



STATE OF WISCONSIN

Senate Journal

Ninety–Fourth Regular Session

10:00 A.M.

TUESDAY, January 26, 1999

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 12

Relating to: escrowing certain payments to the federal government for the disposal of radioactive waste and making an appropriation.

By Senators Cowles, Baumgart, Clausung, Wirch, Rude, Farrow, Schultz, Huelsman, Plache, A. Lasee, Roessler and Drzewiecki; cosponsored by Representatives Duff, F. Lasee, Hutchison, Ryba, Krug, Plale, Powers, Albers, Hahn, Kelso, Kedzie and Boyle.

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

Senate Bill 13

Relating to: commencement of the fall semester at public schools.

By Senators Breske, Zien, Fitzgerald, George, Schultz, Welch, A. Lasee and Shibilski; cosponsored by Representatives Handrick, Spillner, Stone, Pettis, Vrakas, Seratti, Hutchison, Ladwig and Montgomery.

To committee on **Insurance, Tourism, Transportation and Corrections.**

Senate Bill 14

Relating to: evictions of tenants in buildings used for prostitution.

By Senators Plache, Welch, Darling, Rosenzweig, Roessler and Baumgart; cosponsored by Representatives Colon, La Fave, Plale, Albers, Sykora, Ladwig, Seratti, Riley, Turner, Coggs, Ziegelbauer, J. Lehman, Gronemus, Staskunas, Ryba and Klusman.

To committee on **Judiciary and Consumer Affairs.**

Senate Bill 15

Relating to: changing the name of a minor.

By Senators Wirch, Roessler, Farrow, Fitzgerald and Huelsman; cosponsored by Representatives Foti, Ladwig, Bock, Duff, La Fave, Handrick, J. Lehman, M. Lehman,

Sinicki, Hoven, Stone, Suder, Vrakas, Ward, Staskunas and Cullen.

To committee on **Judiciary and Consumer Affairs.**

Senate Bill 16

Relating to: crimes affecting certain flags and providing penalties.

By Senators Zien, Breske, Fitzgerald, Welch, Drzewiecki, Huelsman, Roessler, Darling, Rude, Panzer, Schultz, Farrow and A. Lasee; cosponsored by Representatives Pettis, Suder, Petrowski, Montgomery, Townsend, Jensen, Sykora, Ziegelbauer, Brandemuehl, Owens, Ryba, Hoven, Kreibich, Gunderson, Albers, Freese, Ladwig, F. Lasee, Ainsworth, Hahn, Urban, Goetsch, Kedzie, Handrick, Vrakas, Johnsrud, Musser, Kreuser, Seratti, Gard, Huebsch, Kelso, Kaufert and Meyerhofer.

To committee on **Judiciary and Consumer Affairs.**

Senate Bill 17

Relating to: covenant marriage and granting rule–making authority.

By Senators Welch, Darling, Roessler and Fitzgerald; cosponsored by Representatives Owens, Ainsworth, Kedzie, Handrick, Vrakas, Goetsch, Jensen, Gunderson, Albers and Gard.

To committee on **Judiciary and Consumer Affairs.**

REPORT OF COMMITTEES

The committee on **Judiciary and Consumer Affairs** reports and recommends:

Assembly Joint Resolution 2

Relating to: the distribution of the net proceeds of the state lottery and certain moneys received by the state that are attributable to pari–mutuel on–track betting and bingo (2nd consideration).

Concurrence.

Ayes, 5 – Senators George, Risser, Clausung, Huelsman and Darling.

Noes, 0 – None.

Senate Joint Resolution 2

Relating to: the distribution of the net proceeds of the state lottery and certain moneys received by the state that are attributable to pari–mutuel on–track betting and bingo (2nd consideration).

Adoption.

Ayes, 5 – Senators George, Risser, Clausung, Huelsman and Darling.

Noes, 0 – None.

Senate Joint Resolution 3

Relating to: 4-year terms of office for district attorneys (2nd consideration).

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Clausing, Huelsman and Darling.

Noes, 0 – None.

Adoption as amended.

Ayes, 5 – Senators George, Risser, Clausing, Huelsman and Darling.

Noes, 0 – None.

Gary George
Chairperson

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

Assembly Joint Resolution 1

Relating to: the life and public service of Representative Joseph C. Czerwinski.

Concurrence.

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

Noes, 0 – None.

Assembly Joint Resolution 7

Relating to: the election of Robin Yount to the Baseball Hall of Fame.

Concurrence.

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

Noes, 0 – None.

Assembly Joint Resolution 8

Relating to: commending the Wisconsin Badgers for their 1999 Rose Bowl victory.

Concurrence.

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

Noes, 0 – None.

Charles Chvala
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Health and Family Services

January 8, 1999

The Honorable, The Senate:

Enclosed is a copy of the Wisconsin Child Abuse and Neglect Annual Report pursuant to s. 48.981(9), Stats. The report includes a statistical analysis of suspected child abuse and neglect reports received by county child protective services agencies in 1996. This report describes the extent of abuse and neglect in Wisconsin and discusses steps Wisconsin has taken to address the needs of maltreated children and their families.

Sincerely,

JOE LEEAN
Secretary

State of Wisconsin
Department of Administration

January 15, 1999

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3)Stats.) and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority

provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of December 1998.

On December 1, 1998 the **Wisconsin Health Education Loan Repayment Fund** balance was –\$3 thousand. This shortfall increased to –\$6 thousand on December 8, 1998 and continued into the month of January 1999. This shortfall was due to the timing of revenues.

On December 11, 1998 the **Wisconsin Environmental Fund** balance was –\$3 thousand. This shortfall increased to –\$551 thousand on December 17, 1998 and continues into the month of January 1999. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund and Wisconsin Environmental Fund shortfalls were not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,

MARK D. BUGHER
Secretary

Referred to joint committee on **Finance**.

State of Wisconsin
Department of Health and Family Services

January 19, 1999

The Honorable, The Senate:

In 1997 Act 27, the 97–99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. DHFS and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to the Department, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections 48.685(5g) and 50.065(5g) of the Wisconsin Statutes direct the Department to submit an annual report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the report for 1998.

Questions about this report should be referred to Linda Dawson, Deputy Chief Legal Counsel, at 608-266-0355.

Sincerely,

JOE LEEAN
Secretary

State of Wisconsin
Department of Administration

January 13, 1999

The Honorable, The Senate:

The Department of Administration is required by s. 16.705(8), Wisc. Stats., to submit a report to the Governor, the Joint Committee on Finance, the Joint Committee on Audit and the Chief Clerk of each house concerning the number, value and

nature of contractual service procurements authorized for each agency during the preceding fiscal year. Enclosed is that report for fiscal year 1997-1998.

The report follows the format of the fiscal year 1996-97 report. Additional information about state contractual services and additional copies of this report are available for committee members by contacting our Bureau of Procurement at (608) 266-2755.

Sincerely,

MARK D. BUGHER
Secretary

**State of Wisconsin
Department of Employment Relations**

January 21, 1999

The Honorable, The Senate:

Pursuant to s.230.04(9)(em), Wis. Stats., I am pleased to submit the Veterans Employment Report for Fiscal Year 98. The report summarizes veteran new hires and on-board statistics for the time period and includes information for each state agency and each institution of the University of Wisconsin System.

Please contact Greg Jones, Administrator of the Division of Affirmative Action, at 266-3017, if you have any questions or need additional information regarding this report.

Sincerely,

PETER D. FOX
Secretary

**State of Wisconsin
Department of Administration**

December 18, 1998

The Honorable, The Legislature:

I have enclosed a copy of the State of Wisconsin's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 1998. This report contains the "general purpose" or combined financial statements, and the combining financial statements for each fund type. As such, it represents a summary of all State transactions during the fiscal year.

I am pleased to report that the Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the State of Wisconsin for its fiscal year 1997 CAFR. The GFOA's Certificate is a prestigious national award recognizing conformance with the highest standards for state and local government financial reports. The State of Wisconsin is again applying for the Certificate, and the 1998 CAFR has been submitted to the GFOA.

A copy of the CAFR is also available on the State of Wisconsin, Department of Administration homepage on the World Wide Web: <http://www.doa.state.wi.us/debf/cafr/FY98/98cafr.htm>.

If you have specific questions regarding the CAFR's contents or comments on its usefulness, please contact me at (608) 266-3628.

Sincerely,

WILLIAM J. RAFTERY, CPA
State Controller

**State of Wisconsin
Legislative Audit Bureau**

January 15, 1999

The Honorable, The Legislature:

This is the biennial report of the operations and performance of the Legislative Audit Bureau for the period January 1, 1997

through December 31, 1998, as required by s. 13.94(1)(j), Wis. Stats.

The Legislative Audit Bureau is a nonpartisan service agency of the Wisconsin Legislature and is responsible for conducting financial and program evaluation audits to assist the Legislature in its oversight of executive branch agencies. The Bureau's reports are received and reviewed by the Joint Legislative Audit Committee. On December 31, 1998, Audit Committee members were:

Senator Mary A. Lazich,	Representative Carol Kelso,
Co-chairperson	Co-chairperson
Senator Peggy Rosenzweig	Representative Stephen Nass
Senator Gary Drzewiecki	Representative John Gard
Senator Robert Wirch	Representative Gregory Huber
Senator Kimberly Plache	Representative Robert
Ziegelbauer	

During 1997 and 1998, the Audit Bureau completed audits and evaluations of a wide range of programs and issues affecting state and local government. This report includes a description of the Bureau and its responsibilities and a summary of our work during this period.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Southeast Wisconsin Professional Baseball Park District**

January 21, 1999

The Honorable, The Legislature:

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

Please feel free to contact me if you have any questions or comments regarding the enclosed report.

Sincerely,

MICHAEL R. DUCKETT, P.E., R.L.S.
Executive Director

EXECUTIVE COMMUNICATIONS

**THE STATE OF WISCONSIN
OFFICE OF THE GOVERNOR**

EXECUTIVE ORDER #360

***Relating to the Continued Existence of Certain
Nonstatutory Committees***

WHEREAS, section 14.019 of the Wisconsin Statutes provides that under the general powers of the office of the governor the governor may, by executive order, create nonstatutory committees in such number and with such membership as desired, to conduct such studies and to advise the governor in such matters as directed; and

WHEREAS, section 14.019 of the Wisconsin Statutes provides that any nonstatutory committee shall expire on the 4th Monday of January of the year in which a new gubernatorial term of office begins unless the governor, by executive order, provides for its continued existence;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby provide that the following nonstatutory entities shall continue to exist:

1. Governor's Advisory Council on Judicial Selection.

2. Governor's Bicycle Coordinating Council.
3. Governor's Blue Ribbon Commission on the Stewardship Program.
4. Governor's Blue Ribbon Commission on Year 2000 Preparedness.
5. Governor's Blue Ribbon Task Force on Aquaculture.
6. Governor's Clean Air Act Amendments Implementation Task Force.
7. Governor's Commission on the United States.
8. Governor's Committee for People with Disabilities.
9. Governor's Council on Forestry.
10. Governor's Council on Natural Resources in Northern Wisconsin.
11. Governor's Council on Physical Fitness and Health.
12. Governor's Juvenile Justice Commission.
13. Governor's Law Enforcement and Crime Commission.
14. Glass Ceiling Commission.
15. Historical Records Advisory Board.
16. Pardon Advisory Board.
17. State Interagency Coordinating Council.
18. Statewide Independent Living Council.
19. Telecommunications Relay Service Council.
20. Wisconsin Coastal Management Council.
21. Wisconsin Humanities Council.
22. Wisconsin International Trade Council.

IN TESTIMONY WHERE OF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty fifth day of January in the year one thousand nine hundred and ninety-nine.

TOMMY G. THOMPSON
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE
Secretary of State

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

Senate Clearinghouse Rule 98-110

Relating to small cities community development block grants for housing.

Submitted by Department of Administration.

Report received from Agency, January 20, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, January 26, 1999.

Senate Clearinghouse Rule 98-124

Relating to charitable organizations.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 22, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, January 26, 1999.

Senate Clearinghouse Rule 98-136

Relating to the applicability of the department's rules that establish criteria and procedures for placement of special needs children in adoptive homes.

Submitted by Department of Health and Family Services.

Report received from Agency, January 22, 1999.

Referred to committee on **Human Services and Aging**, January 26, 1999.

Senate Clearinghouse Rule 98-141

Relating to techniques, ancillary procedures or instruments prohibited in the practice of chiropractic.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 20, 1999.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, January 26, 1999.

ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Wednesday, January 27 at 6:45 P.M..

Adjourned.

10:01 A.M.