

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Third Regular Session

---

WEDNESDAY, February 25, 1998

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

**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 40**

Relating to: proclaiming May 15, 16 and 17, 1998, Syttende Mai Weekend.

By Senators Moen, George, Grobschmidt, Wirch, Breske, Drzewiecki, Rude, Huelsman and Burke; cosponsored by Representatives Travis, Krug, Gronemus, Ryba, Murat, Plouff, R. Young, Porter, Turner, Baldwin, Wasserman, Notestein, Lorge, Walker, Otte and Hebl.

To committee on **Senate Organization**.

**Senate Joint Resolution 41**

Relating to: proclaiming May 3, 1998, Trzeciego Maja Day.

By Senators Drzewiecki, Grobschmidt, Plache, C. Potter, Moen, Panzer, Darling, Burke, Farrow, Breske, Weeden, Fitzgerald, Rude, Cowles, Ellis, Roessler and A. Lasee; cosponsored by Representatives Ryba, Zukowski, Porter, Kunicki, Urban, Otte, Hahn, Dobyns, Turner, Kedzie, Seratti, Ladwig, Owens, Walker, Notestein, R. Young, Green, Plale, Baldwin, Murat and Springer.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 468**

Relating to: eliminating obsolete language and provisions from the statutes governing public schools and the department of public instruction (suggested as remedial legislation by the department of public instruction).

By Law Revision Committee.

To committee on **Education**.

**Senate Bill 469**

Relating to: defining “meal” and “sandwich” for the sales tax and use tax on food and specifying the tax status of exempt food and similar goods that are packaged with other property.

By Senators Burke, Chvala, Darling, Decker, Drzewiecki, Fitzgerald, Grobschmidt, Huelsman, Panzer, Rude, Welch, Wineke and Zien; cosponsored by Representatives Gard, Albers, Baldwin, Dobyns, Duff, Green, Grothman, Hahn, Handrick, Hanson, Jensen, Johnsrud, Kaufert, F. Lasee,

Musser, Olsen, Porter, Riley, Schafer, Seratti, Sykora, Travis, Walker, Ward, L. Young and Ziegelbauer.

To joint survey committee on **Tax Exemptions**.

**Senate Bill 470**

Relating to: operating a motor vehicle with a suspended or revoked operating privilege, habitual traffic offenders, penalties involving sanctions against an operating privilege or operator’s license, the revocation of operating privileges and vehicle registrations for failure to deposit security and providing a penalty.

By Senators Huelsman, Risser, Darling, Grobschmidt, Rosenzweig, Weeden and Wineke; cosponsored by Representatives R. Young, Otte, Riley, Hahn, Bock, Green, Grothman, Hanson, Harsdorf, Kedzie, La Fave, F. Lasee, J. Lehman, Notestein, Plouff, Powers, Staskunas, Ziegelbauer and Baldwin.

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

**Senate Bill 471**

Relating to: protection against retaliation for reporting to any state official abuse or neglect in certain facilities, providing a cause of action and providing a penalty.

By Senators Roessler, Moen, Breske, Clausing, Drzewiecki, A. Lasee, Moore, Plache, Rosenzweig and Wirch; cosponsored by Representatives Baldwin, Underheim, Krusick, Baumgart, Bock, Boyle, Carpenter, Dobyns, Duff, Goetsch, Gunderson, Hahn, Hanson, Hasenohrl, Hebl, Huber, Kelso, Ladwig, Lazich, Lorge, Morris–Tatum, Murat, Notestein, Olsen, Ourada, Plale, Plouff, R. Potter, Powers, Riley, Robson, Ryba, Seratti, Springer, Sykora, Turner, Wasserman, L. Young and R. Young.

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

**Senate Bill 472**

Relating to: the distribution of an income tax refund to formerly married persons.

By Senators Roessler, Huelsman and Darling; cosponsored by Representatives Harsdorf, Olsen, Urban, Dobyns, Huber, Gronemus, Goetsch, Owens, Notestein, Musser, Albers, Brandemuehl, F. Lasee, Bock, Ladwig, Plouff, Seratti, Ainsworth, Powers, Meyer and Murat.

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

**Senate Bill 473**

Relating to: a periodic study of the public schools.

By Senator Jauch.

To committee on **Education**.

**Senate Bill 474**

Relating to: solvency contribution rates applicable to certain employers for unemployment insurance purposes in 1998, unemployment insurance information technology systems and making an appropriation.

By Senators Plache and Zien; cosponsored by Representatives Vrakas and Vander Loop.

To committee on **Labor, Transportation and Financial Institutions.**

**Senate Bill 475**

Relating to: requiring cost-benefit analyses in the rule-promulgation process.

By Senators Welch, Farrow, Schultz, A. Lasee and Drzewiecki; cosponsored by Representatives Grothman, Musser, Porter, Dobyns, Ainsworth, Zukowski, Albers, Goetsch, Kreuser, Owens, Springer, Walker, F. Lasee and Underheim.

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

**Senate Bill 476**

Relating to: requirements concerning participation by labor organizations in public construction contracts and the expenditure of public grant moneys.

By Senator Welch; cosponsored by Representatives Owens, Grothman, Seratti, Ladwig, Ainsworth, F. Lasee, Nass and Schafer.

To committee on **Labor, Transportation and Financial Institutions.**

**Senate Bill 477**

Relating to: training certificates for barbers, cosmetologists, barbering or cosmetology instructors, aestheticians, electrologists and manicurists and providing a penalty.

By Senator Moore; cosponsored by Representatives L. Young, Riley, Williams and Turner.

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

**Senate Bill 478**

Relating to: grants to political subdivisions for landfill cleanups, a municipal landfill cleanup fee, granting bonding authority, granting rule-making authority and making appropriations.

By Senators Clausung, Roessler, Wirch and Burke; cosponsored by Representatives Harsdorf, Black, Hoven, Baumgart, Sykora, Hasenohrl, Vrakas, Notestein, Musser, Robson and Otte.

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

**Senate Bill 479**

Relating to: The tuition revenue expenditure authority of the board of regents of the University of Wisconsin System and making an appropriation.

By Senator Jauch; cosponsored by Representatives Plouff, Bock, Turner, F. Lasee, Meyer, Notestein, Nass, Hasenohrl and Baldwin.

To committee on **Education.**

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**REPORT OF COMMITTEES**

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

**Senate Bill 417**

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

Passage.

Ayes, 6 – Senators C. Potter, Jauch, Shibilski, Grobschmidt, Darling and Roessler.

Noes, 2 – Senators Huelsman and Fitzgerald.

Calvin Potter  
Chairperson

The committee on **Utility Regulation** reports and recommends:

**Assembly Bill 474**

Relating to: contracts between gas utilities and individual customers.

Concurrence.

Ayes, 6 – Senators Moen, Clausung, Shibilski, Rude, Welch and Farrow.

Noes, 0 – None.

Rodney Moen  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

**Southeast Wisconsin Professional Baseball Park District**

February 19, 1998

The Honorable, The Senate:

Enclosed please find the Miller Park monthly progress report for the month of January 1998 for your review and consideration.

Miller Park continues to move forward toward our “four for four” objectives of building a quality facility, on time, within budget and with meaningful community participation.

- With over 70% of our design completed, we are confident that Miller Park will meet or exceed our expectations, and will ensure the success of Major League Baseball in Wisconsin for generations to come.
- With approximately 30% of our construction efforts completed, we remain on schedule for playing ball in Miller Park on opening day in the year 2000.
- Miller Park continues to remain on budget. We have not experienced any rising costs or cost overruns. Our project budget today is exactly the same as the budget we adopted prior to breaking ground in the fall of 1996.
- Minority-owned businesses have received 24.3% and women-owned businesses have received 4.8% of total Miller Park project expenditures to date. We are well on our way toward meeting our goals and objectives of 25% and 5% respectively.
- Through late 1997, 18 of our 22 prime construction contracts are with state of Wisconsin firms. Furthermore, 74 of our 76 first tier construction subcontracts are with state of Wisconsin firms.

All of the above facts indicate the successes we continue to experience in the construction of Miller Park. 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., R.L.S.  
Director

**State of Wisconsin  
Legislative Audit Bureau**

February 23, 1998

The Honorable, The Legislature:

We have completed an evaluation of Menominee County as directed by the Joint Legislative Audit Committee. Menominee County faces unique financial problems because just 1 percent of its land is subject to local property taxes, while nearly all the rest is held in federal trust for the benefit of the Menominee Indian Tribe of Wisconsin.

The county's financial condition is poor; its expenditures have exceeded revenues for five of the last seven years, and it ended 1997 with a deficit of approximately \$75,684. Although the county's taxable property is mostly lake property and has therefore increased rapidly in value, the total assessed value of \$144 million is lowest among all counties. Tax bills paid by county residents are high in comparison to surrounding towns and towns in other counties with lake property, and services such as road maintenance and fire protection provided to county residents are limited. At the same time, the county's high poverty, unemployment, and crime rates place high demands on the human services programs and law enforcement.

If property taxes are to be held to a reasonable level and residents of Menominee County are to be provided even minimally acceptable services, the State may have to provide financial assistance to Menominee County, at least for a time. During that time, the Legislature will need to pursue federal legislation that will cause the federal government to assume greater responsibility for the burdens associated with federal trust lands.

We also identified a series of needed management improvements, which we discuss in a management letter to the Menominee County Board.

We appreciated the courtesy and cooperation extended to us by officials of Menominee County and the Menominee Indian Tribe of Wisconsin.

Sincerely,

DALE CATTANACH  
State Auditor

**State of Wisconsin  
Wisconsin Legislative Council Staff**

February 20, 1998

The Honorable, The Senate:

Enclosed is a copy of the *1997 Annual Report on the Legislative Council Rules Clearinghouse*, submitted to the Legislature pursuant to s. 227.15 (5), Stats. Copies have been distributed to the offices of each member of the Legislature.

The report covers the 18th full calendar year of operation of the Rules clearinghouse. I trust that it will be found to be informative.

Sincerely,

DAVID J. STUTE  
Director

**State of Wisconsin  
Department of Public Instruction**

March 1, 1998

The Honorable, The Senate:

Wisconsin school laws include the following provision in section 115.45 (6)(b) and (c):

SECTION 115.45 Grants for preschool to grade 5 programs.

(6) The state superintendent shall:

(b) By March 1, 1986, and annually thereafter, submit

to the joint committee on Finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s.13.172(3), a budget report detailing the grants he or she intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4)(b) and include a description of the guidelines used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

(c) Annually submit to the legislature under s. 13.172 (2) a report on the academic progress made by pupils enrolled in preschool to grade 5 programs under this section.

All Preschool-to-Grade-5 (P-5) Evaluation Reports for 1996-97 are contained herein as well as a report on the academic progress for all schools funded by the P-5 program. If you have questions, please contact my office or Sandra Dercole in the DPI Office of Urban Education (414-227-4466).

Sincerely,

JOHN T. BENSON  
State Superintendent

Referred to committee on **Education.**

**State of Wisconsin  
Ethics Board**

February 17, 1998

The Honorable, The Senate/Legislature:

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.

**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:

**Local Union 2150, IBEW**

Sherman, Daniel

**Nicolet Minerals Company (formerly Crandon Mining)**

Cumming, Donald

**Out of State Landowners Assn, Inc., Wisconsin**

Swandby, Janet

**Power and Light Company, Wisconsin**

Harvey, William

**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.

**Local Union 2150, IBEW**

Kowalkowski, Joseph 2/17/98

**Primary Health Care Assn, Wisconsin**

Friedsam, Donna 2/13/98

**Varco-Pruden Buildings**

Broydrick, William 2/17/98

Oakley, Kara 2/17/98

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 24, 1998

The Honorable, The Senate/Legislature:

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.

**Commercial-Free Public Education, The Center for**  
(Limited Lobbying organization)

**Financial Service Centers Wis Alliance of**

Subject(s): Any legislation or agency role that affects currency exchange licensee, as well as SS 138.09.

Essie, Patrick

**Professional Geologists--WI Chapter, Amer. Inst. of**

Subject(s): Any legislation or rule which may affect the licensure and/or practice of the science of geology in the State of Wisconsin.

Peshek, Peter

Wiley, Lawrence A

**S C Johnson & Son Inc**

Subject(s): Any function or activity of any branch, department or phase of state or local government; agriculture; environment; taxation; regulation or business; finance or insurance, or other topics pertaining to the general public health and welfare including 1997 Assembly Bill 114.

Kuehn, Ronald W

**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:

**Fire Chiefs Assn, Wisconsin State**

Brown, George

**Madison Area Builders Assn**

Rosenberg, Stuart

**Nicolet Minerals Company (formerly Crandon Mining)**

Langenfeld, Mark

**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.

**Koch Industries, Inc**

Remsik, Jeffrey J 2/20/98

**Lutheran Social Services of Wisconsin and Upper Michigan, Inc**

Kelly, Erin 2/19/98

**Madison Area Builders Assn**

Semmann, Michael 2/18/98

**Organization's cessation of lobbying activity:**

The following organizations previously registered with the Ethics Board as employers of lobbyists have indicated a cessation of all lobbying activity effective on the dates shown.

**Energy Independence, Inc., Wisconsin Citizens for** 2/18/98

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

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BAST, RONALD R., of Richfield, as a member of the Auctioneer Board, to serve for the term ending May 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BENNING, CYNTHIA A., of Fox Point, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRANDAU, ROBERT R., of Wilton, as a member of the Auctioneer Board, to serve for the term ending May 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FICKS, JUDITH E., of Mequon, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GAUGER, LYNN J., of Brookfield, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GILL, WILBER G., of Oconomowoc, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KELL, SUSAN A., of Madison, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KNIGHT, DOUGLAS V., of Eau Claire, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LINDGREN, RUTH E., of Whitewater, as a member of the Board of Nursing, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MULDER, ROBERT F., JR., of West Salem, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RASMUSSEN, CHARLOTTE L., of Ringle, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 20, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WEED, L. DUANE, of Necedah, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 20, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ZAGZEBSKI, EDWIN J., of Schofield, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

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

The committee on **Insurance, Tourism and Rural Affairs** reports and recommends:

**Senate Clearinghouse Rule 97-099**

Relating to life insurance solicitations.

No action taken.

Roger Breske  
Chairperson

**Senate Bill 406**

Relating to: the Wisconsin Humanities Council and making an appropriation.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**Senate Bill 376**

Relating to: technical college for certain Wisconsin works participants.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1) (e).

**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 456** offered by Senator Darling.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1997 SENATE BILL 333**

Prepared by the Legislative Reference Bureau  
(February 16, 1998)

1. Page 10, line 5: delete "10% of" and substitute "10% or".

**CORRECTIONS IN:**

**1997 SENATE BILL 416**

Prepared by the Legislative Reference Bureau  
(February 19, 1998)

1. Page 5, line 10: delete "1The" and substitute "1. The".

2. Page 5, line 11: delete "2The" and substitute "2. The".