



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fourth Regular Session

10:00 A.M.

WEDNESDAY, November 10, 1999

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 Baumgart, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Erpenbach, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Farrow 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 287**

Relating to: registration of reductions in certain air emissions and granting rule-making authority.

By Senators Burke, Cowles, Clausing, Rosenzweig, Darling and Roessler; cosponsored by Representatives Kaufert, Bock, Turner, Plouff, Black, J. Lehman, Pocan, Miller and Sinicki.

To committee on **Agriculture, Environmental Resources and Campaign Finance Reform**.

#### **Senate Bill 288**

Relating to: military honors funerals for veterans and making an appropriation.

By Senators Moen, Risser, Breske, Decker, Burke, Fitzgerald, Lazich, Grobschmidt, Wirch, Baumgart, Roessler, Clausing, Schultz, Darling, Drzewiecki, Farrow, Welch, Rude, Zien, Jauch, George, A. Lasee, Huelsman, Erpenbach, Shibilski and Cowles; cosponsored by Representatives Brandemuehl, Musser, Turner, Waukau, Grothman, Meyerhofer, Porter, Hahn, Riley, Bock, J. Lehman, Albers, Goetsch, Petrowski, Plouff, Ladwig, Kelso, Sykora, Seratti, Hasenohrl, Spillner, Gundrum, Kestell, Montgomery, Ryba, Nass, Pettis, Rhoades, Owens, Plale, Cogg, Skindrud, Gunderson, Huber, Kreuser, Lassa, Hundertmark, Huebsch, Handrick, Boyle, Underheim, Reynolds, Kreibich, Carpenter, Schneider, Hutchison, Suder, Gard, Gronemus, Ott, Morris–Tatum, Hoven, Meyer, Vrakas,

Hubler, La Fave, Travis, Johnsrud, Pocan, Ward, Jensen, Black, Wieckert and Miller.

To committee on **Health, Utilities, Veterans and Military Affairs**.

### REPORT OF COMMITTEES

The committee on **Agriculture, Environmental Resources and Campaign Finance Reform** reports and recommends:

#### **Senate Bill 181**

Relating to: campaign financing with respect to the office of justice of the supreme court, making appropriations and providing penalties.

Passage.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

Alice Clausing  
Chairperson

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

#### **Assembly Bill 409**

Relating to: the coverage of the prevailing wage and hours of labor law, the definition of prevailing hours of labor, the determination of prevailing wage rates and granting rule-making authority.

Concurrence.

Ayes, 5 – Senators Baumgart, Decker, Breske, Zien and Farrow.

Noes, 0 – None.

#### **Assembly Bill 547**

Relating to: various changes to the worker's compensation law.

Concurrence.

Ayes, 5 – Senators Baumgart, Decker, Breske, Zien and Farrow.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Senate Organization** reports and recommends:

#### **Senate Joint Resolution 25**

Relating to: declaring November as Diabetes Awareness Month.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.

Noes, 0 – None.

Charles Chvala  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

November 9, 1999

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 1999 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>.

- Gallo, Donald P     **City of Waukesha**
- Itkin, Laurie       **Sprint**
- Klibowitz, Lynn   **International Brotherhood of Electrical Workers, Wis State Conference**
- Mlynarczyk, Mark   **HLR Service Corporation**
- Petersen, Laura    **Madison Area Builders Association**
- Stitt, Donald       **Medical College of Wisconsin**
- Winters, Amy       **American Crop Protection Association**

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,

ROTH JUDD  
Director

Senator Robson, with unanimous consent, asked that the Senate recess until 11:40 A.M..

10:10 A.M.

**RECESS**

11:40 A.M.

The Senate reconvened.

Senator Risser in the chair.

**EXECUTIVE COMMUNICATIONS**

Senator Chvala, with unanimous consent, asked that the appointment of RICHARD L. DEAN be laid on the table.

Senator Chvala, with unanimous consent, asked that the appointment of FRANCIS W. "BILL" MURPHY of Portage, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005 be placed at the foot of the 11th order of business on the calendar of November 10, 1999.

Senator Chvala, with unanimous consent, asked that the appointment of GERALD M. O BRIEN of Stevens Point, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005 placed at the foot of the 11th order of business on the calendar of November 10, 1999.

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

**Senate Clearinghouse Rule 99-045**

Relating to volatile organic compound capture efficiency test methods.

Submitted by Department of Natural Resources.

Report received from Agency, November 9, 1999.

Referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**, November 10, 1999.

**Senate Clearinghouse Rule 99-064**

Relating to boilers and pressure vessels.

Submitted by Department of Commerce.

Report received from Agency, November 9, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, November 10, 1999.

**Senate Clearinghouse Rule 99-067**

Relating to national emission standards for hazardous air pollutants for the printing and publishing industry.

Submitted by Department of Natural Resources.

Report received from Agency, November 9, 1999.

Referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**, November 10, 1999.

**Senate Clearinghouse Rule 99-096**

Relating to the marking and tagging of set or bank poles in inland waters.

Submitted by Department of Natural Resources.

Report received from Agency, November 9, 1999.

Referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**, November 10, 1999.

**Senate Clearinghouse Rule 99-108**

Relating to groundwater quality standards.

Submitted by Department of Natural Resources.

Report received from Agency, November 9, 1999.

Referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**, November 10, 1999.

**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 272**
- Assembly Bill 324**
- Assembly Bill 390**
- Assembly Bill 422**
- Assembly Bill 482**
- Assembly Bill 490**
- Assembly Bill 491**
- Assembly Bill 535**
- Assembly Bill 560**
- Assembly Bill 561**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 272**

Relating to: the issuance of wild turkey hunting licenses to qualified resident landowners.

By Representatives Gunderson, Johnsrud, Brandemuehl, Freese, Gard, Goetsch, Gronemus, Hahn, Hundertmark, Albers, Montgomery, Musser, Owens, Petrowski, Powers, Seratti and Spillner; cosponsored by Senators Farrow, Lazich, Rude, Schultz and Welch.

Read first time and referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform.**

**Assembly Bill 324**

Relating to: employment discrimination based on creed and exemption from liability and discipline for physicians, nurses, pharmacists, other health care providers and hospital employes who refuse to participate in sterilization, abortion, assisted suicide and other procedures on moral or religious grounds.

By Representatives Walker, Staskunas, Gundrum, Rhoades, Huebsch, Ryba, Kestell, Urban, Owens, Ziegelbauer, Handrick, Kreibich, Jeskewitz, Hutchison, F. Lasee, Meyerhofer, Ladwig, Freese, Musser, Kedzie, Sykora, Albers, Plale, Grothman, Goetsch, Wieckert, Seratti, Gunderson, Nass, Montgomery, Spillner, Pettis, Leibham, Stone, Duff, Waukau and Gard; cosponsored by Senators Breske, Roessler, Farrow, Drzewiecki, Fitzgerald, Schultz, Welch, Cowles, Lazich and Zien.

Read first time and referred to committee on **Judiciary and Consumer Affairs.**

**Assembly Bill 390**

Relating to: the definition of tangible personal property that is subject to a sales or use tax.

By Representatives M. Lehman and Wood, by request of Department of Revenue.

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

**Assembly Bill 422**

Relating to: bag and possession limits for panfish in the boundary waters between Iowa and this state.

By Representatives Johnsrud, Brandemuehl, Gronemus, Gunderson, Petrowski, Hahn and Owens; cosponsored by Senators Schultz, Clausing, Rude, Baumgart, Cowles and Farrow.

Read first time and referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform.**

**Assembly Bill 482**

Relating to: specific information signs advertising seasonal food service.

By Representatives Seratti, Ainsworth, Brandemuehl, Gunderson, Handrick, Hasenohrl, Hundertmark, Kaufert, Kelso, Kreibich, F. Lasee, Musser, Olsen, Petrowski, Pettis, Ryba, Stone and Vrakas; cosponsored by Senator Breske.

Read first time and referred to committee on **Insurance, Tourism, Transportation and Corrections.**

**Assembly Bill 490**

Relating to: the designation and duties of chief warden, deputy chief warden, internal affairs officer and complaint officer within the department of natural resources.

By Joint Legislative Council.

Read first time and referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform.**

**Assembly Bill 491**

Relating to: authorizing conservation wardens to enforce the trespass law and prohibitions on shooting at caged or staked wild animals and to make arrests under warrants issued for felonies or misdemeanors.

By Joint Legislative Council.

Read first time and referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform.**

**Assembly Bill 535**

Relating to: immunity in cases involving wrongful birth and wrongful life.

By Representatives Kedzie, Albers, Gundrum, Ladwig, Ziegelbauer, Walker, Huebsch, Owens, Goetsch, Porter, Leibham, Plale, Nass, Pettis, Urban, Suder, Sykora, Duff, Meyerhofer, Ryba, Spillner, Handrick, Freese, Seratti, Grothman, Ott, Powers, Kreibich, Vrakas, Wieckert and Montgomery; cosponsored by Senators Fitzgerald, Drzewiecki, Lazich, Welch, Roessler, Zien, Farrow and Schultz.

Read first time and referred to committee on **Judiciary and Consumer Affairs.**

**Assembly Bill 560**

Relating to: prohibiting nudity on certain land and providing a penalty.

By Representatives Johnsrud, Jensen, Albers, Ward, Freese, Duff, M. Lehman, Ladwig, Porter, Owens, Montgomery, Gundrum, Hahn, Walker, Vrakas, Brandemuehl, Spillner and Kedzie; cosponsored by Senators Schultz, Zien, Drzewiecki, Welch and Farrow.

Read first time and referred to committee on **Judiciary and Consumer Affairs.**

**Assembly Bill 561**

Relating to: the possession of barbed hooks while fishing.

By joint committee for review of Administrative Rules.

Read first time and referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform.**

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

**Senate Joint Resolution 25**

Relating to: declaring November as Diabetes Awareness Month.

Read.

Adopted.

**Senate Bill 5**

Relating to: following snowplows.

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 5**

Read a third time and passed.

**Senate Bill 181**

Relating to: campaign financing with respect to the office of justice of the supreme court, making appropriations and providing penalties.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 181** be referred to the Joint Committee on **Finance**.

**Senate Bill 260**

Relating to: sale or rental of certain information pertaining to minors by state agencies.

Read a second time.

Senate amendment 1 to **Senate Bill 260** offered by Senators Erpenbach and Rude.

The question was: Adoption of Senate amendment 1 to **Senate Bill 260**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 260**

Read a third time and passed.

MURPHY, FRANCIS W. "BILL", of Portage, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005.

The question was: Rejection?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausing, Decker, Erpenbach, George, Grobschmidt, Jauch, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Rejected.

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

O BRIEN, GERALD M., of Stevens Point, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Erpenbach, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Chvala, with unanimous consent, asked that the Senate recess until 4:38 P.M..

1:15 P.M.

**RECESS**

4:38 P.M.

The Senate reconvened.

Senator Risser in the chair.

The Chair, 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 113**

**Assembly Bill 576**

**Assembly Bill 584**

Adopted and asks concurrence in:

**Assembly Joint Resolution 14**

Concurred in:

**Senate Joint Resolution 27**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 113**

Relating to: the display of the U.S. flag and offering of the pledge of allegiance or the national anthem in public and private schools.

By Representatives Jensen, Pettis, Petrowski, Montgomery, Suder, Townsend, Leibham, Kelso, Spillner, Kedzie, Ladwig, Huebsch, Hahn, Freese, M. Lehman, Seratti, Albers, Ryba, Plale, Sykora, Goetsch, Musser, Owens, Ainsworth, Urban, Hoven, Johnsrud, Handrick, Kreibich, Meyerhofer, Schooff, Vrakas, F. Lasee, Duff, Nass, Wieckert, Ott and Ward; cosponsored by Senators Zien, Fitzgerald, Welch, Schultz, Roessler and Darling.

Read first time and referred to committee on **Education**.

**Assembly Bill 576**

Relating to: authorizing a school board to create a capital improvement fund and adjusting a school district's revenue limit.

By Representatives Steinbrink, Porter, Kreuser and Olsen; cosponsored by Senator Wirch.

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

**Assembly Bill 584**

Relating to: death benefits under the Wisconsin retirement system.

By Representative Vrakas; cosponsored by Senator Wirch.

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

**Assembly Joint Resolution 14**

Relating to: urging Congress and the President to enact legislation to allow concurrent receipt of military longevity pay and disability benefits.

By Representatives Musser, Ryba, Turner, Freese, Hahn, Sykora, Pettis, Kreuser, Suder, Handrick, Plouff, Boyle, Plale, Porter, Goetsch, Spillner, Owens, Vrakas, Lassa, Hasenohrl, Gronemus, Seratti, Gunderson, Grothman, Powers, Skindrud, Nass, Albers and Kelso; cosponsored by Senators Erpenbach, Breske, Wirch, Fitzgerald, Clausing, Darling, Roessler and Schultz.

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 576** be withdrawn from the committee on **Economic Development, Housing and Government Operations** and taken up.

Senator Welch objected.

Senator Chvala, with unanimous consent, asked that the Senate recess until 5:19 P.M..

4:49 P.M

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**RECESS**

5:19 P.M.

The Senate reconvened.

Senator Risser in the chair.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, November 11 at 11:15 A.M..

Adjourned.

5:20 P.M.

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**AMENDMENTS OFFERED**

Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 465** offered by Senator George.

Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 465** offered by Senator George.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 237** offered by Senator George.