



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fourth Regular Session

10:00 A.M.

TUESDAY, May 11, 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 AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 16

Relating to: declaring opposition to the development of a national organ allocation policy that interferes with the ability to encourage donation of and to use transportable organs at the local level.

By Senators Cowles, Baumgart, Drzewiecki, Roessler, Rosenzweig, Panzer, Darling, Schultz, Rude, Farrow and Huelsman; cosponsored by Representatives Underheim, F. Lasee, Urban, Olsen, Bock, Rhoades, Owens, Klusman, Stone, Black, Ladwig, Hahn, Nass, Goetsch, Musser, Albers, La Fave, Sykora, Gunderson, Wasserman, Spillner and Montgomery.

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

#### Senate Resolution 3

Relating to: commending Jim Irwin and Max McGee on their retirement.

By Senators Erpenbach, Moen, Darling, Fitzgerald, Roessler, Schultz, Plache, George, Farrow, Drzewiecki and Panzer.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 146

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

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

#### Senate Bill 147

Relating to: salaries of teachers employed by the state.

By Senators Grobschmidt, Schultz, Baumgart, Wirch, Roessler, Clausing and Breske; cosponsored by Representatives Underheim, J. Lehman, Goetsch, Plale, Rhoades, Boyle, Sykora, Gronemus, Musser, Coggs, Townsend, Pocan, Hahn, Bock, Turner, Ryba, Plouff, La Fave and Berceau.

To committee on **Education**.

#### Senate Bill 148

Relating to: issuing crossbow hunting permits to persons who are physically unable to use a bow and arrow.

By Senators Breske, Grobschmidt, Decker, Drzewiecki, Schultz, Roessler, Clausing and Zien; cosponsored by Representatives Handrick, Hasenohrl, Ainsworth, Gronemus, Ryba, Plouff, Bock, Reynolds, Musser, Turner, Hahn, Albers, Sykora, Grothman and Gunderson.

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

#### Senate Bill 149

Relating to: the licensing of motor vehicle dealers, motor vehicle salespersons and sales finance companies and providing a penalty.

By Senators Breske and Welch; cosponsored by Representatives Brandemuehl, Ryba, Vrakas and Huber.

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

#### Senate Bill 150

Relating to: the eligibility of certain employes of 1st class cities to take general promotional examinations.

By Senators George and Burke; cosponsored by Representatives La Fave, Powers, Young, Riley, Turner and Ryba.

To committee on **Labor**.

### REPORT OF COMMITTEES

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

#### Senate Bill 68

Relating to: making an appropriation for the Wisconsin higher education and Lawton minority undergraduate grant programs.

Introduction and adoption of Senate amendment 1.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Darling, Roessler, Huelsman, Lazich and Farrow.

Noes, 0 – None.

Passage as amended.

Ayes, 10 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Darling, Roessler, Huelsman and Farrow.

Noes, 1 – Senator Lazich.

Richard Grobschmidt  
Chairperson

The joint committee on **Finance** reports and recommends:

**Senate Bill 49**

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

Introduction and adoption of Senate substitute amendment 1.

Ayes, 16 – Senators Burke, Decker, Jauch, Moore, Shibilski, Plache, Cowles and Panzer. Representatives Gard, Porter, Kaufert, Albers, Duff, Ward, Huber and Riley.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators Burke, Decker, Jauch, Moore, Shibilski, Plache, Cowles and Panzer. Representatives Gard, Porter, Kaufert, Albers, Duff, Ward, Huber and Riley.

Noes, 0 – None.

**Senate Bill 114**

Relating to: the property tax lottery credit and making an appropriation.

Introduction and adoption of Senate substitute amendment 2.

Ayes, 16 – Senators Burke, Decker, Jauch, Moore, Shibilski, Plache, Cowles and Panzer. Representatives Gard, Porter, Kaufert, Albers, Duff, Ward, Huber and Riley.

Noes, 0 – None.

Passage as amended with emergency statement attached.

Ayes, 16 – Senators Burke, Decker, Jauch, Moore, Shibilski, Plache, Cowles and Panzer. Representatives Gard, Porter, Kaufert, Albers, Duff, Ward, Huber and Riley.

Noes, 0 – None.

Brian Burke  
Senate Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Senate Bill 91**

Relating to: access service rates charged to certain telecommunications providers.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Moen, Breske, Robson, Erpenbach and Rude.

Noes, 2 – Senators Welch and Drzewiecki.

Passage as amended.

Ayes, 4 – Senators Moen, Breske, Robson and Erpenbach.  
Noes, 3 – Senators Welch, Rude and Drzewiecki.

Rodney Moen  
Chairperson

The committee on **Insurance, Tourism, Transportation and Corrections** reports and recommends:

**Senate Bill 71**

Relating to: allowing a “Class A” licensee to provide wine free of charge for consumption on the licensee’s premises.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Breske, Grobschmidt, Baumgart, Shibilski, Schultz, A. Lasee and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Breske, Grobschmidt, Shibilski, Schultz, A. Lasee and Zien.

Noes, 1 – Senator Baumgart.

**Senate Bill 77**

Relating to: exempting certain vehicles transporting material pumped from a septic or holding tank from special or seasonal weight limitations imposed by local highway authorities.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators Breske, Grobschmidt, Baumgart, Shibilski, Schultz, A. Lasee and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Breske, Grobschmidt, Baumgart, Shibilski, Schultz, A. Lasee and Zien.

Noes, 0 – None.

**Senate Bill 81**

Relating to: the display of license plates upon vehicles consigned for sale by dealers, distributors, manufacturers and transporters.

Passage.

Ayes, 7 – Senators Breske, Grobschmidt, Baumgart, Shibilski, Schultz, A. Lasee and Zien.

Noes, 0 – None.

**Senate Bill 108**

Relating to: authority to modify speed limits within historic districts.

Passage.

Ayes, 6 – Senators Breske, Grobschmidt, Baumgart, Shibilski, Schultz and Zien.

Noes, 1 – Senator A. Lasee.

**Senate Bill 120**

Relating to: prison impact assessments.

Passage.

Ayes, 6 – Senators Breske, Grobschmidt, Baumgart, Shibilski, Schultz and Zien.

Noes, 1 – Senator A. Lasee.

Noes, 0 – None.

Roger Breske  
Chairperson

**PETITIONS AND COMMUNICATIONS**

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

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
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<b>Senate Bill 83</b>	Wisconsin Act 3	May 12, 1999
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Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Administration**

April 30, 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 March 1999.

On March 16, 1999 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$2 thousand. this shortfall increased to -\$3 thousand on March 25, 1999 and continued into the month of April 1999. this shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund shortfall was 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 the joint committee on **Finance**.

**State of Wisconsin  
Department of Commerce**

May 1, 1999

The Honorable, The Senate:

As specified in 101.122, we are submitting last year's annual report for the Rental Weatherization Program. this program began on January 1, 1985. Additional copies of the report are available by contacting the program staff at: Rental Weatherization Program, Commerce-Safety Buildings Division, Telephone: (608) 267-2240.

Sincerely,

BRENDA J. BLANCHARD  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

May 10, 1999

The Honorable, The Legislature:

We have completed an evaluation of community long-term care programs operated by local governments and administered by the Department of Health and Family Services. We focused our analysis on two Medical Assistance waiver programs whose participants are primarily elderly and physically disabled: the Community Integration Program II (CIP II) and Community Options Program Waiver (COP-W) programs, and on participants whose services were funded exclusively through the general purpose revenue-funded Community Options Program (COP-R). In 1997, 15,699 participants received services through these programs, for which reported expenditures were \$120,893,900.

Among local community long-term care programs, we found significant variation in the amount of time individuals wait for program services. As of June 1998, approximately 11,000 individuals statewide were waiting to receive program services. However, 11 counties reported no waiting lists, while 12 others had waiting lists of more than 100 individuals. The maximum wait for developmentally disabled individuals was nine years; for elderly individuals, it was four years.

In addition to variation in waiting times, we found variation in the types of services these local programs provide and in the per

participant expenditures they report. For example, statewide expenditures averaged \$7,701 per participant in 1997, but local programs reported average per participant expenditures ranging from \$3,394 to \$17,195.

Variation among local programs is possible because community long-term care places primary responsibility for program management with local governments. The Family Care proposal currently before the Legislature as part of Assembly Bill 133 addresses some of the causes of the variation we found. To assist in analyzing the effect this proposal could have on community long-term care, we include questions the Legislature may wish to explore during its deliberations.

We appreciate the courtesy and cooperation extended to us by the Department and staff of local programs. The Department's response is Appendix IV.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

May 4, 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>

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|-----------------------|---|
| Bartkowski, John      | <b>Sixteenth Street Community Health Center</b>           |
| Boyce, Lisa           | <b>Wisconsin Library Association</b>                      |
| Brennan, Ryan         | <b>Advantage Capital Partners</b>                         |
| Winters, Amy          | <b>Wisconsin Capital Partners</b>                         |
| Carey, Ray            | <b>Youth Leadership Academy</b>                           |
| Dickert, John T       | <b>Nicolet Minerals Company</b>                           |
| Dickert, John T       | <b>TDS Telecom</b>  |
| Doyle, Maurice        | <b>Advantage Capital Partners</b>                         |
| Eleby, Jr., Calvin    | <b>Wisconsin Insurance Alliance</b>                       |
| Elliott, Brian        | <b>CenturyTel Service Group, LLC</b>                      |
| Gallo, Donald P       | <b>Wisconsin Fabricare Institute</b>                      |
| Hottenroth, Theresa M | <b>Wisconsin School Food Service Association</b>          |
| Leitch, Laura J       | <b>Wisconsin School Food Service Association</b>          |
| McClenahan, William   | <b>Superior Services Inc</b>                              |
| Mueller, H Carl       | <b>Journal Communications Inc</b>                         |
| Phillips, Joe         | <b>Wisconsin Fabricare Institute</b>                      |
| Potter, Rosemary      | <b>Youth Leadership Academy</b>                           |
| Rogowski, Michael     | <b>CenturyTel Service Group, LLC</b>                      |
| Strohl, Joseph        | <b>Goodwill Industries of Southeastern Wisconsin, Inc</b> |
| Tenuta, James         | <b>Advantage Capital Partners</b>                         |
| Thomas, Phillip       | <b>Christmas Tree Producers Association</b>               |
| Zajac, Scott          | <b>Advantage Capital Partners</b>                         |

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

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

May 3, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SMITH, JERRY E., of Madison, as Chair of the Parole Commission, to serve for the term ending March 1, 2001.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

May 3, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LUNDBERG, WILLIAM S., of Wisconsin Rapids, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

May 3, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLOUGHBY, E. RAY, of Eau Claire, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2004.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

May 3, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ADRIAN, LINDA S., of Platteville, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2004.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

May 3, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WHITEMARSH, DARYLANN T., of Oshkosh, as a member of the Educational Communications Board, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 30, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MURPHY, FRANCIS W. "BILL", of Portage, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 30, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint O BRIEN, GERALD M., of Stevens Point, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 30, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SOLBERG, TRYGVE A., of Woodruff, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 30, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLETT, STEPHEN D., of Phillips, as a member of the Natural Resources Board, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 30, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TIEFENTHALER, JAMES E., of Brookfield, as a member of the Natural Resources Board, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

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

**Senate Clearinghouse Rule 99-052**

Relating to the annual allocation of volume on tax exempt private activity bonds.

Submitted by Department of Commerce.

Report received from Agency, May 7, 1999.

Referred to committee on **Labor**, May 11, 1999.

**Senate Clearinghouse Rule 99-061**

Relating to designating an alternative accounting guideline for the preparation of financial statements for Wisconsin and other state and local governmental issuers of securities utilizing the securities registration exemption in s. 551.22 (1) (a), Stats.

Submitted by Department of Financial Institutions.

Report received from Agency, May 10, 1999.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, May 11, 1999.

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**ADJOURNMENT**

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

Adjourned.

10:01 A.M.