



# STATE OF WISCONSIN

# Senate Journal

## Ninety-Fourth Regular Session

10:00 A.M.

THURSDAY, May 20, 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 17

Relating to: requesting Congress to meet its fiscal responsibility for the education of children with disabilities.

By Senators Robson, Chvala, Clausing, Cowles, Drzewiecki, Grobschmidt, Huelsman, Jauch, Lazich, Plache, Roessler, Rosenzweig and Wirch; cosponsored by Representatives Ott, Albers, Black, Bock, Coggs, Goetsch, Hahn, Hasenohrl, Ladwig, La Fave, Lassa, J. Lehman, Miller, Musser, Nass, Olsen, Owens, Plouff, Pocan, Ryba, Seratti, Sinicki, Spillner, Staskunas, Sykora, Turner, Wasserman and Young.

To committee on **Education**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 164

Relating to: supervised release of sexually violent persons.

By Senators Baumgart, Darling and Erpenbach; cosponsored by Representatives Coggs, Kestell, Musser, F. Lasee, Brandemuehl, Sykora, Albers, La Fave and Seratti.

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

#### Senate Bill 165

Relating to: voting by the members of the conservation congress.

By Senators Shibilski, Schultz, Baumgart, Drzewiecki, Panzer and Farrow; cosponsored by Representatives Sykora, Gronemus, Albers, Plouff, Powers, Goetsch, Gunderson and Petrowski.

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

#### Senate Bill 166

Relating to: dispute settlement procedures in local government employment other than law enforcement and fire fighting employment.

By Senators Shibilski, Erpenbach, Clausing, Moore, Risser, Breske, George, Decker, Moen, Baumgart and Jauch;

cosponsored by Representatives Wood, Sinicki, Reynolds, Miller, Balow, Colon, Berceau, Bock, Ryba, Young, Black, Plouff, J. Lehman, Richards, Boyle, Lassa, Schneider, Wasserman, La Fave, Travis and Meyerhofer.

To committee on **Labor**.

#### Senate Bill 167

Relating to: sale and distribution of recordings of certain musical works to persons under the age of 18, the purchase of recordings of certain musical works by persons under the age of 18 and providing a penalty.

By Senators Drzewiecki, Roessler, Huelsman and Lazich; cosponsored by Representatives Huebsch, Ainsworth, Hahn, Handrick, Gronemus, Sykora, Owens, Goetsch, Urban, Kreibich, Albers and Seratti.

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

#### Senate Bill 168

Relating to: one day of rest in 7 for persons employed in the manufacture of butter, cheese or other dairy products subsequent to the first processing of the milk from which those products are made.

By Senators Drzewiecki, Decker and Wirch; cosponsored by Representatives F. Lasee, Meyerhofer, Sykora, Ryba, Goetsch and Musser.

To committee on **Labor**.

#### Senate Bill 169

Relating to: deceptive preapproval of open-end credit plans and providing a penalty.

By Senator Burke; cosponsored by Representative Musser.

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

#### Senate Bill 170

Relating to: transactions excluded from the Wisconsin Consumer Act, authority of licensed lenders and consumer leases under the uniform commercial code.

By Senator Burke; cosponsored by Representative Musser.

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

### REPORT OF COMMITTEES

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

#### Assembly Bill 156

Relating to: candidacy of independent candidates for the offices of governor and lieutenant governor.

Concurrence.

Ayes, 5 – Senators Wirch, Moore, Grobschmidt, Drzewiecki and Zien.

Noes, 0 – None.

**Assembly Joint Resolution 15**

Relating to: requesting Congress to enact legislation that would specify that no portion of the money received by the states as part of the settlement with tobacco companies may be withheld, offset or claimed by the federal government.

Concurrence.

Ayes, 5 – Senators Wirch, Moore, Grobschmidt, Drzewiecki and Zien.  
Noes, 0 – None.

**Senate Bill 48**

Relating to: the itemized deductions credit.

Passage.

Ayes, 5 – Senators Wirch, Moore, Grobschmidt, Drzewiecki and Zien.  
Noes, 0 – None.

**Senate Bill 64**

Relating to: the amount of funding that a local governmental unit may receive under the safe drinking water loan program.

Passage.

Ayes, 5 – Senators Wirch, Moore, Grobschmidt, Drzewiecki and Zien.  
Noes, 0 – None.

Robert Wirch  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Legislative Audit Bureau**

May 18, 1999

The Honorable, The Legislature:

We have completed an evaluation of the Kickapoo Reserve Management Board, as directed by [1993 Wisconsin Act 349](#). The Board was created in 1994 to manage the Kickapoo Valley Reserve, which encompasses nearly 8,600 acres in Vernon County. The Board is responsible for day-to-day management of the reserve under a lease agreement with the U.S. Army Corps of Engineers, which purchased the land in the early 1970s as part of a large flood control and dam-building effort.

The federal Water Resources Development Act of 1996 deauthorizes the Kickapoo dam project and provides for ownership of approximately 7,400 acres to be transferred to the State. The remaining 1,200 acres of tribally significant land is to be held in federal trust for the Ho-Chunk Nation. Federal legislation sets forth several conditions the Corps and the State must meet to effect the transfer. While the State has met most of its requirements, the Corps is in the process of cleaning up solid and potentially hazardous waste sites on the property and determining how it will reconstruct the state and county highways that cross the reserve. In addition, the Corps and the State must sign an agreement that holds the federal government harmless from any future claims related to the Corps' past ownership of the property. Transfer of the land is anticipated for spring 2000; however, any of these unresolved issues could postpone the transfer.

We found that the Board has performed its limited duties effectively, balancing the desires of local citizens and other visitors with its statutory requirements to protect the reserve's unique natural and cultural resources. Its management lease with the Corps allows it to collect voluntary user fees, develop land-use policies, and mark trails and boundaries. Currently,

the Board is writing a comprehensive master plan for the reserve, planning the construction of pedestrian bridges across the Kickapoo River, and repairing and maintaining trails.

We appreciate the courtesy and cooperation extended to us by the Board and its staff. The response of the Board's Executive Director is Appendix II.

Sincerely,  
JANICE MUELLER  
State Auditor

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

May 17, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MAULUCCI, PAUL D., of Eau Claire, as a member of the Recycling Market Development 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 17, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CARROLL, TERRENCE W., of Neenah, as a member of the Recycling Market Development 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 17, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EARL, ANTHONY S., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2000

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 17, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OSBORNE, PATRICK J., of

Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2001

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 17, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JEFFRIS, THOMAS MOUAT, of Janesville, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2002

Sincerely,

TOMMY G. THOMPSON  
Governor

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

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

**Senate Clearinghouse Rule 99-074**

Relating to certification criteria.

Submitted by State Public Defender.

Report received from Agency, May 19, 1999.

Referred to committee on **Judiciary and Consumer Affairs**, May 20, 1999.

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**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 52**

**Assembly Bill 92**

**Assembly Bill 170**

**Assembly Bill 171**

**Assembly Bill 172**

**Assembly Bill 186**

**Assembly Bill 197**

**Assembly Bill 208**

**Assembly Bill 221**

**Assembly Bill 284**

**Assembly Bill 329**

**Assembly Bill 354**

Adopted and asks concurrence in:

**Assembly Joint Resolution 54**

Amended and concurred in as amended:

**Senate Bill 114**(Assembly amendment 1 adopted)

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 52**

Relating to: instruction permits, probationary licenses and regular licenses to operate motor vehicles; primary enforcement of requirements related to safety belt equipment, installation and use; granting rule-making authority; and providing a penalty.

By Representatives Olsen, Spillner, Brandemuehl, Goetsch, J. Lehman, Ainsworth, Albers, Hahn, Kedzie, Klusman, Ladwig, La Fave, M. Lehman, Musser, Ott, Owens, Plale, Riley, Ryba, Stone, Underheim, Urban, Vrakas, Walker and Ward; cosponsored by Senators Jauch, Roessler, Burke, Darling, Huelsman, Moen, Rosenzweig and Welch.

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

**Assembly Bill 92**

Relating to: the unauthorized release of animals, immunity from liability and providing a penalty.

By Representatives Gronemus, Plale, Freese, Albers, Ainsworth, Musser, Gunderson, Hasenohrl, Reynolds, Skindrud, Brandemuehl, Olsen, Seratti, Handrick, Ward and Urban; cosponsored by Senators Decker, Drzewiecki, Baumgart, Moen, Huelsman, Breske, Welch, Schultz, A. Lasee and Roessler.

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

**Assembly Bill 170**

Relating to: school uniforms.

By Representatives Jensen, Colon, Riley, Handrick, Ainsworth, Staskunas, Ziegelbauer, Olsen, Owens, Ladwig, Grothman, Sykora, Urban, Vrakas, Huebsch, Kedzie and Kestell; cosponsored by Senators Fitzgerald, Zien and Darling.

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

**Assembly Bill 171**

Relating to: prisoner reimbursement to a municipality.

By Representatives Foti, Hundertmark, Jensen, Steinbrink, Hahn, Huebsch, Kedzie, Klusman, Ladwig, La Fave, F. Lasee, J. Lehman, M. Lehman, Montgomery, Musser, Olsen, Ott, Owens, Porter, Powers, Seratti, Sykora, Vrakas, Ward, Ziegelbauer and Kreuser; cosponsored by Senators Fitzgerald, Roessler, Cowles, Lazich, Schultz, Huelsman, Welch and Drzewiecki.

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

**Assembly Bill 172**

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

By Representatives Pettis, Handrick, Hundertmark, Kestell, Albers, Ladwig, Freese, Carpenter, Grothman, Gunderson, Hoven, Huebsch, Kaufert, Nass, Powers, Seratti, Staskunas, Sykora, Underheim, Vrakas and Walker; cosponsored by Senators Breske, Shibilski, Burke, George, Moen, Erpenbach, Zien, Grobschmidt, Darling and Rude.

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

**Assembly Bill 186**

Relating to: instalment payments of refunds of taxes on manufacturing property, appeals of manufacturing property taxes, distribution of taxes on manufacturing property and the

interest on refunded and additional taxes on manufacturing property, the deadline for classification of property as manufacturing, manufacturers' reports and making an appropriation.

By Representatives M. Lehman, Kaufert, Musser, Staskunas, Grothman, F. Lasee and Jeskewitz; cosponsored by Senators Drzewiecki and Grobschmidt.

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

**Assembly Bill 197**

Relating to: registration of vehicles operated exclusively by a nonprofit organization as a blood bank vehicle.

By Representatives Wieckert, Suder, Kestell, Townsend, Miller, Gundrum, Albers, Musser, Reynolds, Owens, F. Lasee, Vrakas, Gunderson, Petrowski and Wasserman; cosponsored by Senators Cowles, Huelsman and Zien.

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

**Assembly Bill 208**

Relating to: publication or dissemination of false information pertaining to a response to certain questions and providing a penalty.

By Representatives Montgomery, Suder, Freese, Ryba, Musser, Kestell, Ainsworth, Porter, Bock, Skindrud, Ott, Urban, Wasserman, Duff, Walker, Vrakas, Handrick, Hahn, Ladwig, Owens, M. Lehman, Seratti, Goetsch, Kaufert, Albers and Brandemuehl; cosponsored by Senators Roessler, Clausing, Huelsman, Plache and Lazich.

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

**Assembly Bill 221**

Relating to: operating a motor vehicle while under the influence of an intoxicant or drugs, or both; installation of an ignition interlock device in cases involving intoxicated operation of a motor vehicle; seizure of motor vehicles for offenses related to driving while under the influence of an intoxicant; the prohibited alcohol concentration related to operating a motor vehicle while under the influence of an intoxicant; creating a safe-ride grant program; certain alcohol beverage offenses committed by persons under the legal drinking age; making an appropriation; and providing penalties.

By Representatives Stone, Foti, Ladwig, Ward, Ziegelbauer, Klusman, Owens, Staskunas, Kelso, Leibham, Urban, Vrakas, Goetsch, Hutchison and Kreibich; cosponsored by Senators Shibilski, Roessler, Drzewiecki, Huelsman and Darling.

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

**Assembly Bill 284**

Relating to: child sex offenders working or volunteering with children and providing a penalty.

By Representatives Gundrum, Ladwig, Freese, Vrakas, Staskunas, Gronemus, Plale, Owens, Ainsworth, Porter,

Petrowski, Sykora, Brandemuehl, Spillner, Musser, Seratti, Albers, Stone, Handrick, Pettis, Leibham, Nass, Kedzie, Montgomery, Jeskewitz, Rhoades, Kelso, Kestell, Hundertmark, Underheim, Kreibich and Olsen; cosponsored by Senators Darling, Baumgart, Zien, Schultz, A. Lasee, Lazich, Roessler, Cowles and Farrow.

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

**Assembly Bill 329**

Relating to: payment of health insurance premiums for state employes activated for military duty in the U.S. armed forces.

By Representatives Kreibich, Nass, Schneider, Musser, Kelso, Ladwig, Owens, Hahn, Sykora, Miller, Brandemuehl, Powers, Montgomery, Gunderson, Albers, Gronemus, Rhoades, Cogg, Goetsch, Plouff, Freese, Spillner, Turner, Ryba, Hundertmark, Klusman, Boyle, Lassa, Waukau, Bock, Kreuser, Huber, Young, Olsen, Pettis, Plale, F. Lasee, Reynolds and Grothman; cosponsored by Senators Moen, Fitzgerald, Schultz, Darling, Roessler, Grobschmidt, Welch, Wirch, Zien, Rosenzweig, Panzer, Clausing, Breske, Drzewiecki, Baumgart and Erpenbach, by request of Wisconsin Department of Veterans Affairs.

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

**Assembly Bill 354**

Relating to: the funding source for the earned income tax credit and making an appropriation.

By Representatives Pettis, Townsend, Gard, Petrowski, Suder, Kelso, Skindrud, Hundertmark, Kestell, Leibham, Montgomery, Hahn, Rhoades, Musser, Gundrum, Stone, Spillner, Sykora and Jensen.

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

**Assembly Joint Resolution 54**

Relating to: commending the 1999 Academic Decathlon Team of Waukesha Catholic Memorial High School.

By Representatives Gundrum, Huebsch, Kestell, Urban, Townsend, Ladwig, Stone, Porter, Vrakas, Jensen, Foti, Nass, Ryba, Bock, Staskunas, Owens, Plouff, Jeskewitz, Miller, Kedzie, Klusman, Spillner, Goetsch, Pettis, Petrowski, Gunderson, Suder, Montgomery, Sykora, Rhoades, Walker, F. Lasee, Kelso and Kreibich; cosponsored by Senators Lazich, Farrow, Moen, Darling, Huelsman, Wirch and Panzer.

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, May 25 at 10:00 A.M..

Adjourned.

10:01 A.M.