



STATE OF WISCONSIN

Senate Journal

Ninety-Fourth Regular Session

10:00 A.M.

THURSDAY, February 18, 1999

The Senate met.

The Senate was called to order by Senator James Baumgart.

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 46

Relating to: disposal of documents containing personal information.

By Senators Erpenbach, Plache, Jauch, Wirch, Rosenzweig, Darling and A. Lasee; cosponsored by Representatives Foti, Schneider, Pocan, Schooff, Hahn, Freese, Bock, Steinbrink, La Fave, Kreuser, J. Lehman, Musser, Turner, Hebl, Powers, Travis, Plouff and Boyle.

To committee on **Privacy, Electronic Commerce and Financial Institutions**.

Senate Bill 47

Relating to: allowing criminal sentences to run concurrent with or consecutive to a previously imposed juvenile delinquency disposition.

By Senators Darling, Rosenzweig and Huelsman; cosponsored by Representatives Suder, Kreibich, Montgomery, Olsen, Goetsch and M. Lehman.

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

Senate Bill 48

Relating to: the itemized deductions credit.

By Senators Darling, Schultz and Baumgart; cosponsored by Representatives Kestell, Leibham, Powers and Plale.

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

Senate Bill 49

Relating to: the individual income tax filing threshold for certain married persons.

By Senators Breske, Baumgart, Darling, Drzewiecki, A. Lasee, Roessler and Farrow; cosponsored by Representatives Kaufert, Ryba, Skindrud, Turner, Gronemus, Bock, Pettis, F. Lasee, Sykora, Ziegelbauer, Hasenohrl, Wasserman, Morris-Tatum, Plale, Williams, Lassa, Reynolds, Staskunas, Petrowski, Gunderson and Huber.

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

Senate Bill 50

Relating to: enforcement of motor vehicle safety belt violations and providing a penalty.

By Senators Risser, Burke, Roessler, Darling and Rosenzweig; cosponsored by Representatives Stone, La Fave, Olsen, F. Lasee, Wasserman, Hutchison, Bock, Urban, Kreibich, Plouff and Powers.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin Department of Administration

February 12, 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 January 1999.

On January 1, 1999 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$6 thousand. This shortfall continued until January 7, 1999 when the balance reached \$17 thousand. This shortfall was due to the timing of revenues.

On January 1, 1999 the **Wisconsin Environment Fund** balance was -\$799 thousand. This shortfall increase to -\$1.52 million on January 15, 1999 and continued until January 25, 1999 when the balance reached \$6.59 million. This shortfall was due to the timing of revenues.

On January 20, 1999 the **Wisconsin Petroleum Inspection Fund** balance was -\$1.72 million. This shortfall continued until January 21, 1999 when the balance reached \$7.15 million. This shortfall was due to the timing of revenues.

On January 25, 1999 the **Common School Income Fund** balance was -\$912 thousand. This shortfall continued into the month of February 1999. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund, Wisconsin Environmental Fund, Wisconsin Petroleum Inspection Fund, and Common School Income 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
Southeast Wisconsin Professional Baseball Park District**

February 18, 1999

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of January 1999 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

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

February 8, 1999

The Honorable, The Senate:

Wis. Stats., 46.277(5m) requires that the Department of Health and Family Services submit a report to the Legislature each year by October 1, describing the cost and quality of services used under the Medicaid Waiver Program and the extent to which existing services have been used under the program in the preceding calendar year. Due to technical computer and data compilation-related problems, this report was completed in January 1999. The attached report covers calendar year 1997 activity for the Community Options Program Waiver and the Community Integration Program II.

These programs are designed to relocate or divert elderly and physically disabled persons from nursing homes and finance their care with Medicaid in a community setting. The level of Medicaid waiver funding must be no greater than the Medicaid cost for nursing home care. This annual report demonstrates that Wisconsin is in compliance with these regulations.

Sincerely,

JOE LEEAN
Secretary

**State of Wisconsin
Legislative Audit Bureau**

February 15, 1999

The Honorable, The Senate:

We perform annual financial audits of WHA Television and Radio, which are public telecommunications entities operated by the University of Wisconsin (UW) – Extension, and the Educational Communications Board (ECB) Radio and Television networks, which are public telecommunication entities operated by ECB. We have issued our audit reports for WHA Radio for the period of July 1, 1997 through June 30, 1998. The audit reports for WHA Television and the ECB Radio and Television Networks for the period of July 1, 1997 through June 30, 1998 were released in December 1998.

These annual audits are requested by ECB and UW–Extension to fulfill audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities and certifications of these entities’ non-federal revenue sources in determining future funding levels. The audit reports include no major findings, conclusions, or recommendations.

Copies of the audit report have been distributed to members of the Joint Legislative Audit Committee and those required by

law to receive them. If you are interested in receiving a copy of this report, please contact our office and request report number 99-2.

Sincerely,

JANICE MUELLER
State Auditor

EXECUTIVE COMMUNICATIONS

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

EXECUTIVE ORDER #362

Relating to a Special Election for the Thirty–Fifth Assembly District

WHEREAS, the Honorable Thomas D. Ourada submitted his resignation as a State Representative for the Thirty–fifth Assembly district, effective January 29, 1999;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, pursuant to section 8.50(4) of the Wisconsin Statutes, order that a special election be held on April 13, 1999 to fill the vacancy in the Thirty–Fifth Assembly District. A description of the boundaries of the Thirty–Fifth Assembly District, as created in *Prosser et. al. v. Elections Board et. al.*, 793 F. Supp. 859 (W.D. Wis. 1992), follows section 4.005 of the 1997-98 Wisconsin Statutes. The term will expire on January 3, 2001 and, if a primary is necessary, it shall be held March 16, 1999. Circulation of nomination papers for candidates may begin on February 10, 1999 and nomination papers may be filed no later than 5:00 P.M., February 16, 1999. This election shall be held, conducted, canvassed and returned in accordance with law.

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 tenth day of February in the year one thousand nine hundred and ninety–nine.

TOMMY G. THOMPSON
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE
Secretary of State

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

EXECUTIVE ORDER #363

Relating to the Creation of a State Rehabilitation Council

WHEREAS, people with disabilities are a significant part of the Wisconsin community; and

WHEREAS, it is important for people with disabilities to have the opportunity to participate in rehabilitation programs; and

WHEREAS, 29 USCS s. 725 prescribes that the Governor establish a state rehabilitation council to review, analyze, and advise the Department of Workforce Development regarding the agency’s responsibilities under 29 USCS s. 720 et seq.;

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 :

1. Create the State Rehabilitation Council (hereinafter “Council”).

2. Provide that the Council shall consist of twenty-four (24) members appointed by the Governor to serve at the pleasure of the Governor.
3. Provide that a majority of Council members shall be individuals with disabilities as described in 29 USCS s. 706(20)(A) and not employed by the Wisconsin Division of Vocational Rehabilitation.
4. Provide that the Council shall include the following members:
 - a. One (1) representative of the Statewide Independent Living Council established under 29 USCS s.796d; and
 - b. One (1) representative of a parent training and information center established pursuant to 20 USCS s.1482(a); and
 - c. One (1) representative of the client assistance program established under 29 USCS s. 732; and
 - d. One (1) qualified vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employe of the Department of Workforce Development; and
 - e. One (1) representative of community rehabilitation program service providers; and
 - f. Four (4) representatives of business, industry, and labor; and
 - g. Representatives of disability advocacy groups representing the following constituencies: (1) individuals with physical, cognitive, sensory, and mental disabilities and (2) individuals' representatives of individuals with disabilities who have difficulty in representing themselves or unable due to their disabilities to represent themselves; and
 - h. Current or former applicants for, or recipients of, vocational rehabilitation services; and
 - i. One (1) representative of the directors of the projects carried out under 29 USCS s. 741; and
 - j. One (1) representative of the state educational agency responsible for the public education of students with disabilities who are eligible to receive services under 29 USCS s. 720 et. seq., and part B of the Individuals with Disabilities Education Act [20 USCS ss. 1411 et seq.]; and
 - k. One (1) representative of the state workforce investment board.
5. Provide that the Administrator of the Division of Vocational Rehabilitation shall be an ex officio, nonvoting member of the Council.
6. Provide that the Council shall select a chairperson from the membership of the Council.
7. Provide that each member of the Council shall serve for a term of not more than three (3) years, except that:
 - a. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

- b. The terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.
8. Prohibit members of the Council from serving more than two (2) consecutive full terms, except for any member fitting the qualifications of 29 USCS s. 725(b)(1)(A)(iii) or(ix).
9. Charge the Council to perform the functions required in 29 USCS s. 725.
10. Provide that resources shall be available in accordance with 29 USCS s. 725 (d).
11. Direct the Council to convene at least four (4) meetings each year.

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 tenth day of February 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**

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

Senate Clearinghouse Rule 98-041

Relating to commercial fishing for alewife and smelt on Lake Michigan and Green Bay.

No action taken.

Senate Clearinghouse Rule 98-055

Relating to the development of fees, criteria and procedures to use when permitting the use of natural waters as fish farms.

No action taken.

Senate Clearinghouse Rule 98-092

Relating to deer management units 73C (Iowa and Grant counties) and 75 (Iowa and Lafayette counties).

No action taken.

Senate Clearinghouse Rule 98-093

Relating to wildlife abatement and control grants for urban communities.

No action taken.

Senate Clearinghouse Rule 98-118

Relating to pesticide product restrictions.

No action taken.

Alice Clausing
Chairperson

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 60

Assembly Bill 76

Assembly Bill 77

Assembly Bill 79

Adopted and asks concurrence in:

Assembly Joint Resolution 3

Assembly Joint Resolution 22

Concurred in:

Senate Joint Resolution 4

Senate Joint Resolution 5

Senate Joint Resolution 7

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 60

Relating to: the appointment of a proxy by a shareholder in a business corporation.

By Representatives Jensen, Plale and Ward.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions**.

Assembly Bill 76

Relating to: untrue, deceptive or misleading statements in connection with the ability of an electronic computing device to process, transmit or receive data from, into and between the 20th and 21st centuries, and during the years 1999 and 2000, and from leap year calculations, making an appropriation and providing a penalty.

By committee on Information Policy.

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

Assembly Bill 77

Relating to: authorizing the activation of the national guard for public disasters related to the year 2000 computer issues.

By committee on Information Policy.

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

Assembly Bill 79

Relating to: crimes affecting certain flags and providing penalties.

By Representatives Pettis, Suder, Petrowski, Townsend, Montgomery, Jensen, Freese, Sykora, Huebsch, Ladwig, F. Lasee, Ainsworth, Hahn, Urban, Goetsch, Kedzie, Handrick, Vrakas, Hoven, Johnsrud, Musser, Kreuser, Seratti, Albers, Gard, Ziegelbauer, Brandemuehl, Owens, Ryba, Kreibich, Gunderson, Kelso, Kaufert and Meyerhofer; cosponsored by

Senators Zien, Breske, Fitzgerald, Welch, Drzewiecki, Huelsman, Roessler, Darling, Rude, Panzer, Schultz, Farrow and A. Lasee.

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

Assembly Joint Resolution 3

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

By Representatives Foti, Hundertmark, Jensen, Bock, Handrick, Ladwig, Spillner, Plale, Stone, M. Lehman, Gronemus, Grothman, Kelso, Pohan, Albers, Kedzie, Vrakas, Ourada, Boyle, Owens, Miller, Musser, Skindrud, Huebsch, Duff, Nass, Colon, Porter, F. Lasee, Walker, Lassa, Gunderson, Goetsch, Turner, Underheim, Olsen, Ott, Ainsworth, Richards, Johnsrud, Krusick and Meyer; cosponsored by Senators Burke, Grobschmidt, George, Fitzgerald, Erpenbach, Breske, Clausing, Darling, Drzewiecki, Farrow, Huelsman, Moen, Lazich, Panzer, Plache, Risser, Roessler, Rosenzweig, Schultz, Shibilski, Welch and Rude.

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

Assembly Joint Resolution 22

Relating to: declaring February African-American Cultural Heritage Month.

By Representatives Morris-Tatum, Riley, Young, Williams, Turner and Coggs; cosponsored by Senator George.

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

ADJOURNMENT

Senator Baumgart, with unanimous consent, asked that the Senate adjourn pursuant to Senate Joint Resolution 1.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 30** offered by Senators Lazich and Darling.

Senate substitute amendment 1 to **Senate Bill 44** offered by Senator Erpenbach.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

1999 SENATE JOINT RESOLUTION 7

Prepared by the Legislative Reference Bureau
(February 16, 1999)

1. Page 2, line 4: delete "needs or" and substitute "needs of".