



STATE OF WISCONSIN

Senate Journal

Ninety-Fourth Regular Session

10:00 A.M.

THURSDAY, July 29, 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 21

Relating to: increasing public awareness and attention to chronic fatigue syndrome as a serious and complex illness that affects many Wisconsin citizens.

By Senators Robson, Chvala, Clausing, Darling, Panzer and Roessler; cosponsored by Representatives Schooff, Black, Bock, Boyle, Hebl, La Fave, Plouff, Pocan, Staskunas, Turner and Ward, by request of WI Chronic Fatigue Syndrome Assoc., Inc..

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

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 214

Relating to: notice to a victim of the right to make a statement at sentencing or disposition.

By Senator Burke; cosponsored by Representative Huber.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin Legislative Audit Bureau

July 28, 1999

The Honorable, The Legislature:

In response to recent legislative inquiries, we have reviewed the administration and funding of the State's railroad crossing safety program. We had previously reviewed the railroad crossing safety program and reported our results in a January 29, 1996 letter report. We have updated selected information from that report and reviewed the State's use of federal funds for railroad crossing safety.

As of July 1999, Wisconsin has 7,999 railroad crossings. However, the State's primary safety concern is the 4,406 crossings that intersect with public roads at grade level. Responsibility for safety at crossings is shared by the Office of the Commissioner of Railroads and the Wisconsin Department of Transportation. Both identify safety projects and fund them,

but only the Commissioner has the authority to order safety improvements.

Although the number of accidents involving motor vehicles at railroad crossings has decreased from 165 in 1994 to 88 in 1998, safety concerns continue to be raised, in part because a number of safety projects that have been ordered for completion by the Commissioner of Railroads have not yet been funded. One list of pending projects maintained by the Office includes 165 warning device projects, with an estimated cost of \$14.0 million to complete, that will use all of the federal funding expected to be available to the Office through September 30, 2005. The other list includes 29 projects, with an estimated cost of \$2.4 million. The Commissioner has not yet determined when these projects will be funded.

On its own initiative, the Department also identifies railroad crossing safety projects for the federal funds it controls. In fiscal year 1998-99, the Department received federal approval to obligate \$6.0 million from federal railroad crossing safety funds for two large bridge projects. While these projects qualify for federal railroad crossing safety funding, they will make less funding available for more common railroad crossing safety projects, such as installing lights or gates at crossings.

The interplay between the federal and state appropriation process is complex, and some flexibility is needed to ensure the State receives the maximum amount of federal funding available. However, if the Legislature is concerned about the current project-selection process, it may wish to play a more active role in determining the use of federal funding for the railroad crossing safety program. To do this, it will need more complete information on the funding available and the Department's plans to use that funding.

Enclosed is a more complete discussion of our findings with regard to the railroad crossing safety program. We appreciate the courtesy and cooperation extended to us by staff of the Department of Transportation and the Office of the Commissioner of Railroads.

Sincerely,

JANICE MUELLER
State Auditor

State of Wisconsin Department of Natural Resources

July 15, 1999

The Honorable, The Legislature:

As directed by the Legislature in Section 9137 of 1997 Wisconsin Act 25, I am submitting on behalf of the Department of Natural Resources proposed legislation to encourage the practice of sustainable forestry.

Enclosed is a proposal that was developed by the Department in collaboration with a wide array of individuals and groups with an interest in Wisconsin's forests. I am pleased to say that there is widespread agreement that it is in the public interest to

keep forestland as forestland. The Natural Resource Board approved this proposal at their most recent meeting.

This process has already afforded us a valuable opportunity to work with many of our partners and customers to begin to address the tensions that exist between issues such as resource management, resource protection, private rights and local ordinances and zoning. We look forward to working with the Legislature and our other partners as this proposal moves forward.

Sincerely,

GEORGE E. MEYER
Secretary

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

July 23, 1999

The Honorable, The Senate:

Pursuant to Section 50.04(5)(fr), Wis. Stats., effective June 17, 1998, the Department is required to submit an annual report to the Legislature related to Class A violations committed by nursing homes and forfeitures assessed on nursing homes for those violations.

1997 Act 237 made a number of revisions to statutes governing the operations of nursing homes, including the maximum forfeiture amounts that the Department may assess against homes for violations. The Department has issued 9 Class A violations to nursing homes (including facilities for the developmentally disabled) in the time period June 17, 1998 through May 31, 1999.

The attached chart details the Class A violations issued in this reporting period, the amount of forfeiture assessed for each violation, and if known, the amount of the forfeiture paid and collected. There were no assessments for Class A violations that were less than \$2,500.

Sincerely,

JOE LEEAN
Secretary

**State of Wisconsin
Department of Regulation and Licensing**

July 1, 1999

The Honorable, The Legislature:

1997 Wisconsin Act 311 mandated a joint study by the Medical Examining Board and Wisconsin medical schools of whether the physicians licensed by the medical examining board are sufficiently informed, educated or trained about advances in techniques and procedures for making a diagnosis or providing treatment.

Marlene A. Cummings, Secretary of the Department of Regulation and Licensing, assembled an implementation committee to plan and conduct a meeting to respond to the mandate. She appointed Dr. Barbara Showers, Director, Office of the Examinations to serve as the coordinator and the Medical Examining Board appointed Dr. Sidney Johnson to serve as the Chair of the Committee.

Representatives of the legislature, the Medical Examining Board, the Department of Regulation and Licensing, the medical schools, residency programs, hospitals, health maintenance organizations, continuing medical education providers, equipment providers, medical liability insurers and the State Medical Society convened on March 24, 1999 to discuss the issues and determine whether there were any recommendations for proposed legislation.

The conclusions were:

- *Credentialing by hospitals and insurers is critical to safe practice by physicians. The review process that takes place in these settings should remain and be protected.*
- *Voluntary certification programs being developed by the American Medical Association (AMAP) and the American Board of Medical Specialties (ABMS) may permit physicians who are not now reviewed by hospitals and insurers to obtain a review of their practice similar to those in institutional settings.*
- *Further legislation is not needed at this time.*

The Medical Examining Board will continue to maintain information on disciplinary actions and stipulations. This information will be reviewed periodically to determine whether any trends emerge that may call for legislative action.

Sincerely,

MARLENE A. CUMMINGS
Secretary

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

July 22, 1999

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of June 1999 for your review and consideration. As the enclosed report indicates, Miller Park continues to develop with the District Board's "four for four" objectives of building a quality facility, on time, within budget and with strong community participation.

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

**State of Wisconsin
Office of the Governor**

July 29, 1999

To the Honorable, the Senate:

The following bill, 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 114	Wisconsin Act 5	July 28, 1999 (Vetoed in part)

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

July 28, 1999

To the Honorable, the Senate:

I have approved **Senate Bill 114** as **1999 Wisconsin Act 5** and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in Sections 22 and 31 of the bill.

In April of this year, 86% of Wisconsin voters approved the distribution of lottery, bingo and pari-mutuel proceeds to Wisconsin residents for property tax relief. By restoring the lottery credit to principal dwellings only, and enhancing the credit by including bingo and pari-mutuel proceeds in the dollars available for the credit, the bill enacts the will of Wisconsin residents. In doing so, it more than doubles the size

of the lottery credit to the typical homeowner to an estimated \$90 on the December 1999 property tax bills. It also provides property tax relief to farmers by increasing the maximum farmland tax relief credit from \$1000 to \$1500 and increasing the share of taxes on farmland for which the credit may be claimed from 10% to an estimated 15%.

My partial vetos are limited to correcting three technical administrative concerns. Section 22 of the bill specifies the mechanics for mobile homes to qualify for the lottery and gaming credit. I am partially vetoing section 22 to remove both January 31 deadline for owners of mobile homes to claim the credit and the requirement that eligibility for the credit for mobile homes be tied to the same date as for real property. I am partially vetoing the January 31 deadline because it is unnecessarily restrictive. My partial veto will enable the Department of Revenue to administratively set the date by which the credit must be claimed. Since homeowners are given until the due date of the first installment of their property taxes to make a claim for the credit, mobile home owners should be given at least the same degree of freedom. I am also partially vetoing the requirement that mobile homes be utilized as principal dwellings on the same date as for real property to gain the lottery credit because this requirement creates an inconsistency. In the bill, for mobile home to be eligible for the credit, the mobile home must be used as a primary dwelling on January 1 of the year prior to the year the credit is received. For assessment of mobile homes, however, taxable value is determined as of January 1 of the year the credit is received (which is the year for which the mobile home parking fee is being determined and paid). My partial veto will allow eligibility for the credit for mobile homes and the assessment for mobile homes to be tied to the same date, rather than dates that are one year apart.

Section 31 specifies that if an overpayment or underpayment is made in the amounts paid to counties or the City of Milwaukee to reimburse these local governments for their costs to precertify principal dwellings to receive the credit, a correction can be made. According to this section, the correction shall be included in the next precertification payment. Since precertification payments will be made only once every five years, however, a local government would need to wait that time period to receive a correcting payment. I am partially vetoing this section to remove the restriction that the adjustment is made on the subsequent distribution because it is too restrictive. My partial veto will permit a correction to an underpayment or overpayment to occur without a five-year wait.

I am pleased that the Legislature acted quickly on this bill so that Wisconsin homeowners will benefit from the revised lottery credit on the first property tax bills following the passage of the constitutional amendment. My partial vetos will improve the administration of the credit.

Sincerely,
TOMMY G. THOMPSON
Governor

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

EXECUTIVE ORDER #373

Relating to the Creation of the Governor's Task Force on Privacy

WHEREAS, personal information regarding the citizens of Wisconsin is increasingly available to members of the public and for sale on the open market; and

WHEREAS, it is important that Wisconsin citizens be protected from undesirable distribution and use of personal information; and

WHEREAS, there is a need for public policymakers to be advised on methods to protect the private lives of Wisconsin's citizens;

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 Governor's Task Force on Privacy (hereinafter "Task Force"); and
2. Provide that the Task Force shall be composed of fourteen (14) members appointed by the Governor to serve at the pleasure of the Governor; and
3. Provide that the following officials shall each recommend to the Governor one (1) individual for membership on the Task Force:
 - a. The Majority Leader of the Wisconsin Senate; and
 - b. The Minority Leader of the Wisconsin Senate; and
 - c. The Speaker of the Wisconsin Assembly; and
 - d. The Minority Leader of the Wisconsin Assembly; and
4. Provide that the Governor shall designate one (1) member on the Task Force as its chair to serve in that capacity at the pleasure of the Governor; and
5. Provide that the Task Force to have the following purpose and mission:
 - a. Study the use, collection, and dissemination of private information regarding Wisconsin citizens; and
 - b. Determine which use, collection, and dissemination of private information regarding Wisconsin citizens is not appropriate; and
 - c. Assess current privacy protections and recommend to the Governor new methods to protect individual privacy; and
6. Require the Task Force to submit to the Governor a final report on its findings and recommendations by February 29, 2000; and
7. Direct the Secretary of the Department of Administration to provide the Task Force with administrative and support services and with such sums of money as are necessary for travel and operating expenses in accordance with section 20.505(3)(a) of the Wisconsin Statutes; and
8. Require the Task Force to disband once the Governor has accepted its final report;

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 sixteenth day of July 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 99-088

Relating to the registration and regulation of professional geologists, hydrologists and soil scientists.

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 27, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, July 29, 1999.

**State of Wisconsin
Revisor of Statutes Bureau**

August 1, 1999

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
98-117	August 1, 1999
98-130	August 1, 1999
98-135	August 1, 1999
98-141	August 1, 1999
98-175	August 1, 1999
98-177	August 1, 1999
98-204	August 1, 1999
99- 8	August 1, 1999
99- 13	August 1, 1999
99- 15	August 1, 1999
99- 20	August 1, 1999
99- 27	August 1, 1999
99- 34	August 1, 1999
99- 37	August 1, 1999
99- 49	August 1, 1999
99- 53	August 1, 1999

Sincerely,
GARY L. POULSON
Deputy Revisor

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

Senate Clearinghouse Rule 97-136

Relating to regulation of metallic mineral mining [covered in report on **Clearinghouse Rule 97-057**].

Report objection in part recommended, Ayes 5, Noes 0.

Ayes, 5 – Senators Clausing, Baumgart, Wirch, Schultz and A. Lasee.

Noes, 0 – None.

Alice Clausing
Chairperson

Referred to joint committee on **Review of Administrative Rules**, July 29, 1999.

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

Senate Clearinghouse Rule 98-158

Relating to the retail food establishment license exemption for restaurant permit holders.

No action taken.

Senate Clearinghouse Rule 99-011

Relating to sales and use tax exemption certificates and the sales and use tax treatment of temporary events.

No action taken.

Senate Clearinghouse Rule 99-026

Relating to the sales and use tax treatment of gross receipts and sales price, manufacturing exemption and motor vehicles.

No action taken.

Senate Clearinghouse Rule 99-029

Relating to explosive materials.

No action taken.

Senate Clearinghouse Rule 99-035

Relating to electronic funds transfer.

No action taken.

Senate Clearinghouse Rule 99-050

Relating to electrical construction and inspection.

No action taken.

Senate Clearinghouse Rule 99-054

Relating to governmental units; meals, food, food products and beverages; and Wisconsin sales and taxable transportation charges.

No action taken.

Senate Clearinghouse Rule 99-062

Relating to auction sales of personal farm property or household goods, and exempt purchases for resale by nonprofit organizations.

No action taken.

Senate Clearinghouse Rule 99-075

Relating to the Wisconsin development zone program.

No action taken.

Senate Clearinghouse Rule 99-077

Relating to filing campaign finance reports in electronic format.

No action taken.

Robert Wirch
Chairperson

ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, August 3 at 10:00 A.M..

Adjourned.

10:01 A.M.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 114

Presented to the Governor on July 27, 1999.