



STATE OF WISCONSIN

Senate Journal

Ninety–Fourth Regular Session

10:00 A.M.

TUESDAY, October 5, 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 247

Relating to: leave for school conferences and activities.

By Senators Grobschmidt, Erpenbach and Risser; cosponsored by Representatives Black, Sinicki, Boyle, J. Lehman, Plouff, Seratti, Hasenohrl, Bock, Turner, Coggs, Miller, Berceau, La Fave, Musser and Cullen.

To committee on **Education**.

Senate Bill 248

Relating to: requiring certain disclosures in advertising per-minute rates for long distance service and providing a penalty.

By Senators Jauch, Erpenbach, Plache, Darling and Roessler; cosponsored by Representatives Wasserman, Hutchison, Schneider, Musser, Miller, Black, Bock, Gunderson, Sinicki, Williams, Berceau and Reynolds.

To committee on **Privacy, Electronic Commerce and Financial Institutions**.

REPORT OF COMMITTEES

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

Assembly Bill 314

Relating to: implied warranties concerning disease status of animals and granting rule-making authority.

Concurrence.

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

Noes, 0 – None.

BENA, CHARLES E., of La Crosse, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2002.

Confirmation.

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

Noes, 0 – None.

CARROLL, TERRENCE W., of Neenah, as a member of the Recycling Market Development Board, to serve for the term ending May 1, 2002

Confirmation.

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

Noes, 0 – None.

CERNY, MIKE J., of Sharon, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2001.

Confirmation.

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

Noes, 0 – None.

DITTMAR, BEVERLY A., of Wausau, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2001.

Confirmation.

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

Noes, 0 – None.

EARL, ANTHONY S., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2000

Confirmation.

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

Noes, 0 – None.

HEIDEL, SANDRA, of Onalaska, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2002.

Confirmation.

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

Noes, 0 – None.

LANGDON, JAMES M., of De Forest, as a member of the Snowmobile Recreation Council, to serve for the interim term ending July 1, 2001.

Confirmation.

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

Noes, 0 – None.

LARSEN, MARK A., of River Falls, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2001.

Confirmation.

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

Noes, 0 – None.

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.

Confirmation.

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

Noes, 0 – None.

PFUFF, BILL D., of New Lisbon, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2002.

Confirmation.

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

Noes, 0 – None.

RASMUSSEN, KATHLEEN M., of Cable, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2002.

Confirmation.

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

Noes, 0 – None.

SCHROEDER, BYRON J., of Hayward, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2002.

Confirmation.

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

Noes, 0 – None.

VAN DUZEE, DIRK S., of Wabeno, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2001.

Confirmation.

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

Noes, 0 – None.

Senate Bill 148

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

Passage.

Ayes, 4 – Senators Clausing, Wirch, Schultz and A. Lasee.
Noes, 1 – Senator Baumgart.

Alice Clausing
Chairperson

The committee on **Committee of Conference on 1999 Assembly Bill 133** reports and recommends:

1. **Prior Senate Action.** The Senate recedes from its position on **1999 Assembly Bill 133**.

2. **Prior Assembly Action.** The Assembly recedes from its position on **1999 Assembly Bill 133**.

3. **Action on Conference report.** The Senate and Assembly adopt and concur in Assembly Substitute Amendment 1 to **1999 Assembly Bill 133** as affected by Conference Amendment 1 to that substitute amendment, which is attached to and made a part of this report.

Senator Chuck Chvala	Representative Scott R. Jensen
Senate Chairperson	Assembly Chairperson
Senator Brian B. Burke	Representative John Gard
Senator Russell S. Decker	Representative Steven M. Foti
Senator Gary R. George	Representative Cloyd A. Porter

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Director of State Courts**

October 1, 1999

The Honorable, The Legislature:

Pursuant to s. 758.19(5)(i), Wis. Stats., the information reported to the Director of State Courts under s. 758.19(5)(e), Wis. Stats., by Wisconsin's counties has been compiled and is herein submitted. Under s. 758.19(5)(e), Wis. Stats., each county is required to submit an annual report to the Director of State Courts which provides information on the actual amount expended in the previous calendar year for court costs relating to the circuit court support and the guardian ad litem payment programs.

Sincerely,

J. DENIS MORAN
Director of State Courts

**State of Wisconsin
Department of Veterans Affairs**

September 30, 1999

The Honorable, The Legislature:

In compliance with section 45.35(3d)(b), Wis. Stats., as created by **1989 Wisconsin Act 36**, the Council on Veterans Programs and the Wisconsin Department of Veterans Affairs (WDVA) are jointly submitting the attached general summary report of the activities and membership over the past two years of the Council and the organizations represented on the Council.

Organizations not yet reporting are the American Legion, Catholic War Veterans, Federation of Culturally Diverse Veterans, National Association for Black Veterans, and Vietnam Veterans Against the War.

The information contained in the report was compiled by WDVA staff and the Council Chair from materials submitted by the representative from each organization on the Council.

Sincerely,

JOHN A. SCOCOS
Executive Assistant

**State of Wisconsin
Department of Commerce**

September 30, 1999

The Honorable, The Senate:

In accordance with section 66.46(13) of the Wisconsin Statutes, I am pleased to submit the Biennial Report on Tax Incremental Financing (TIF). The report examines the social, economic, and financial impact of TIF and is prepared by the Department's Division of Administrative Services, Bureau of Policy and Budget Development. The data in this report includes tax incremental districts (TIDs) that were established through September 30, 1998.

Based upon the number of tax incremental districts (TIDs) that have been established in recent years, tax incremental financing is growing in popularity as an economic development tool.

From 1994 to 1998, cities and villages established an average of 65 TIDs per year, compared to an average of 37 TIDs per year from 1976 to 1993. The equalized value of the 703 TIDs that remain active through September 30, 1998 exceeded \$8 billion, which is nearly 3 times larger than the original base value of the districts. Furthermore, TIF continues to be concentrated in the southern and eastern parts of the state, which corresponds to the state's population pattern and the concentration of commercial and manufacturing activity.

Requests for additional copies of the report or questions regarding it can be directed to Paul Neumann, Bureau of Policy and Budget Development – phone: 267-9382; email: pneumann@commerce.state.wi.us. In addition, the report will soon be made available on the Department's web page at www.commerce.state.wi.us.

Sincerely,

BRENDA J. BLANCHARD
Secretary

**State of Wisconsin
Legislative Audit Bureau**

October 4, 1999

The Honorable, The Legislature:

We have completed an evaluation of the State of Wisconsin Investment Board, as directed by s. 25.17(51m), Wis. Stats. This is our first evaluation under new statutory requirements that were implemented in 1996, in response to a loss of \$95 million in the State Investment Fund. That loss, which was disclosed in March 1995, was the result of improper use of investment instruments known as derivatives.

The Investment Board has taken several steps to improve its operations since the 1995 derivatives loss, including increasing its reporting to the Legislature, improving senior management's oversight of investing strategies, increasing the Board of Trustee's involvement in investment activities, and improving communication with State Investment Fund participants. Further, even with the loss, the State Investment Fund's returns have exceeded performance goals, or benchmarks.

In contrast, the Fixed Retirement Trust Fund, which accounted for approximately 80 percent of the Investment Board's \$60.6 billion in assets on December 31, 1998, has experienced an erosion of its investment performance. Although the Fixed Retirement Trust Fund has been able to exceed the returns assumed for actuarial projections, it has not consistently met its one-year benchmarks, which recently has affected its longer-term performance returns. For example, both one-year and five-year returns for the period ending December 31, 1998 were not met.

We also compared the Fixed Retirement Trust Fund's performance to that of other large public pension funds and found that its five-year investment return was 10th among 12 funds surveyed. To address performance that is lagging both established benchmarks and that of other large public pension funds, we have recommended the Board reassess its investment strategy and report to the Joint Legislative Audit Committee on steps to take to improve investment performance.

We appreciated the courtesy and cooperation extended to us by the Investment Board. A response from the Board's Executive Director is Appendix IV.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Ethics Board**

October 5, 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>

Antoniewicz, Gary **Wisconsin Automobile & Truck Dealers Association Inc**

Boyce, Lisa **American Plastics Council Inc**

Boyce, Lisa **American Insurance Association**

Carey, Ray **Lab Safety Supply, Inc.**

Dickert, John T **Lab Safety Supply, Inc.**

Fonfara, Thomas **American Insurance Association**

Krajewski, Thomas **Forest County Potawatomi Community**

Matthews, John **Lab Safety Supply, Inc.**

McDowell, Kelly **Forest County Potawatomi Community**

Potter, Rosemary **Lab Safety Supply, Inc.**

Schreiber, Martin **Forest County Potawatomi Community**

Thomas, Sandi **Wyeth-Ayerst Laboratories**

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

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

Senate Clearinghouse Rule 99–104

Relating to school district professional employee collective bargaining agreements and the calculation of a qualified economic offer.

Submitted by Wisconsin Employment Relations Commission.

Report received from Agency, September 30, 1999.

Referred to committee on **Labor**, October 5, 1999.

Senate Clearinghouse Rule 99–116

Relating to certification fees for laboratories engaged in public health testing of milk, water and food.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, October 1, 1999.

Referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**, October 5, 1999.

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 132

Assembly Bill 247

Assembly Bill 437

Assembly Bill 479

Adopted and asks concurrence in:

Assembly Joint Resolution 76

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 132

Relating to: placing bodily substances in edibles and providing a penalty.

By Representatives F. Lasee, Kelso, Ziegelbauer, Plale, Sykora, Bock, Ryba, Stone, La Fave, Goetsch, Spillner, Skindrud, Musser, Kaufert, Powers, Albers, Hasenohrl, Porter, Vrakas and Olsen; cosponsored by Senators Roessler and Risser.

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

Assembly Bill 247

Relating to: the making of restitution by a juvenile or by a parent who has custody of a juvenile.

By Representatives Goetsch, Ladwig, Gundrum, Vrakas, Powers, Klusman, Owens, Musser, Porter, Hahn, Olsen, Ziegelbauer, Sykora, Grothman, Brandemuehl, Albers, Kelso, Johnsrud, Seratti, Spillner, F. Lasee, Suder, Gunderson, M. Lehman and Staskunas; cosponsored by Senators Roessler, Huelsman, Drzewiecki, Schultz, Cowles and Darling.

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

Assembly Bill 437

Relating to: advertisements of auctions conducted by registered Wisconsin auctioneers and granting rule-making authority.

By committee on Small Business and Economic Development.

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

Assembly Bill 479

Relating to: alcohol or other drug testing of a minor.

By Representatives Skindrud, Kaufert, Jensen, Hundertmark, Ladwig, Pettis, Rhoades, Ainsworth, Goetsch, Hahn, Kedzie, M. Lehman, Musser, Spillner, Staskunas, Stone, Vrakas, Johnsrud and Grothman; cosponsored by Senators Rosenzweig, Drzewiecki and Darling.

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

Assembly Joint Resolution 76

Relating to: domestic violence awareness.

By Representatives Kelso, Klusman, Porter, Musser, Ladwig, Sherman, Owens, Suder, Brandemuehl, Ryba, Pocan,

Bock, Berceau, Turner, Walker, Lassa, Townsend, Riley, Albers, Kedzie, Kaufert, Spillner, Underheim, Hundertmark, Vrakas, Balow, J. Lehman, Young, Schooff, Staskunas, Olsen, Gunderson, Gronemus and Waukau; cosponsored by Senators Burke, Darling, Huelsman, Moore, Plache, Drzewiecki, Grobschmidt, Erpenbach, Farrow, Risser, Rosenzweig and Cowles.

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

ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Wednesday, October 6 at 2:00 P.M..

Adjourned.

10:01 A.M.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 92

Report correctly enrolled on October 4, 1999

**MOTIONS UNDER SENATE RULE 98 AND
JOINT RULE 7**

for the Month of September 1999

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Bay View Historical Society, on the occasion of celebrating their 20th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Drzewiecki, for Bellin College of Nursing, on the occasion of its 90th Anniversary.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Moen, for the City of Eau Claire, Chippewa Valley Technical College and residents of western Wisconsin, on the occasion of their investment in the community and the grand opening of the Emergency Service Education Center.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for City of Green Bay, on the occasion of being named the 1999 All American City by the National Civic League and Allstate Insurance.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Drzewiecki, for John Collin, on the occasion of his outstanding service and dedication to the Special Olympics Northeastern Wisconsin.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Jason Darling, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for Kristie Faubel, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Ehren G. Fleischner, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Suzanne Folberg, on the occasion of being nominated for the 1999 Presidential Award of Excellence in Science and Mathematics Teaching.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Beth Fuller, on the occasion of being selected the "Superior-Douglas County Citizen of the Year 1999".

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Geoff Fyfe, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Drzewiecki, for the Green Bay Senior Optimist Club, on the occasion of being the first group over the age of 18 to receive the Brian Ziegelbauer Memorial Youth Volunteer of the Year Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Tom Griffith, on the occasion of being selected the "Superior-Douglas County Citizen of the Year 1999".

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Wirsch, for Command Sergeant Major Bruce J. Hannah, on the occasion of his retirement after 32 years of dedicated service in the Wisconsin Army National Guard.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for John Horowitz, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Cheryl Hoyt, on the occasion of being nominated for the 1999 Presidential Award of Excellence in Science and Mathematics Teaching.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Susan Inkman, on the occasion of being nominated to the Presidential Awards for Excellence in Science and Mathematics.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Panzer, for Jackson Area Business Association, on the occasion of celebrating their 50th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Paul Kempen, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Legacy Bank, on the occasion of celebrating its Grand Opening on September 8, 1999.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Gary Luck, on the occasion of his nomination to the Presidential Teaching Awards Program.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Anthony J. Marquis, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for James Mueller, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for The Ronald McDonald House, on the occasion of marking its 15 years in operation.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Drzewiecki, for Notre Dame Academy, on the occasion of its 10th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Rude, for Jack and Mary Robinson, on the occasion of their community and business involvement and extend best wishes for a happy and healthy retirement.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Jay Rongstad, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Huelsman, for Sharon Rozelle, on the occasion of being chosen "1999 Citizens of the Year" by the Kiwanis Club of Milton.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Ian M. Schiesl, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Farrow, for John Schultz, on the occasion of being honored as the 1999 Butler Area Chamber of Commerce "Distinguished Business Person of the Year".

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Marilyn Schultz, on the occasion of being selected the 1999 Butler Area Chamber of Commerce "Distinguished Citizen of the Year".

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Jim and Joe Seroogy, on the occasion of celebrating their 100th anniversary of Seroogy's Candies.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for the Southeastern Hockey Association of Wisconsin (SHAW), on the occasion of celebrating their 30th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for the State Bar of Wisconsin, on the occasion of celebrating the Grand Opening of its new facility on Madison's Northeast side.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for William Stilling, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Aaron Tobin, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for Andrea Vanderwalker, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Shibilski, for Wallace and Dorothy Wasieleski, on the occasion of celebrating the 50th Anniversary shared with family and friends.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for James and Virginia Wheeler, on the occasion of being honored by the Arthritis Foundation at the annual Mystery Ball.