cool. Now it reminded me of an activity that happened before I came to the chamber when my representative then, Bob Travis, kind of got in to the same exchange with the Minority leader Rep. Kunicki. Our representative Travis came back to Grant County and told us that he was now known as "Fighting Bob" because he had decked Wally on the floor of the legislature. Well when I got here I found out it was just the opposite, Wally had actually decked him and he ended up in between the seats. So I thought for a while that Rep. Underheim was going to be in serious trouble as Marlin (Rep. Schneider) came over, but that didn't happen.

Representatives Baumgart and Otte both have carried on a tradition here in the beginning of each session in the month of June with the Sheboygan Brat Days. The softball and the brats really have been a trademark and Rep. Baumgart and Otte really were the champions of that. This year we have both Representative Otte retiring and Rep. Baumgart running for the State Senate, and Cal Potter leaving the state senate, there may be nobody left to do the Sheboygan Brat Days. I hope that tradition doesn't end but it's kind of interesting because Rep. Otte always told me, "You know the only way to serve brats is two on one hard bun with butter." Well both of our brats are now leaving, but I hope the tradition (Sheboygan Brat Days) actually does continue.

For Rep. Baumgart, whom I believe has made history by adjourning the most times in honor of the same person, Aldo Leopold. I looked up a quote by Aldo to kind of send the gentleman from the 26th off, possibly to the Senate. The date was May 11, 1947, for a monument dedication at Wyalusing State Park, which is in Grant County. Aldo Leopold read the plaque, which said, "Dedicated to the last Wisconsin passenger pigeon, shot at Babcock, September 1899. The species became extinct through the thoughtlessness of man." So, gentleman, as you move to the most thoughtful of the two houses, just remember Marlin's words, history can repeat itself, just like the passenger pigeon – making you extinct from this thoughtless house!

President Theodore Roosevelt addressed this Legislature April 15, 1911 and this is a classic example of history repeating itself, "I wish to tell you how much I have been impressed with the way men's eyes are turned on what Wisconsin is doing. You have been put in a position of leadership in the Union which is not only a very pleasant position but a position of great responsibility." "You are engaged at this time to working out various problems, which are of concern to the whole country. As regards to certain phases of the movement it is national and we all have the same interest in your actions. Your power is limited directly to the State of Wisconsin but the influence of your actions will be far reaching." I think that can be said for auto lease legislation that we've passed in this last session as well as W-2.

In doing my research and reading a lot about the early days of the Wisconsin Territory it was a rather rough and tumble time period. One of the reoccurring things that have happened over the time period, and speaker is going to be interested in this, is the fact that I found that Assembly Speakers have had drinking problems. For example, Moses Strong, speaker in 1850, is well known for an incident in which he drank a whole pitcher of whiskey while presenting his case. Our current speaker is well known for his need to have a Pepsi on the morning and a Coca-Cola in the afternoon....and if you cross him watch out!

Rep. Rosemary Potter who is leaving really has, I think, charted a great course. In looking at how far things have come for women in Wisconsin, I looked back to July 11, 1921 when Wisconsin became the first state in the country where women had equal rights with men under civil laws, as Governor John Blaine signed the Women's Rights Bill. It took more than seventy (70) years for women to have equal rights to toilets. Thanks to Rosemary Potter and her "Potty Parity Bill" of 1992 that has now changed and, as it was reported yesterday by

Rep. Carpenter, she even came to my district to cut the ribbon at the new toilets located on the grounds of the American Players Theater, and she didn't even invite me to join her. I understand there were some interesting pictures taken that day and it might be appropriate to have one of those framed for her.

It is interesting looking back – in 1848 the State of Wisconsin spent \$13,472 in its first year of statehood. That included \$5,050 in salary for the state's six constitutional officers.

In 1967, the Legislature approved its first billion-dollar budget, and the 1997-98 biennial budget passed in the Legislature totaling \$38.4 billion. How times have changes.

During this, our sesquicentennial year, \$8 million dollars, mostly private funds, will be spent celebrating Wisconsin's 150th year of statehood. That compares with Wisconsin's centennial budget of \$286,967.56 in 1948. During our Jubilee year in 1898, we spent virtually nothing because, of course, that was the outbreak of war and that really over-shadowed the activities of the legislature.

Our longest serving Speaker and our shortest serving Speaker both spoke to you this year. Of course His Excellency, the Ambassador, Tom Loftus has been the longest serving speaker in Wisconsin history. And I have the privilege of being the shortest serving speaker in state history.

We've had some interesting people join us who come from a variety of religious faiths since the beginning of the state. Men of the cloth have included people like, Father Mazzuchelli who said, "It would be difficult to find in the history of any county whatsoever a legislative assembly where Protestants outnumbering Catholics eighteen to one have....conferred the office of Chaplain on a priest. In this instance and may infer not only a great deal of religious indifference, but also that spirit of impartiality in the basic laws of the government which separates them completely from religious observance."

Now none of us served in the legislature in 1969 when Father James Groppi on opening day of September Special Session on welfare and urban aids, welfare mothers and UW-Madison students led by Father Groppi took over the assembly chamber. The National Guard was called out to protect the Capitol. Several thousand welfare rights supporters led by father James Groppi occupied this Assembly Chamber.

Then we had Reggie White, this year, and I chose one of his less controversial statements. "So I want to read you something about the team concept, and this is why I pray to god that republicans and democrats here will come together and work for the good of men."

And just this Wednesday (May 13, 1998), His Holiness, the Dalai Lama, spoke and he said, "The need to resolve problems through dialogue and compromise is essential, because life is full of conflicts." "You find differences among societies and even within families and, even, within an individual". "True happiness comes from developing internal spiritual values, not from accumulating wealth", he said.

Rep. Sheila Harsdorf has decided to leave the assembly. One of her more prominent bills this year dealt with massage therapy. It is a little known fact that Sheila has been an active

massage therapist all the time she has served in the assembly; so it was only fitting for her to introduce and pass the massage therapist law. As she leaves the assembly she will be going back to River Falls to massage every day, twice a day, 90 Holsteins.

We have a couple of members who think they want to go to congress — Rep. Mark Green and Rep. Tammy Baldwin. I looked up what one of our earliest congressman said upon being elected to congress. In 1840, when Henry Dodge was our delegate to Congress, evidently, he did not have a high regard for his fellow Congressman. He wrote to a friend, “You have never seen such a body of men convened as the present members of the House of Representatives. Bitter and vindictive as they can be towards each other and little of that courtesy necessary in legislative bodies. The Whigs are divided and cut to pieces among themselves and to tell you my opinion there appears to be, with the heads of the departments, a great deficiency of practical knowledge to enable them to administer the government.” It’s amazing at how things have not changed.

Rep. Bill Lorge — who may or may not be returning to this chamber; may or may not be governor next year — has been preparing himself to be governor. You see, Governor Thompson used to drive a Chevrolet Caprice as his official car; Bill went out and bought a black Chevrolet Caprice. He even liked to park it in the governor’s spot when the governor wasn’t there. But Bill didn’t know the Governor got rid of that car and now he drives a Chrysler LHS. So you better change cars Bill, or your election plans are shot. You know, Jim Klauser finally succeeded, indirectly, in getting Tommy to drive a German car.

When Rep. John Dobyms leaves the legislature, one of the things he will be remembered for is his legislation regarding two-man crews for trains. Well looking back, one will find that railroads and the legislature have interacted a great deal. It was back in 1856 when we had our first railroad scandal. There was wholesale bribery of the legislature and state officers, including the Governor. By 1857, the scandal nearly undermined our state and the nation.

When it comes to Wisconsin symbols no one has tried harder than Bob Zukowski to establish Colby cheese as Wisconsin’s official state cheese. When you look at our Agriculture statistics, Colby doesn’t even show up as a cheese. It’s American Cheese that is our top produced cheese. The gentleman also tried to get the American Flag protected. At least you got part of it right, the “American” part.

Representative Bill Murat will be leaving without having passed a single piece of legislation in the time he has been here. But I will tell you that the entire time I served in the minority I didn’t either. So things have not changed much.

I thought it would be fitting to give you a piece of history to remember some of our members by as we celebrate our sesquicentennial this year. I hope you will remember some of what has been said. Thank you for your attention and I wish you all well in this sesquicentennial year.”

**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
 Department of Commerce  
 Department of Natural Resources  
 Madison

April 16, 1998

To the Honorable, the Legislature:

On behalf of the Department of Commerce and the Department of Natural Resources, we are pleased to provide you with the above referenced report. The report summarizes the efforts to-date of the Department of Commerce and the Department of Natural Resources to honor the commitments that each agency made under the Memorandum of Understanding on Construction Site Erosion and Sediment Control.

Both agencies recognizes that there are many challenges ahead to full implementation of the Memorandum of Understanding as state agencies reorganize and adjust to shifting priorities and budgetary constraints. Despite these challenges, the Department of Commerce and the Department of Natural Resources remain committed to the success of state-administered erosion and sediment control programs and are prepared to work in partnership together and with other state agencies and local municipalities on this important water quality protection effort.

Sincerely,

*WILLIAM J. MCCOSHEN*  
 Secretary, Department of Commerce

*GEORGE E. MEYER*  
 Secretary, DNR

Referred to committee on **Environment**.

State of Wisconsin  
 Department of Commerce  
 Madison

April 24, 1998

To the Honorable, the Assembly:

In accordance with s. [560.03\(15\)](#), the Department of Commerce is required to submit an annual report to the legislature analyzing the use of IRB financing authorized under Section [66.521](#) of Wisconsin Statutes, and report on the benefits of that use. The Department of Commerce is also required to submit a summary of the employment impact estimates required under Section [560.034\(2\)](#) of Wisconsin Statutes.

I am respectfully submitting the attached Industrial Revenue Bond Activity Report. If you have any questions concerning the report or would like to obtain copies, please contact Deb

Daly in the Division of Community Development at 608/267-3895.

Referred to committee on **Small Business and Economic Development.**

Sincerely,  
*WILLIAM J. MCCOSHEN*  
Secretary, Department of Commerce

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State of Wisconsin  
Department of Commerce  
Madison

April 29, 1998

To the Honorable, the Legislature:

As required by s. 16.045(5), I am submitting the sixth Wisconsin Gasohol and Alternative Fuel Use Report for distribution to the appropriate standing committees.

Should you or legislative members have questions, please contact the Division of Energy and Intergovernmental Relations, Nathaniel E. Robinson, Administrator, at 608/266-7257.

Sincerely,  
*MARK D. BUGHER*  
Secretary, DOA

Referred to committee on **Environment.**

DATE: April 23, 1998

TO: Charles R. Sanders  
Assembly Chief Clerk

FROM: Katharine C. Lyall, President  
University of Wisconsin System

RE: Report pursuant to s. 36.25(14)(c), Wis. Stats.

At its meeting April 3, 1998, the board of Regents accepted the attached report for submission to the chief clerk of each house of the Legislature for distribution to the appropriate standing committees under s. 13.172(3).

Section 36.25(14m)(c), Wis. Stats., requires the Board of Regents to submit a report to the governor and to the chief clerk of each house of the Legislature annually by April 15 on its precollege, recruitment, and retention plan for minority

and disadvantaged students. The report must also include information on financial aid programs serving those students. The report for 1996-97 is attached.

If you need additional information regarding this report, please contact Andera-Teresa Arenas at 262-8636.

Referred to committee on **Colleges and Universities.**

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State of Wisconsin  
Department of Commerce  
Madison

May 15, 1998

To the Honorable, the Assembly:

As specified in 101.122, we are submitting last year's annual report for the Rental Weatherization Program. This program began on January 1, 1985. This is the 12th report of the program's operation. Additional copies of the report are available by contacting the program staff at:

Rental Weatherization Program  
Commerce-Safety and Buildings Division  
Telephone: (608) 266-0671

Sincerely,  
*WILLIAM J. MCCOSHEN*  
Secretary, Department of Commerce

Referred to committee on **Housing.**

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**AGENCY REPORTS**

Southeast Wisconsin Professional  
Baseball Park District  
Milwaukee

May 15, 1998

To the Honorable, the Assembly:

Enclosed please find your copy of the April 1998 Miller Park Monthly Progress Report. If you have any questions or comments on this month's report, please feel free to contact me.

Thank you in advance for your consideration and input on the Miller Park project.

Very truly yours,  
*MICHAEL R. DUCKETT, P.E., R.L.S.*  
Executive Director, SEWPBPD