



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fourth Regular Session

2:00 P.M.

WEDNESDAY, October 6, 1999

The Senate met.

Senator Chvala, with unanimous consent, asked that the Senate recess until 3:44 P.M.

2:05 P.M.

### RECESS

3:44 P.M.

The Senate reconvened.

Senator Risser in the chair.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Erpenbach, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Chvala led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 249

Relating to: patient privacy protections in collection and dissemination of health care information, changing requirements for membership on the board on health care information and creating an independent review board, granting rule-making authority and providing a penalty.

By Senator Moen.

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

Senator Chvala, with unanimous consent, asked that **Assembly Bill 133** be placed after **Assembly Joint Resolution 75** on the calendar of October 6, 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 234**

**Assembly Bill 266**

**Assembly Bill 478**

**Assembly Bill 481**

### MESSAGES FROM THE ASSEMBLY CONSIDERED

#### Assembly Bill 234

Relating to: qualification of candidates for justice of the supreme court for grants from the Wisconsin election campaign fund, court fees and making an appropriation.

By committee on Campaigns and Elections.

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

#### Assembly Bill 266

Relating to: requiring certain educational agencies to install filtering software on computers connected to the internet and making an appropriation.

By Representatives Huebsch, Hutchison, Ainsworth, Kelso, Owens, Petrowski, Seratti and Vrakas; cosponsored by Senators Welch and Roessler.

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

#### Assembly Bill 478

Relating to: physical health examinations of pupils.

By Representatives Rhoades, Gundrum, Ainsworth, Duff, Goetsch, Grothman, Gunderson, Hahn, Handrick, Huebsch, Hundertmark, Johnsrud, Kedzie, Kestell, Kreibich, Ladwig, F. Lasee, Montgomery, Nass, Ott, Owens, Petrowski, Pettis, Powers, Skindrud, Spillner, Stone, Vrakas, Walker, Wieckert, Leibham and Albers; cosponsored by Senators Drzewiecki, Plache, Darling and A. Lasee.

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

#### Assembly Bill 481

Relating to: access by a parent to records relating to the parent's child.

By Representatives Hundertmark, Jensen, Skindrud, Ladwig, Pettis, Kestell, Hahn, Staskunas, Gunderson, Ainsworth, Porter, Albers, Stone and Kedzie; cosponsored by Senator Darling.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions**.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Senate Bill 220**

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

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 220** be referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**.

**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.

Read a second time.

Senator Moen, with unanimous consent, asked that **Assembly Bill 449** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and taken up at this time.

**Assembly Bill 449**

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

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 449**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Senate Bill 225** be laid on the table.

**Assembly Joint Resolution 56**

Relating to: the life and public service of Robert E. Behnke.

Read.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 67**

Relating to: the life and public service of former Representative Robert M. Thompson.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 67**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 67**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 68**.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 67**.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 68**.

Senator Roessler, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 67**.

Senator Roessler, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 68**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 67**.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 67**.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 68**.

Read.

Concurred in by unanimous rising vote.

Senator Erpenbach, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 67**.

**Assembly Joint Resolution 68**

Relating to: the life and public service of Delmar E. DeLong.

Read.

Concurred in by unanimous rising vote.

Senator Risser, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 56**.

Senator Risser, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 67**.

Senator Risser, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 68**.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**Assembly Joint Resolution 69**

Relating to: the life and public service of Lynn E. Stalbaum.

Senator Lazich, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 69**.

Read.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 73**

Relating to: the life and public service of Lawrence P. Kelly.

Read.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 74**

Relating to: the death of ironworkers Jerome Starr, Jeffrey Wischer, and William DeGrave while building Miller Park.

Read.

Concurred in.

**Assembly Joint Resolution 75**

Relating to: the life and public service of Merrill E. Stalbaum.

Senator Lazich, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 75**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 75**.

Senator Risser, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 75**.

Read.

Concurred in by unanimous rising vote.

Senator Risser, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 73**.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**Assembly Bill 133**

Relating to: state finances and appropriations, constituting the executive budget act of the 1999 legislature.

Read.

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Senator Chvala, with unanimous consent, asked that the Senate recess until 6:31 P.M..

6:03 P.M.

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**RECESS**

6:31 P.M.

The Senate reconvened.  
 Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that the Senate return to the eighth order of business.

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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 495**

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**MESSAGES FROM THE ASSEMBLY  
 CONSIDERED**

**Assembly Bill 495**

Relating to: benefit improvements, interest crediting, variable annuity option, contribution credits for employers, death benefits, credit for legislative service, recognition of income and capital gains and losses in the fixed retirement investment trust and affecting certain actuarial assumptions and liabilities under the Wisconsin retirement system.

By Representative Skindrud; cosponsored by Senator Wirch.

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

Senator Chvala, with unanimous consent, asked that **Assembly Bill 495** be withdrawn from the committee on Senate Organization and taken up.

Senator Ellis objected.

Senator Chvala, with unanimous consent, asked that the Senate recess until 8:09 P.M..

6:55 P.M.

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**RECESS**

8:09 P.M.

The Senate reconvened.  
 Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 495** be withdrawn from committee on Senate Organization and made a Special Order of Business following **Assembly Bill 133** on the calendar of October 6, 1999

**Assembly Bill 133**

Relating to: state finances and appropriations, constituting the executive budget act of the 1999 legislature.

Read.

The question was: Shall the Committee on Conference report be adopted?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausing, Decker, Erpenbach, George, Grobschmidt, Jauch,

Moen, Moore, Plache, Risser, Robson, Roessler, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Rosenzweig, Rude, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Adopted.

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**SPECIAL ORDER**

**Assembly Bill 495**

Relating to: benefit improvements, interest crediting, variable annuity option, contribution credits for employers, death benefits, credit for legislative service, recognition of income and capital gains and losses in the fixed retirement investment trust and affecting certain actuarial assumptions and liabilities under the Wisconsin retirement system.

Read a second time.

Senate amendment 1 to **Assembly Bill 495** offered by Senators Welch, Farrow, Darling, Drzewiecki, Roessler, Rosenzweig, Zien, Lazich, Fitzgerald and Schultz.

Senator George moved that Senate amendment 1 to **Assembly Bill 495** be laid on the table.

The question was: Shall Senate amendment 1 to **Assembly Bill 495** be laid on the table?

The ayes and noes weredemanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausing, Decker, Erpenbach, George, Grobschmidt, Jauch, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Erpenbach, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 495**.

**Assembly Bill 495**

Read a third time.

The ayes and noes were required and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausing, Darling, Decker, Drzewiecki, Erpenbach, George, Grobschmidt, Jauch, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Rude, Schultz, Shibilski and Wirch – 23.

Noes – Senators Cowles, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Welch and Zien – 10.

Absent or not voting – None.

Concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messgaed to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS AND REMARKS UNDER SPECIAL  
PRIVILEGE**

Senator Rude, with unanimous consent, asked that when the Senate adjourns today it do so in memory of Donald Jacobson, former Holmen School Administrator who died Sunday, October 3, 1999.

Senator Panzer, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Robert Lang, Director of the Legislative Fiscal Bureau, and his father Alvin Lang.

Senator Moore, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Senator Kim Plache and Paul Hable on the occasion of their marriage, Saturday, September 18, 1999.

Senator Chvala, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Senator Michael Ellis and his mother.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

8:58 P.M.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**CONFERENCE AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE  
AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133**

Prepared by the Legislative Reference Bureau  
(October 6, 1999)

1. Page 769, line 21: delete "sub. (1m)" and substitute "subs. (1e) and (1m)".

2. Page 769, line 23: after that line insert:

**"SECTION 3191bo.** 945.05 (1e) of the statutes is created to read:

945.05 (1e) Subsection (1) does not apply to a person who manufactures, transfers commercially or possesses with intent to transfer commercially gambling devices described in sub. (1) (a) and (b) to a nonprofit or public educational institution that provides an educational program for which it awards a bachelor's or higher degree for the use in a casino gaming management class."

\*\*\*\*NOTE: Although LRBb1638 was included on the in-list and the compile list for the conference amendment, the compile routine did not pull the text of the draft into the conference amendment. The Legislative Technology Services Bureau is investigating the problem. This chief clerk's correction inserts the reconciled text of LRBb1638 into the conference amendment.