



STATE OF WISCONSIN

Senate Journal

Ninety-Fourth Regular Session

10:00 A.M.

TUESDAY, September 21, 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 22

Relating to: designating the week of November 7 to 13, 1999, as "Hire a Veteran Week" in Wisconsin.

By Senators Moen, Breske, Erpenbach, Drzewiecki, Fitzgerald, Wirsch, Darling, Plache, Burke, A. Lasee, Welch, Cowles, Grobschmidt, Rosenzweig and Schultz; cosponsored by Representatives Musser, Sherman, Schneider, Walker, Ryba, Porter, Turner, Ladwig, Townsend, J. Lehman, Hahn, Underheim, Kelso, Suder, Kestell, Boyle, Schooff, Goetsch, Plale, Young, Plouff, Kreuser, Hasenohrl, Ziegelbauer, Staskunas, Olsen, Travis, Gunderson, Gronemus, Vrakas and Nass.

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

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 237

Relating to: classification and elements of felony offenses and certain misdemeanor offenses; modification of a bifurcated sentence in certain cases; revocation of extended supervision; the creation of a sentencing commission and temporary sentencing guidelines; making an appropriation; and providing penalties.

By Senator George; cosponsored by Representative Goetsch.

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

Senate Bill 238

Relating to: permitting an employer to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor or other offense and who has not been pardoned.

By Senators Darling, Fitzgerald, A. Lasee, Rosenzweig and Cowles; cosponsored by Representatives Grothman, Walker, Klusman, Gundrum, Nass, Underheim, Stone, Urban, Hahn, Kreibich, Porter and Vrakas.

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

REPORT OF COMMITTEES

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

Senate Bill 220

Relating to: the placement of water ski platforms and jumps. Indefinite postponement.

Ayes, 4 – Senators Clausing, Baumgart, Wirsch and A. Lasee.

Noes, 1 – Senator Schultz.

Alice Clausing
Chairperson

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

Assembly Bill 100

Relating to: criminal liability of school personnel for corporal punishment.

Concurrence.

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

Noes, 0 – None.

Senate Bill 204

Relating to: the council on library and network development in the department of public instruction.

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

Noes, 0 – None.

Richard Grobschmidt
Chairperson

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

Senate Bill 143

Relating to: payment of health insurance premiums for state employees activated for military duty in the U.S. armed forces. Senate amendment 1 adoption.

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.

Report Passage as amended with emergency statement (s. 16.47 Wisconsin Statutes).

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:

ADRIAN, LINDA S., of Platteville, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

APRAHAMIAN, EDWARD M., of Mequon, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the interim term ending June 30, 2005.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

BENNETT, BRUCE M., of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

BETTIGA, MICHAEL J., of Green Bay, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

JACOBS, DR. P. MICHAEL, of Onalaska, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

PELISEK, FRANK J., of Milwaukee, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

PELISEK, FRANK J., of Milwaukee, as a member of the University of Wisconsin Hospital and Clinics Board, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

PRICE, DOLORES A., of Boyd, as a member of the Dietitians Affiliated Credentialing Board, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

ROSEMEYER, DR. JAMES A., of Platteville, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

SLEIGHT, DR. BEVIER H., III, of Wisconsin Rapids, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

UEKERT, PHILIP W., of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the interim term ending May 1, 2001.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

WILLOUGHBY, E. RAY, of Eau Claire, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

Senate Bill 176

Relating to: interstate emergency management assistance compact.

Passage.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

Senate Bill 225

Relating to: the effective date of the requirement that entities that provide care for children or adults conduct background investigations of their current employees.

Passage.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

Rodney Moen
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Southeast Wisconsin Professional Baseball Park District

September 16, 1999

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of August 1999 for your review and consideration.

We continue to move forward with our recovery plan in the aftermath of the July accident. Normal construction activities have resumed in most areas of the ballpark, including electrical, plumbing, fireproofing, painting, mechanical, structural steel, glazing, drywall, and so forth.

As always, 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**

September 15, 1999

The Honorable, The Senate:

In accordance with sec. 1.11 (2)(j) Wis. Stats., the Department of Health and Family Services reports that one Environmental Impact Statement (EIS) was conducted by the Department of Administration on behalf of the Department of Health and Family Services during the reporting period July 1, 1998, through June 30, 1999.

The EIS was done for the project to construct the 300-bed Sand Ridge Treatment Center in Mauston, Wisconsin. It was determined that the construction of this facility does not have a significant negative effect on the environment.

Sincerely,

JOE LEEAN
Secretary

**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
Department of Administration**

September 10, 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 August, 1999.

On August 4, 1999 the **Support Collection Trust Fund** balance was -\$9.54 million. This shortfall continued until August 5, 1999 when the balance reached \$295 thousand. This shortfall was due to the timing of revenues.

On August 19, 1999 the **Wisconsin Petroleum Inspection Fund** balance was -\$4.82 million. This shortfall decreased to -\$4.79 million on August 20, 1999 and continued until August 23, 1999 when the balance reached \$3.98 million. This shortfall was due to the timing of revenues.

The Support Collection Trust Fund and Wisconsin Petroleum Inspection 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 the joint committee on **Finance**.

**State of Wisconsin
Legislative Audit Bureau**

September 17, 1999

The Honorable, The Legislature:

We have completed our fifth biennial program evaluation of the Wisconsin Lottery, as required by s. [13.94\(1\)\(em\)](#), Wis. Stats. Since the Wisconsin Lottery began operations in September 1988, it has been under the management of three state agencies: the Lottery Board, the Gaming Commission, and, since August 1995, the Department of Revenue.

From the Lottery's inception through fiscal year (FY) 1998-99, ticket sales have provided approximately \$1.5 billion in net proceeds for property tax relief. However, from FY 1994-95 through FY 1997-98, ticket sales declined by \$100.4 million. Sales increased by \$9.8 million, or 2.3 percent, during FY 1998-99, but it is not clear that the previous decline in sales has been permanently reversed.

In response to declining ticket sales, the 1997-99 Biennial Budget Act provided the Department with 18 additional marketing positions and authorized 12 telemarketing sales representative positions to be reclassified to improve retailer support. However, not all of the positions granted by the Legislature have been filled in a timely manner, and the number of retailers selling lottery tickets has continued to decline.

Nationwide, lottery sales in states with lotteries have tended to decline over time. The Department's efforts to increase sales have emphasized frequent introductions of new scratch games. For example, during a one-year period we reviewed, 35 new scratch games were introduced and 39 older games were also offered for sale. Our analysis of sales data confirmed that the new games sell significantly better than older games do.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue. The department's response in Appendix IV.

Sincerely,

JANICE MUELLER
State Auditor

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

September 14, 1999

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of Dr. James R. Dyreby, Jr. for appointment to the Medical examining Board.

Dr. Dyreby has notified my office that due to personal reasons he cannot accept the nomination at this time.

Sincerely,

TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

September 14, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BUCHER, PAUL E., of Waukesha, as a member of the Council on Domestic Abuse, to serve for the interim term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Human Services and Aging**.

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

Senate Clearinghouse Rule 99-089

Relating to certified capital companies.

Submitted by Department of Commerce.

Report received from Agency, September 21, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, September 21, 1999.

Senate Clearinghouse Rule 99-119

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, September 17, 1999.

Referred to committee on **Insurance, Tourism, Transportation and Corrections**, September 21, 1999.

Senate Clearinghouse Rule 99-121

Relating to securities broker-dealer, agent and investment adviser licensing requirements and procedures, securities registration exemptions, definitions and forms.

Submitted by Department of Financial Institutions.

Report received from Agency, September 20, 1999.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, September 21, 1999.

ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, September 23 at 10:00 A.M..

Adjourned.

10:01 A.M.