



STATE OF WISCONSIN

Senate Journal

Ninety–Third Regular Session

10:00 A.M.

TUESDAY, March 11, 1997

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Adelman, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Absent – Senator A. Lasee – 1.

Absent with leave – None.

The Senate stood for the prayer which was offered by silent meditation.

The Senate remained standing and Senator Wirch led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 109

Relating to: electronic filing of certain campaign finance reports with the elections board and making an appropriation.

By Senators Adelman, Drzewiecki, Breske, Buettner, Chvala, Clausing, Cowles, Darling, Huelsman, Jauch, Moore, Plache, Risser, Rosenzweig, Rude, Schultz, Welch and Wirch; cosponsored by Representatives Baldwin, Walker, Ainsworth, Albers, Baumgart, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Cullen, Dobyns, Duff, Freese, Green, Hahn, Hanson, Harsdorf, Hasenohrl, Huber, Hutchison, Johnsrud, Kelso, Kreibich, Kreuser, Krug, Vander Loop, Wasserman, La Fave, F. Lasee, J. Lehman, Meyer, Morris–Tatum, Murat, Musser, Notestein, Olsen, Otte, Plale, Plouff, Porter, R. Potter, Reynolds, Riley, Robson, Ryba, Schafer, Schneider, Seratti, Skindrud, Springer, Travis, Turner, Underheim, R. Young and Ziegelbauer.

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

Senate Bill 110

Relating to: the appointment of the secretary of agriculture, trade and consumer protection.

By Senators Clausing, Decker, Moen, C. Potter, Breske and Wineke; cosponsored by Representatives Gronemus, Springer, Dueholm, Huber, Plouff, Baumgart, Baldwin, Hasenohrl, Black, Bock, R. Young and Cullen.

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

Senate Bill 111

Relating to: advertising practices of public utilities and sewerage service providers.

By Senators Cowles, Darling, Rude, Schultz and Farrow; cosponsored by Representatives Jensen, Duff, Gronemus, Ainsworth, Urban, Goetsch, Musser, Nass, F. Lasee, Kelso, Ladwig and Seratti.

To committee on **Utility Regulation.**

REPORT OF COMMITTEES

The committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** reports and recommends:

Senate Bill 112

Relating to: the temporary placement of young adult offenders at a juvenile secured correctional facility and making appropriations.

Introduction.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

Rodney Moen
Chairperson

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

Senator Chvala, with unanimous consent, asked that the Senate recess until 12:20 P.M..

10:12 A.M.

RECESS

12:20 P.M.

The Senate reconvened.

Senator Risser in the chair.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Audit Bureau

March 10, 1997

The Honorable, The Legislature:

We have completed a biennial evaluation of the performance of the Wisconsin Lottery, as required by s.13.94 (1)(em), Wis. Stats. We have examined the possible causes for a recent decline in lottery sales which began in fiscal year 1995–96, when sales fell 7.1 percent, or from \$518.9 million in the previous year to \$482.1 million. The decline is expected to continue through the current fiscal year and the next biennium, when sales are expected to reach only \$440.5 million annually, even with proposed budget initiatives intended to support sales.

This decline, and an October 1996 court decision that prevented the distribution of property tax credits from lottery proceeds until another method can be devised in accordance with the state constitution, have raised questions regarding the benefits of having a state lottery.

The probable causes of the sales decline can be found in factors both outside and within the control of the Legislature and lottery administrators. Lotteries appear to attract less interest as they age, but certain practices that can increase sales, such as introduction of casino-type games and promotional advertising, are constitutionally prohibited to the Wisconsin Lottery. However, policy and administrative actions also contributed to the decline of sales. For example, the Legislature has withheld support for initiatives that might have supported sales, and administrative efforts to privatize virtually all lottery functions were largely unsuccessful, leading to essential functions such as contacts with retailers being performed minimally, if at all.

If the Legislature is interested in increasing sales or preventing further sales declines, we offer suggestions for several actions that could be taken. We appreciate the courtesy and cooperation extended to us by the Department of Revenue. A response from the Department is Appendix II.

Sincerely,

DALE CATTANACH
State Auditor

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 113

Relating to: the temporary placement of young adult offenders at a juvenile secured correctional facility.

By Senators Moen, Rude, Burke and Chvala; cosponsored by Representatives Johnsrud and Goetsch.

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

Senator Moen, with unanimous consent, asked that **Senate Bill 113** be withdrawn from the committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** and taken up.

Senate Bill 113

Relating to: the temporary placement of young adult offenders at a juvenile secured correctional facility.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 113

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, Moen, Moore, Panzer, Plache, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator A. Lasee – 1.

Passed.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

EXECUTIVE COMMUNICATIONS

Senator Moen, with unanimous consent, asked that all appointments be taken up en masse.

LEAVES OF ABSENCE

Senator Ellis, with unanimous consent, asked that Senator A. Lasee be granted a leave of absence for today's session.

BLESSINGTON, ROBERT C., of Milwaukee, as a member of the Prison Industries Board, to serve for the term ending July 1, 1998.

Read.

DODSON, REBECCA A., of Wausau, as a member of the Medical Examining Board, to serve for the term ending July 1, 2000.

Read.

GROSSMAN, DR. RONALD E., of River Hills, as a member of the Medical Examining Board, to serve for the term ending July 1, 2000.

Read.

HEINEMANN, VIRGINIA S., of Wausau, 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, 2000.

Read.

HEMPE, CORNELIA G., of Beloit, 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, 2000.

Read.

LADD, MARK A., of Racine, 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, 1999.

Read.

PATTERSON, MIKKI, of Madison, as a member of the Medical Examining Board, to serve for the term ending July 1, 2000.

Read.

WILKIE, GERALD L., of Eau Claire, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1999.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, Moen, Moore, Panzer, Plache, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator A. Lasee – 1.

Confirmed.

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

The committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** reports and recommends:

Senate Clearinghouse Rule 96–158

Relating to continuing medical education for podiatrists.

No action taken.

Senate Clearinghouse Rule 96–173

Relating to the grounds for discipline for individuals who are credentialed as speech–language pathologists and audiologists.

No action taken.

Rodney Moen
Chairperson

**SECOND READING AND
AMENDMENTS OF SENATE JOINT
RESOLUTIONS AND SENATE BILLS**

Senate Bill 3

Relating to: issuance of metallic mining permits for the mining of sulfide ore bodies.

Read a second time.

Senator Ellis, with unanimous consent, asked that the Senate recess until 1:12 P.M..

12:36 P.M.

RECESS

1:12 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senate amendment 1 to **Senate Bill 3** offered by Senator Welch.

Senate amendment 1 to Senate amendment 1 to **Senate Bill 3** offered by Senator Chvala.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 3**?

The ayes and noes were demanded and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, Moen, Moore, Panzer, Plache, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator A. Lasee – 1.

Adopted.

Senate amendment 2 to Senate amendment 1 to **Senate Bill 3** offered by Senator Chvala.

The question was: Adoption of Senate amendment 2 to Senate amendment 1 to **Senate Bill 3**?

Adopted.

Senator Chvala moved rejection of Senate amendment 1 to **Senate Bill 3**.

The question was: Rejection of Senate amendment 1 to **Senate Bill 3**?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Decker, Jauch, Moen, Plache, C. Potter, Risser, Schultz, Shibilski, Wineke and Wirch – 15.

Noes – Senators Breske, Buettner, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Moore, Panzer, Rosenzweig, Rude, Weeden, Welch and Zien – 17.

Absent or not voting – Senator A. Lasee – 1.

Rejection refused.

Senate amendment 3 to Senate amendment 1 to **Senate Bill 3** offered by Senator Wineke.

Senator Welch moved rejection of Senate amendment 3 to Senate amendment 1 to **Senate Bill 3**.

The question was: Rejection of Senate amendment 3 to Senate amendment 1 to **Senate Bill 3**?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Breske, Buettner, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, Moore, Panzer, Rosenzweig, Rude, Weeden, Welch and Zien – 15.

Noes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Darling, Decker, George, Jauch, Moen, Plache, C. Potter, Risser, Schultz, Shibilski, Wineke and Wirch – 17.

Absent or not voting – Senator A. Lasee – 1.

Rejection refused.

Senator Chvala, with unanimous consent, asked that the Senate return to the eighth order of business.

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 61

Adopted and asks concurrence in:

Assembly Joint Resolution 37

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 61

Relating to: fees for fish and game licenses and stamps, bear hunting, shining bear, the bear hunting approval system, the wildlife damage surcharge and granting rule–making authority.

By Representatives Gunderson, Linton, Johnsrud, Baumgart, Ainsworth, Dueholm, Hutchison, Murat, Ourada, Schafer, Boyle, Dobyns, Ott, Olsen, Underheim and M. Lehman; cosponsored by Senators Shibilski, Jauch, Huelsman, Moore and Risser.

Read first time and referred to committee on **Agriculture and Environmental Resources**.

Assembly Joint Resolution 37

Relating to: celebrating Saint Patrick's Day.

By Representative Plale; cosponsored by Senator Burke.

Read and referred to committee on **Senate Organization**.

**SECOND READING AND
AMENDMENTS OF SENATE JOINT
RESOLUTIONS AND SENATE BILLS**

Senate Bill 3

Relating to: issuance of metallic mining permits for the mining of sulfide ore bodies.

The question was: Adoption of Senate amendment 3 to Senate amendment 1 to **Senate Bill 3**?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Decker, Jauch, Moen, Moore, Plache, C. Potter, Risser, Schultz, Shibilski, Wineke and Wirch – 16.

Noes – Senators Breske, Buettner, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Panzer, Rosenzweig, Rude, Weeden, Welch and Zien – 16.

Absent or not voting – Senator A. Lasee – 1.

Adoption Refused.

The question was: Adoption of Senate amendment 1 to **Senate Bill 3**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Breske, Buettner, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Moore, Panzer, Rosenzweig, Rude, Weeden, Welch and Zien – 17.

Noes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Decker, Jauch, Moen, Plache, C. Potter, Risser, Schultz, Shibilski, Wineke and Wirch – 15.

Absent or not voting – Senator A. Lasee – 1.

Adopted.

Senator Plache, with unanimous consent, asked that the Senate recess until 3:29 P.M..

2:37 P.M.

RECESS

3:29 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senate amendment 2 to **Senate Bill 3** offered by Senators Wineke, Jauch, Burke, Decker and Chvala.

Senate amendment 3 to **Senate Bill 3** offered by Senator Chvala.

Senator Wineke, with unanimous consent, asked that consideration of Senate amendment 2 to **Senate Bill 3** be placed after Senate amendment 3 to **Senate Bill 3**.

The question was: Adoption of Senate amendment 3 to **Senate Bill 3**?

Adopted.

Senator Wineke, with unanimous consent, asked that Senate amendment 2 to **Senate Bill 3** be laid on the table.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 3

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Fitzgerald, George, Grobschmidt, Jauch, Moen, Moore, Panzer, Plache, C. Potter, Risser, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 29.

Noes – Senators Buettner, Farrow and Huelsman – 3.

Absent or not voting – Senator A. Lasee – 1.

Passed.

Senate Bill 68

Relating to: changing the name of the department of industry, labor and job development to the department of workforce development.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 68

Read a third time and passed.

**SECOND READING AND
AMENDMENTS OF ASSEMBLY JOINT
RESOLUTIONS AND ASSEMBLY BILLS**

Assembly Joint Resolution 25

Relating to: the life and public service of Eugene Zdroik.

The question was: Shall **Assembly Joint Resolution 25** be concurred in?

Concurred in.

Assembly Joint Resolution 32

Relating to: the life and public service of John Lyons Doyne.

The question was: Shall **Assembly Joint Resolution 32** be concurred in?

Concurred in by unanimous rising vote.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Assembly Bill 145

Relating to: the salary of the research director of the joint survey committee on retirement systems.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 145

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that the Senate return to the fourth order of business.

REPORT OF COMMITTEES

The committee on **Agriculture and Environmental Resources** reports and recommends:

Assembly Bill 61

Relating to: fees for fish and game licenses and stamps, bear hunting, shining bear, the bear hunting approval system, the wildlife damage surcharge and granting rule-making authority.

Concurrence.

Ayes, 4 – Senators Clausing, Shibilski, Wirch and Zien.

Noes, 0 – None.

Alice Clausing
Chairperson

Senator Chvala, with unanimous consent, asked that **Assembly Bill 61** be withdrawn and taken up at this time.

Assembly Bill 61

Relating to: fees for fish and game licenses and stamps, bear hunting, shining bear, the bear hunting approval system, the wildlife damage surcharge and granting rule-making authority.

Read a second time.

Senate amendment 1 to **Assembly Bill 61** offered by Senator Shibilski.

POINT OF ORDER

Senator Chvala raised the point of order that Senate amendment 1 to **Assembly Bill 61** is not germane.

The Chair ruled the point well taken.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 61

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Adelman, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Grobschmidt, Huelsman, Jauch, Moen, Moore, Panzer, Plache, C. Potter, Risser, Rosenzweig, Rude, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 30.

Noes – Senators Fitzgerald and Schultz – 2.

Absent or not voting – Senator A. Lasee – 1.

Concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Joint Resolution 37** be withdrawn from the committee on **Senate Organization** and taken up.

Assembly Joint Resolution 37

Relating to: celebrating Saint Patrick's Day.

The question was: Shall **Assembly Joint Resolution 37** be concurred in?

Concurred in.

MOTIONS MAY BE OFFERED

Senators Buettner, Rosenzweig and Schultz, with unanimous consent, asked to be made coauthors of **Senate Bill 105**.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 105**.

Senator Cowles, with unanimous consent, asked to be added as a coauthor of **Senate Bill 105**.

**ANNOUNCEMENTS, ADJOURNMENT
HONORS AND REMARKS UNDER SPECIAL
PRIVILEGE**

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Randy Jablonic and recognizing March 15, 1997 as Randy Jablonic Day he has coached the University of Wisconsin – Madison Men's Crew team for 37 dedicated years.

ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, March 13 at 10:00 A.M..

Adjourned.

4:46 P.M.