

STATE OF WISCONSIN
Senate Journal
Ninety–Second Regular Session

WEDNESDAY August 23, 1995

The Senate met.

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 303

Relating to: exempting from income taxation certain employer–paid fringe benefits for mass transit expenses.

By Senators Burke and Risser; cosponsored by Representatives Bock, Baldwin, Black, Boyle, Carpenter, Cullen, R. Potter and R. Young.

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

Senate Bill 304

Relating to: information concerning persons who intend to engage in mining and related entities and denial of mining permits.

By Senators Burke, Chvala, Clausing, C. Potter and Risser; cosponsored by Representatives Black, Baldwin, Bock, Boyle, Carpenter, Dueholm, Hanson, Huber, La Fave, Notestein, Plombon, R. Potter, Springer, Wilder, Wirch and R. Young.

To committee on **Environment and Energy**.

Senate Bill 305

Relating to: the membership of the board of agriculture, trade and consumer protection, contamination of groundwater by pesticides and banning pesticide products that contain atrazine.

By Senators Burke and Risser; cosponsored by Representatives Bock, Baldwin, Boyle, Carpenter, Cullen, La Fave, Notestein, Plache, R. Potter, Robson, R. Young and L. Young.

To committee on **Transportation, Agriculture and Local Affairs**.

Senate Bill 306

Relating to: creating a property tax exemption for wetlands.

By Senators Burke, Chvala, Clausing, C. Potter and Risser; cosponsored by Representatives Black, Baldus, Baldwin, Bock, Boyle, Cullen, Hasenohrl, R. Potter and Springer.

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

Senate Bill 307

Relating to: mining for minerals on lands owned by the state and under the jurisdiction of the department of natural

resources, sale of lands by the department of natural resources and providing a penalty.

By Senators Burke, Chvala, Clausing, C. Potter and Risser; cosponsored by Representatives Black, Baldwin, Bock, Boyle, Carpenter, Cullen, Dueholm, Grobschmidt, Hanson, Huber, R. Potter, Notestein, Wilder, Wirch and R. Young.

To committee on **Environment and Energy**.

Senate Bill 308

Relating to: groundwater standards for mining activities and mining waste facilities.

By Senators Burke, Chvala, Clausing, C. Potter and Risser; cosponsored by Representatives Reynolds, Baldwin, Black, Bock, Boyle, Carpenter, Dueholm, Hanson, La Fave, Notestein, Plombon, R. Potter, Springer, Wilder and R. Young.

To committee on **Environment and Energy**.

Senate Bill 309

Relating to: regulating rural medical centers, granting rule–making authority, making an appropriation and providing penalties.

By Senators Schultz, Rosenzweig, Jauch, Breske, Clausing, Rude, Panzer and Cowles; cosponsored by Representatives Freese, Musser, Hahn, Ourada, Gronemus, Baldus, Harsdorf, Zukowski, Handrick, Vrakas, Boyle, Seratti, Goetsch, Albers, Riley, Ainsworth, Urban, Grothman, Underheim, Brancel and Green, by request of Rural Wisconsin Health Cooperative.

To committee on **Health, Human Services and Aging**.

Senate Bill 310

Relating to: the award of litigation expenses in condemnation proceedings.

By Senator Burke; cosponsored by Representative Bock.

To committee on **Judiciary**.

REPORT OF COMMITTEES

The committee on **Business, Economic Development and Urban Affairs** reports and recommends:

CAVEN, JAMES P., of Madison, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 1996, and for the full term ending May 1, 2000.

Confirmation.

Ayes, 4 – Senators Petak, Buettner, Plewa and Moore.
Noes, 0 – None.

CUSKEY, GARY J., of Spooner, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 1999.

Confirmation.

Ayes, 4 – Senators Petak, Buettner, Plewa and Moore.
Noes, 0 – None.

FAHEY, JOHN W., of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 4 – Senators Petak, Buettner, Plewa and Moore.
Noes, 0 – None.

HAUGESTUEN, JOYCE, of Dallas, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1998.

Confirmation.

Ayes, 4 – Senators Petak, Buettner, Plewa and Moore.
Noes, 0 – None.

KREYER, AUDRIE J., of Fennimore, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 4 – Senators Petak, Buettner, Plewa and Moore.
Noes, 0 – None.

REAVY, MARY, of Racine, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 1995.

Confirmation.

Ayes, 4 – Senators Petak, Buettner, Plewa and Moore.
Noes, 0 – None.

RUF, FRITZ, of Pewaukee, as Executive Director of the Wisconsin Housing and Economic Development Authority, to serve for the term ending February 1, 1997.

Confirmation.

Ayes, 4 – Senators Petak, Buettner, Plewa and Moore.
Noes, 0 – None.

TROTTER, DANNY E., of Edgerton, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 4 – Senators Petak, Buettner, Plewa and Moore.
Noes, 0 – None.

George Petak
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 7	45	August 30, 1995
Senate Bill 39	46	August 30, 1995
Senate Bill 48	44	August 30, 1995

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Menominee Indian Tribe of Wisconsin**

August 14, 1995

The Honorable, The Legislature:

Section 46.35(2) of the statutes requires the American Indian Health Council to submit an annual report to the Legislature and the American Indian Study Committee. I am pleased to send you a copy of our first annual report.

If there are any questions about the report, please feel free to call me at (715)799-5482.

Sincerely,

JERRY L. WAUKAU
Chairperson of the American Indian Council

**State of Wisconsin
Department of Corrections**

July 15, 1995

The Honorable, The Legislature:

Attached is the third quarter report on Prison Industries for the fiscal year ending June 30, 1995, as required by Section 303.019 of the Wisconsin Statutes. This report includes the year-to-date cash balance of each industry.

Prison Industries has a cash deficit of \$2.1 million through the third quarter ending March 31, 1995. The actual cash expenditure for the time period was \$11,368,807. Revenues for the same time period were \$9,284,456. Prison Industries have adequate fixed assets, inventories and receivables to cover the overdraft. A large amount of raw materials have been purchased for processing during the quarter. A 16.515 request has been prepared to cover the additional expenditures made during this fiscal year for orders in-hand thus far. In addition, accounts receivable was \$3.3 million during this period.

The projected profit on the accrual basis for the fiscal year ending June 30, 1995 is \$575,000.

Sincerely,

MICHAEL SULLIVAN
Department of Corrections
JAMES KLAUSER
Department of Administration

**State of Wisconsin
Office of the Commissioner of Insurance**

August 14, 1995

The Honorable, The Legislature:

It has come to our attention that there is an error in the Uncompensated Health Care report you received. The columns in Appendix 3 are not labeled correctly. The data, however, is correct. We are enclosing corrected tables. Please substitute these pages for those in the report previously sent to you.

I apologize for any inconvenience this may have caused you. If you have any questions, please contact Lynnette Gerstner of my office at (608)267-0245.

Sincerely,

TRUDY A. CARLSON PH.D
Director

**State of Wisconsin
Department of Health and Social Services**

August 23, 1995

The Honorable, The Legislature:

In accordance with sec. 1.11(2)(j) Wis. stats., the Department of Health and Social Services reports that it has not conducted any Environmental Impact Statements during the reporting period July 1, 1994, through June 30, 1995. During this time period, the Department has conducted four Environmental

Assessments associated with facilities projects, but none of these required continuation into a full Environmental Impact Statement process.

The following Environmental Assessments were completed.

Winnebago Mental Health Institute Construction of a 60 bed forensic treatment building at the institution, as authorized in the 1993-95 biennial budget.

Lincoln Hills School Construction of an emergency housing structure within the secure perimeter of the institution, as authorized by State Building Commission action on December 20, 1994.

Ethan Allen School Construction of an emergency housing structure within the secure perimeter of the institution, as authorized by State Building Commission action on December 20, 1994.

Youth Development Facility (juvenile boot camp) Conversion and renovation of existing buildings at Camp Williams, in Camp Douglas, WI, for use as a boot camp for juveniles, as authorized in [1993 Act 98](#).

Sincerely,
JOE LEEAN
Secretary

**State of Wisconsin
Department of Health and Social Services**

August 14, 1995

The Honorable, The Senate:

As required in Section [227.485\(9\)](#) and [814.245\(10\)](#) of the Wis. Stats., I am submitting the report concerning decisions and resulting payments of Attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter [227](#) hearing prevails and it is determined the agency's position was not substantially justified. Payments for SFY 1995 are shown on the attached schedule.

In addition, the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. If the hearing examiner determines that the motion of the opposing party in any Chapter [227](#) contested case is frivolous, the examiner may award the state agency all reasonable costs in responding to the motion. In SFY 1995, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report,

Sincerely,
JOE LEEAN
Secretary

**State of Wisconsin
University of Wisconsin**

August 9, 1995

The Honorable, The Legislature:

The University of Wisconsin System is pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section [1.11 \(2\)\(j\)](#) Wisconsin Statutes, this document provides information on the numbers of environmental assessment (EA's) and environmental impact statements (EIS's) completed in the past fiscal year.

This report addresses the activities of the University of Wisconsin System for the period from June 30, 1994 to June 30, 1995.

Sincerely,
KATHARINE C. LYALL
Office of the President

**State of Wisconsin
Ethics Board**

August 22, 1995

To the Honorable the Senate:

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.

International Paper

Subjects: Issues affecting pulp and paper manufacturing.

Cluesner, David R.

Rental Dealers Assn., Wisconsin

Subjects: Areas relating to rental of goods with an option to purchase.

Vaughan, Michael

Organization's authorization of additional lobbyists:

The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

Education Assn. Council, Wisconsin

Craney, Terry

Financial Services Assn., Wisconsin

Stitt, Don

GTECH Corp.

Brozek, Michael

Metropolitan Milwaukee Assn. of Commerce

Courtney, Zakiya

Milwaukee Brewers Baseball Club

Selig, Allan

Prieb, Laurel

Randolph, Eugene

Road Builders Assn., Wisconsin

Petersen, Eric

Wausau Service Corp.

Franken, Andrew

Organization's termination of lobbyists:

Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

Alden Group, Inc.

Keegan, J. Richard 8/18/95

Remsik, Jeffrey J. 8/18/95

Credit Union League, Wisconsin

Nowak, Ellen 8/16/95

Education Assn. Council, Wisconsin
Collins, Richard 8/18/95

Wausau Service Corp.
Gau, Carol 8/18/95

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**

August 16, 1995

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 7	Wisconsin Act 45	August 16, 1995
Senate Bill 39	Wisconsin Act 46	August 16, 1995
Senate Bill 48	Wisconsin Act 44	August 16, 1995

Sincerely,
TOMMY G. THOMPSON
Governor

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

Senate Clearinghouse Rule 93-022

Relating to calf marking by livestock dealers and livestock market operators.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Withdrawn by Agency, August 16, 1995.

Senate Clearinghouse Rule 95-039

Relating to the supervision of apprentices, temporary permit holders and training permit holders in licensed establishments.

Submitted by Department of Regulation and Licensing.

Withdrawn by Agency, August 15, 1995.

Senate Clearinghouse Rule 94-190

Relating to the photograph of the candidate required to be submitted with the application to take the certified public accountant examination.

Submitted by Department of Regulation and Licensing.

Withdrawn by Agency, August 16, 1995.

Senate Clearinghouse Rule 95-006

Relating to fees which the board charges to schools requesting approval under s. 38.51 (10), Stats.

Submitted by Educational Approval Board.

Report received from Agency, August 22, 1995.

Referred to committee on **Education and Financial Institutions**, August 23, 1995.

Senate Clearinghouse Rule 95-081

Relating to electric construction by public utilities requiring commission review and approval.

Submitted by Public Service Commission.

Report received from Agency, August 17, 1995.

Referred to committee on **Environment and Energy**, August 23, 1995.

Senate Clearinghouse Rule 95-109

Relating to third-party testing.

Submitted by Department of Transportation.

Report received from Agency, August 18, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, August 23, 1995.

Senate Clearinghouse Rule 95-116

Relating to indigency evaluation and verification.

Submitted by State Public Defender.

Report received from Agency, August 22, 1995.

Referred to committee on **Judiciary**, August 23, 1995.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 274** offered by Senator Drzewiecki.

Chief Clerk's Report

The Chief Clerk records:

- Senate Bill 7**
- Senate Bill 39**
- Senate Bill 48**

Presented to the Governor on August 15, 1995.