

STATE OF WISCONSIN
Senate Journal
Ninety–Third Regular Session

WEDNESDAY, January 28, 1998

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 416

Relating to: deductibles for coverage of treatment for alcoholism and other drug abuse problems and nervous and mental disorders.

By Senators Roessler, Burke, Shibilski, Panzer, George, Darling, Clausung, Wirch and Rosenzweig; cosponsored by Representatives Notestein, Harsdorf, Ourada, Bock, Turner, Musser, Robson, Plale, Brandemuehl, Boyle, R. Young, Hasenohrl, Baldwin, Riley, Hanson, L. Young, Wasserman, Kreuser, Springer, La Fave, Murat and Gronemus.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

Senate Bill 417

Relating to: creating a Family, Communities and Schools Institute at the University of Wisconsin–Madison and making an appropriation.

By Senator C. Potter; cosponsored by Representative Olsen.

To committee on **Education**.

Senate Bill 418

Relating to: strategic energy assessments, constraints on electric power transmission, control of certain transmission facilities by an independent system operator, the adequacy of retail electric service supplies, electric generating and transfer capacities, certification requirements applicable to certain projects proposed by public utilities, standards, permits and certificates of public convenience and necessity for certain electric generating facilities and high–voltage transmission lines, certain out–of–state sales of retail electric service, providing an exemption from emergency rule procedures and granting rule–making authority.

By Senators Moen, Rude, Grobschmidt, Fitzgerald, Jauch, Risser, Wineke, Clausung, Schultz and C. Potter; cosponsored by Representatives Gard, R. Potter, Otte, M. Lehman, Musser, Freese, Ward, Dobyns, Schneider, Ainsworth, Hanson, Albers, Huebsch, Hubler, Carpenter, Ziegelbauer, Brandemuehl, Robson, Hebl, Bock, Hasenohrl, Meyer, Baumgart, Gronemus, Boyle, Baldwin and Schafer.

To committee on **Utility Regulation**.

Senate Bill 419

Relating to: food stamps for qualified aliens and making an appropriation.

By Senators Decker, Moore, Roessler, Moen, Burke, Clausung and Chvala; cosponsored by Representatives Notestein, Meyer, Ainsworth, Black, Springer, Huber, L. Young, Ziegelbauer, R. Young, J. Lehman, Gronemus, Baldwin, Hanson and Riley.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

Senate Bill 420

Relating to: the registration of professional geologists, hydrologists and soil scientists, providing an exemption from emergency rule procedures, granting rule–making authority and providing a penalty.

By Senators Shibilski, Panzer, Wineke, Plache, Chvala, Schultz, Rude, Moore, Weeden, Rosenzweig, Fitzgerald, Breske, Cowles, C. Potter, Risser, Zien, Huelsman, A. Lasee, Clausung and Drzewiecki; cosponsored by Representatives Johnsrud, Murat, Gard, Hasenohrl, Baumgart, Bock, Musser, Hanson, Grothman, Ryba, Goetsch, Springer, Gronemus, Ziegelbauer, Kaufert, Otte, Kreibich, Freese and Hebl.

To committee on **Agriculture and Environmental Resources**.

Senate Bill 421

Relating to: exempting persons who braid hair or who engage in certain activities preparatory to portrait photography from licensing requirements administered by the barbering and cosmetology examining board.

By Senator Moore; cosponsored by Representatives L. Young, R. Young, Albers, Grothman, Seratti and Riley.

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

Senate Bill 422

Relating to: authority to consider a single violation of law prohibiting furnishing alcohol beverages to an underage person in an action to revoke, suspend or refuse to renew a license or permit to sell alcohol beverages.

By Senator Moen, by request of Buffalo County District Attorney James DuVall.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Senate Bill 423

Relating to: the nonstock corporation law and providing penalties.

By Senators Huelsman, Rude, Rosenzweig, Drzewiecki, Panzer, Weeden, Fitzgerald, Darling, Farrow and George; cosponsored by Representatives Walker, Green, Staskunas,

Huber, Cullen, Murat, Olsen, Porter, Sykora, Kelso, Ladwig, Jeskewitz, Vrakas, Urban, Gunderson, Goetsch and Grothman.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

Senate Bill 424

Relating to: hours of sales by intoxicating liquor wholesalers.

By Senators George and Rude; cosponsored by Representatives Plale and Sykora.

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

Senate Bill 425

Relating to: the delegation of authority by 1st class city school districts over funds held in trust for certain pension plans.

By Senators George, Rude and Darling; cosponsored by Representatives Plale, Kreuser, Staskunas, Riley and Cullen.

To committee on **Education.**

Senate Bill 426

Relating to: authorizing certain counties to let public works contracts under the design and build construction process.

By Senators George, Rude, Darling and Welch; cosponsored by Representatives Morris-Tatum, Staskunas, Jensen, Riley and Notestein.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Southeast Wisconsin Professional Baseball Park District

January 22, 1998

The Honorable, The Senate:

Enclosed please find the Miller Park monthly progress report for the month of December 1997 for your review and consideration.

As we begin the new year, I believe it is appropriate to recognize the continuing efforts of the District Board members. Through countless volunteer hours of dedicated service, the Board and its Committees have successfully guided the Miller Park project thorough another challenging and productive year. With great pride, we continue to report the Miller Park project is meeting our "four for four" objectives of constructing a quality facility, on time, within budget, and with meaningful community participation. The enclosed monthly progress report confirms our project performance to date, and provides additional details on each of our objectives.

During 1997 we also emphasized enhanced communications with legislators, local elected officials, state and local agencies, project partners, general public and other interested parties. We've found the improved communications to be most helpful for all concerned, and plan to continue these efforts in 1998 and beyond. Along these lines, we have recently developed a Miller Park Internet website at www.millerpark.org.

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., E.L.S.
Executive Director

**State of Wisconsin
Ethics Board**

January 27, 1998

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.

Froedtert Memorial Lutheran Hospital

Subject(s): All matters affecting health care.

Hottenroth, Theresa

Leitch, Laura J

Variable Annuity Life Insurance Co (VALIC)

Subject(s): Issues related to variable annuities including defined contribution plans.

Hough, James E

Osborne, Patrick

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:

Liquid Waste Carriers Assn, Wisconsin

Swandby, Janet

Surgery Center Assn Wisconsin

Leitch, Laura J

UW Students, Inc, United Council of

Gabel, John

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.

To the Honorable the Senate:

Sincerely,

R. ROTH JUDD
Executive Director

**State of Wisconsin
Office of Justice Assistance**

January 15, 1998

The Honorable, The Senate:

As you know, each year the State of Wisconsin receives Federal funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, authorized through the Anti-Drug Abuse Act of 1988. This year the state is eligible to receive \$9,591,000.

The federal act requires that each state develop an Anti-Drug and Anti-Crime Strategy, identifying and prioritizing needs and programmatic responses in the areas of drug enforcement, prosecution and courts, jails and corrections, victim services, system improvements, treatment and prevention. The Strategy constitutes both a plan for action and the State's application for the Byrne grant. In 1997, the State submitted its first required three-year Strategy covering 1997-1999. The document

enclosed is the required 1998 Strategy Update, which serves as the application for the FFY98 Byrne grant. The act further requires that members of the State Legislature be offered opportunities to review the Strategy. Legislators are allowed 30 days for review and comment.

I would very much appreciate your review and commentary as soon as possible. Thank you in advance for your timely assistance. Please contact me or Judy Witt of my staff (267-2116) should you require additional information.

Sincerely,

STEVEN D. SELL
Interim Executive Director

**State of Wisconsin
Legislative Audit Bureau**

January 27, 1998

The Honorable, The Legislature:

We have completed our review of the fiscal effects of replacing the sales tax on food and beverages sold through vending machines with a permit fee. As directed by [1997 Wisconsin Act 27](#), our review also included the feasibility of such a change and any constitutional problems that would arise from the change.

Because vending machine sales tax revenues are not recorded separately by the Department of Revenue, the precise fiscal effect of the permit proposal cannot be determined definitely. Earlier estimates, including those made by the Legislative Fiscal Bureau, have been disputed by proponents and opponents of the proposal, who disagree strongly over the number of vending machines in Wisconsin and compliance with state tax laws. To develop new estimates of the fiscal effect, we used updated data from other states and information from Wisconsin entities concerning the number of machines in the state and annual sales per machine. Our estimates suggest the proposed fee of \$65 per machine would result in a net revenue loss to the State. To be revenue neutral for the State, the permit fee would need to be increased to \$123 per machine.

Our survey of Wisconsin's larger cities indicates that few would voluntarily provide local program administration for the \$8 per machine administrative allowance envisioned in the proposal. However, the Department of Revenue has indicated it could provide both central and local administration and enforcement within the \$8 allowance. We also note the counties that impose a local sales tax would have their receipts decrease from an average \$20 per machine to \$1 per machine under the proposal. To be revenue neutral for both the State and the counties, the overall cost of the permit would need to be increased beyond \$123 per machine.

Based on experience in the two other states that have established similar permit systems, and on the opinion of Legislative council staff, it appears that while opponents could challenge the constitutionality of a permit, the State's authority to establish such forms of taxation is broad. We identified no significant constitutional impediments to the Legislature enacting a vending machine permit fee.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue, municipal governments, and vending machine industry representatives.

Sincerely,

DALE CATTANACH
State Auditor

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

January 20, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROBERTSON, DR. RUSSELL G., of Mequon, as a member of the Rural Health Development Council, to serve for the interim term ending July 1, 2001.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

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

Senate Clearinghouse Rule 97-114

Relating to dispensing or prescribing of controlled substances for the treatment of obesity.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 26, 1998.

Referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**, January 28, 1998.

Senate Clearinghouse Rule 97-125

Relating to pesticide regulation.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, January 23, 1998.

Referred to committee on **Agriculture and Environmental Resources**, January 28, 1998.

Senate Clearinghouse Rule 97-156

Relating to funding emergency grants under the community development block grant program.

Submitted by Department of Commerce.

Report received from Agency, January 27, 1998.

Referred to committee on **Economic Development, Housing and Government Operations**, January 28, 1998.

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

Senate Clearinghouse Rule 96-106

Relating to contributions from conduit accounts.

No action taken.

Senate Clearinghouse Rule 96-107

relating to filing campaign finance reports.

No action taken.

Senate Clearinghouse Rule 96-108

relating to the identification of the source of communications paid for with money raised for political purposes.

No action taken.

Senate Clearinghouse Rule 96-109

relating to conduit registration and reporting requirements.

No action taken.

Senate Clearinghouse Rule 96-166

relating to length, expiration date and fee for licenses issued to manufactured and mobile home dealers and salespersons and for registration plates issued to dealers.

No action taken.

Senate Clearinghouse Rule 97-082

relating to parking.

No action taken.

Senate Clearinghouse Rule 97-096

relating to the inspection of elevators and mechanical lifting devices.

No action taken.

Senate Clearinghouse Rule 97-115

relating to credentials.

No action taken.

Gwendolynne Moore
Chairperson

**State of Wisconsin
Revisor of Statutes Bureau**

February 1, 1998

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
97- 38	February 1, 1998
97- 62	February 1, 1998

97- 78

February 1, 1998

97- 95

February 1, 1998

97- 96 (part)

February 1, 1998

97-101

February 1, 1998

97-110

February 1, 1998

97-124

February 1, 1998

Sincerely,
GARY L. POULSON
Deputy Revisor

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

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

Senate Bill 3 (Assembly amendments 2, 1 to 3, 3, 2 to 4, 4)

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 384

Report correctly enrolled on January 26, 1998.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 407** offered by Senator C. Potter.