



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fourth Regular Session

10:00 A.M.

THURSDAY, September 16, 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 232

Relating to: lead hazard control, lead–bearing paint hazard reduction, use of oil overcharge funds for lead hazard reduction in dwellings, providing restricted immunity from civil liability to certain property owners, employes and agents, requiring the Wisconsin housing and economic development authority to promote certain loan programs, granting rule–making authority and making appropriations.

By Joint Legislative Council.

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

#### Senate Bill 233

Relating to: shining rough fish while fishing with a bow and arrow.

By Senators Decker, Erpenbach and Breske; cosponsored by Representatives Musser, Klusman, Gronemus, Kreuser and Hasenohrl.

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

#### Senate Bill 234

Relating to: leaving or storing a loaded firearm within the reach or easy access of a child.

By Senators Risser and Darling; cosponsored by Representatives Travis, Urban, Lassa, Carpenter, La Fave, J. Lehman, Turner, Young, Sinicki, Bock and Berceau.

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

#### Senate Bill 235

Relating to: creating a sales tax exemption for electricity sold for residential use during any month.

By Senators Drzewiecki, Schultz, Welch, George, Wirch and Huelsman; cosponsored by Representatives Spillner, Musser, Wood, Stone, Plouff, Kaufert, Gronemus, Kelso, Ladwig, Owens, Sykora, Lassa, Reynolds, Handrick, Hasenohrl, F. Lasee, Ryba, Albers, Pettis, Gundrum, Kreuser and Petrowski.

To joint survey committee on **Tax Exemptions.**

#### Senate Bill 236

Relating to: possession of a firearm by persons convicted of certain misdemeanors and providing a penalty.

By Senator Burke; cosponsored by Representatives Travis, Richards, Cullen, Wasserman, Riley and Berceau, by request of Attorney General James Doyle.

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

### REPORT OF COMMITTEES

The committee on **Human Services and Aging** reports and recommends:

#### Senate Bill 69

Relating to: requiring cemetery authorities to provide for burials during each season.

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators Robson, Wirch, Roessler and Rosenzweig.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Robson, Wirch, Roessler and Rosenzweig.

Noes, 0 – None.

Judy Robson  
Chairperson

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

#### Senate Bill 193

Relating to: a state minimum wage, providing an exemption from emergency rule procedures, providing an exemption from rule–making procedures, granting rule–making authority and providing a penalty.

Passage.

Ayes, 3 – Senators Baumgart, Decker and Breske.

Noes, 2 – Senators Zien and Farrow.

Jim Baumgart  
Chairperson

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Department of Agriculture, Trade and Consumer  
Protection

September 8, 1999

The Honorable, The Senate:

[1991 Wisconsin Act 273](#) created section 1.11 (2)(j), Wis. Stats., which requires the submittal of an annual report to the chief clerk of each house of the Legislature by September 15 regarding the preparation of environmental assessments and environmental impact statements.

I am submitting the attached report prepared by the Department of Agriculture, Trade and Consumer Protection for fiscal year 1999 to comply with this requirement.

Please contact Buzz Davis of my staff at 224-4593 if there are any questions regarding the report.

Sincerely,

BEN BRANCEL  
Secretary

**State of Wisconsin  
University of Wisconsin System**

September 10, 1999

The Honorable, The Legislature:

The University of Wisconsin System is pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11 (2)(j) Wisconsin Statutes, this document provides information on the numbers of environmental assessment (EA's) and environmental impact statements (EIS's) completed in the past fiscal year.

This report addresses the activities of the University of Wisconsin System for the period from July 1, 1998 to June 30, 1999.

Questions regarding this report should be directed to Gary Brown, UW System Environmental Affairs Officer. Gary may be reached at 263-4417.

Sincerely,

KATHERINE C. LYALL  
President

**State of Wisconsin  
Department of Natural Resources**

September 14, 1999

The Honorable, The Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11 (2)(j) of the state statutes, this document provides information on the numbers of environmental assessments (EA's) and environmental impact statements (EIS's) completed by the Department in the past fiscal year.

Questions about the report can be directed to George Albright, Chief of the Environmental Analysis and Liaison Section, Bureau of Integrated Science Services, phone 6-6437.

Sincerely,

GEORGE E. MEYER  
Secretary

**State of Wisconsin  
Public Services Commission**

September 10, 1999

The Honorable, The Legislature:

Pursuant to Wis.. Stat. s. 1.11 (2)(j), please find the Public Service Commission's (Commission) Annual Report to the Legislature. The report describes the environmental assessments and environmental impact statements prepared for major actions before the Commission between July 1, 1998 and June 30, 1999.

If you have any questions regarding the report, please contact Ms. Kathleen Zuelsdorff at (608) 266-2730.

Sincerely,

AVE M. BIE  
Chairperson

**State of Wisconsin  
Legislative Audit Bureau**

September 14, 1999

The Honorable, The Legislature:

We have completed an evaluation of the effect of secure detention on the recidivism of juvenile offenders, as directed by [1997 Wisconsin Act 205](#). This act and other measures, including the creation of the Juvenile Justice Code in 1996, mark a transition in the use of secure juvenile detention facilities. Before July 1996, when the Juvenile Justice Code took effect, secure detention facilities were used primarily as a means to hold juveniles before court hearings relating to offenses. Since July 1996, they have increasingly become a means to punish juveniles who have committed offenses or been adjudicated delinquent. Judges may now place juveniles in secure detention for up to 30 days as an original disposition, while intake workers may place juveniles in secure detention for up to 72 hours to investigate or punish violations of prior court orders.

Sixteen counties in Wisconsin operate juvenile detention facilities to hold their residents and juveniles from other Wisconsin counties. In 1998, these facilities, which have a total of 519 beds, had 16,937 admissions, which averaged 7.8 days each. Counties estimate the operating cost of the facilities was \$14.3 million in 1998. Juvenile detention facilities are funded almost entirely by local revenues.

Of our sample of 907 juvenile delinquents in four counties, we found that 71.5 percent were rearrested before the expanded use of secure detention, and 69.7 percent were rearrested afterwards. Our results are consistent with national recidivism studies and with the beliefs of most county staff and judges, who hold that placements in secure detention do not significantly reduce the likelihood of recidivism. Nevertheless, most county staff with whom we spoke strongly support the use of secure detention because they believe it establishes accountability for juveniles' actions.

We appreciate the courtesy and cooperation extended to us by the Office of Justice Assistance and by county officials in Eau Claire, Outagamie, Ozaukee, and Racine counties.

Sincerely,

JANICE MUELLER  
State Auditor

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**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

September 9, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KRUGER, DAVID W., of McFarland, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the interim term ending January 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

September 9, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LUBER, PAUL B., of Whitefish Bay,

as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2006.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

September 9, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NELLEN, JAMES W., of Bayside, as a member of the Wisconsin Advanced Telecommunications Foundation, to serve for the interim term ending May 1, 2000 and for the full term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

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

**EXECUTIVE ORDER #380**

***Relating to the Creation of the Menomonee River Council***

**WHEREAS**, the Menomonee River watershed drains approximately 135 square miles as it flows the approximately 28 miles from its headwaters to the confluence of the Milwaukee and Kinickinnic Rivers where it empties into Lake Michigan; and

**WHEREAS**, more than 330,000 citizens reside in this watershed; and

**WHEREAS**, there is currently no agency with the mandate or authority to develop a water management plan for this river system; and

**WHEREAS**, severe flooding in the Menomonee River watershed in 1997 and 1998 caused significant property and environmental damage; and

**WHEREAS**, these flooding problems illustrate the serious problems related to the lack of planning, and underscore the need for a watershed approach to flood abatement planning and storm water management; Create the Menomonee River Council (hereinafter "Council"); and

**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 Menomonee River Council (hereinafter "Council"); and
2. Provide that the Council shall be composed of fifteen (15) members, the majority of whom must reside in the Menomonee River watershed, 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 Council;
  - 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 Council as its chair to serve in that capacity at the pleasure of the Governor; and
5. Provide that the Council have the following purpose and mission:
  - a. Assess the problems of the Menomonee River Watershed as it relates to river management; and
  - b. Develop a plan to address identified problems in cooperation with the local civil jurisdictions and related agencies; and
  - c. Research and propose any legislation necessary to implement plans or recommendations; and
  - d. Identify funding sources to implement recommendations; and
  - e. Insure that all recommendations can serve as a model for addressing similar problems and issues in other state watersheds; and
6. Require the Council to submit to the Governor a final report on its findings and recommendations by July 1, 2000; and
7. Direct the Secretary of Natural Resources and the Executive Director of the Southeastern Wisconsin Regional Planning Commission to provide the Council with administrative and support services; and
8. Direct the Secretary of Administration to provide the Council with such sums of money as are necessary for travel and operation expenses in accordance with section 20.505(3)(a) of the Wisconsin Statutes; and

**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 fourteenth day of September 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 99-025**

Relating to the reimbursement of response action costs for response actions taken at eligible dry cleaning facilities.

Submitted by Department of Natural Resources.

Report received from Agency, September 14, 1999.

Referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**, September 16, 1999.

**Senate Clearinghouse Rule 99-080**

Relating to private sewage systems.

Submitted by Department of Commerce.

Report received from Agency, September 14, 1999.

Referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**, September 16, 1999.

**Senate Clearinghouse Rule 99-081**

Relating to screening of newborns for congenital and metabolic disorders.

Submitted by Department of Health and Family Services.

Report received from Agency, September 15, 1999.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, September 16, 1999.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, September 21 at 10:00 A.M..

Adjourned.

10:01 A.M.