



STATE OF WISCONSIN

Senate Journal

Ninety-Fourth Regular Session

1:05 P.M.

THURSDAY, November 11, 1999

The Senate met.

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 the prayer which was offered by Senator David Zien.

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

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 29

Relating to: extending the legislative floor period commencing in October 1999 solely for the consideration of, and creating a committee of conference on, 1999 Assembly Bill 465 and 1999 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 Chvala.

Read.

Considered as privileged and taken up.

Senate amendment 1 to **Senate Joint Resolution 29** offered by Senator Huelsman.

Senator Burke moved that Senate amendment 1 to **Senate Joint Resolution 29** be laid on the table.

The question was: Shall Senate amendment 1 to **Senate Joint Resolution 29** be laid on the table?

The ayes and noes were demanded 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.

The question was: Shall **Senate Joint Resolution 29** be adopted?

The ayes and noes were demanded 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.

Adopted.

REPORT OF COMMITTEES

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

Assembly Bill 576

Relating to: authorizing a school board to create a capital improvement fund and adjusting a school district's revenue limit.

Concurrence.

Ayes, 5 – Senators Wirch, Moore, Grobschmidt, Drzewiecki and Zien.

Noes, 0 – None.

Assembly Bill 584

Relating to: death benefits under the Wisconsin retirement system.

Concurrence.

Ayes, 5 – Senators Wirch, Moore, Grobschmidt, Drzewiecki and Zien.

Noes, 0 – None.

Robert Wirch
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

Senate Bill 269

Relating to: requiring insurers to establish internal grievance procedures, independent review of certain coverage determinations made by health benefit plans and granting rule-making authority.

Introduction and adoption of Senate amendment 1.

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

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 4 – Senators Moen, Breske, Robson and Erpenbach.
Noes, 3 – Senators Welch, Rude and Drzewiecki.

Passage as amended.

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

Noes, 0 – None.

Rodney Moen
Chairperson

RULING OF THE CHAIR

The Chair is prepared to rule on the point of order raised by the Senator Chvala on Tuesday, November 9, that Senate amendment 5 to **Senate Bill 277** is not germane. It is the opinion of the Chair that Senate amendment 5 incorporates the language of **Senate Bill 178** and clearly expands the purpose of the bill. Therefore, pursuant to Senate Rule 50 the Chair rules that Senate amendment 5 is not germane and the point of order is well taken.

Senate Bill 277

Relating to: the lease and acquisition of privately built correctional facilities; fiscal estimates for bills containing criminal penalty provisions; the provision of medical services to prisoners; correctional institution placements of prisoners by the department of corrections; the effective date of various changes to felony penalties and to the structure of sentences of imprisonment in felony cases; and providing penalties.

Read a second time.

Senator Burke moved that **Senate Bill 277** be referred to the Joint Committee on **Finance**.

The question was: Shall **Senate Bill 277** be referred to the Joint Committee on **Finance**?

The ayes and noes were demanded 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.

Referred.

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Health and Family Services

September 1999

The Honorable, The Legislature:

The Bureau of Health Information is pleased to submit to the Governor and to the Legislature the eighth annual **Health Care Data Report**. The data for this report were collected under Chapter 153, Wisconsin Statutes, and published as authorized by the Board on Health Care Information. This report is based on hospital inpatient discharge data reported to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals in Wisconsin from January through December 1997. It also contains selected ambulatory surgery utilization and charge data from general medical-surgical hospitals and freestanding ambulatory surgery centers in Wisconsin during the same period.

Sincerely,

BARBARA A. RUDOLPH, Ph.D., Director
Bureau of Health Information

State of Wisconsin

November 9, 1999

The Honorable, The Senate:

Please add my name as a cosponsor of **Senate Bill 125**, relating to operating a motor vehicle while under the influence of an intoxicant or drugs, or both; installation of an ignition interlock device in cases involving intoxicated operation of a motor vehicle; seizure of motor vehicles for offenses related to driving while under the influence of an intoxicant; the prohibited alcohol concentration related to operating a motor vehicle while under the influence of an intoxicant; creating a safe-ride grant program; certain alcohol beverage offenses committed by persons under the legal drinking age; making an appropriation; and providing penalties.

Sincerely,

JEFF STONE
State Representative

EXECUTIVE COMMUNICATIONS

State of Wisconsin

Office of the Governor

November 1, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SAARI, JAMES L., of Hurley, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2000.

Sincerely,

TOMMY G. THOMPSON
Governor

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

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

Senator Ellis objected.

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 414

Assembly Bill 427

Assembly Bill 428

Assembly Bill 448

Assembly Bill 551

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 414

Relating to: medical assistance certification of providers under the mandatory health insurance risk-sharing plan.

By Representatives Urban, Underheim, Klusman, Skindrud, Plouff, Albers, Musser, Powers, Brandemuehl, Seratti, Sykora, Goetsch, Hahn, Nass and La Fave; cosponsored by Senators Darling, Rude and Huelsman.

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

Assembly Bill 427

Relating to: defining "record" for purposes of patient health care and mental health confidentiality statutes.

By Joint Legislative Council.

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

Assembly Bill 428

Relating to: penalties and damages for violations of confidentiality laws for patient health care records, mental health court and treatment records, human immunodeficiency virus test results and insurer personal medical information.

By Joint Legislative Council.

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

Assembly Bill 448

Relating to: Vietnam veteran eligibility for veterans benefits.

By Representative Musser.

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

Assembly Bill 551

Relating to: priority of claims for distribution in insurance liquidations, the insurance security fund, conforming the mutual insurance holding company provisions to changes made in the nonstock corporation provisions, the certified capital investment credit for insurers and miscellaneous changes to insurance statutes.

By Representative F. Lasee; cosponsored by Senator Breske, by request of Office of the Commissioner of Insurance.

Read first time and referred to committee on **Insurance, Tourism, Transportation and Corrections**.

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

Assembly Bill 547

Relating to: various changes to the worker's compensation law.

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 547

Read a third time and concurred in.

Assembly Bill 576

Relating to: authorizing a school board to create a capital improvement fund and adjusting a school district's revenue limit.

Read a second time.

Senator Chvala moved that **Assembly Bill 576** be given its third reading.

The question was: Shall **Assembly Bill 576** be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausing, Decker, Erpenbach, George, Grobschmidt, Jauch, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 19.

Noes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rude, Welch and Zien – 14.

Absent or not voting – None.

Ordered to a third reading.

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

Assembly Bill 576

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, Decker, Drzewiecki, Erpenbach, George, Grobschmidt, Huelsman, Jauch, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski and Wirch – 23.

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

Absent or not voting – None.

Concurred in.

Assembly Bill 584

Relating to: death benefits under the Wisconsin retirement system.

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 584

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – 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.

Noes – None.

Absent or not voting – None.

Concurred in.

Senator Burke, with unanimous consent, asked that **Senate Bill 255** be withdrawn from the joint committee on **Finance** and taken up.

Senate Bill 255

Relating to: various changes in the unemployment insurance law, granting rule-making authority, making appropriations and providing penalties.

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.

Senate Bill 255

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – 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.

Noes – None.

Absent or not voting – None.

Passed.

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

ADJOURNMENT

Senator Chvala moved that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

The ayes and noes were demanded 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.

Adjourned.

3:08 P.M.

State of Wisconsin

November 11, 1999

The Honorable, The Senate:

This is to request that the Journal show that I was incorrectly recorded on the vote to order **Senate Bill 576** to a third reading. I should have been recorded as voting "Aye".

Thank you for your consideration.

Sincerely,

JOANNE HUELSMAN

State Senator