

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

THURSDAY, April 25, 1991

The senate met.

The senate was called to order by Fred A. Risser, President of the Senate.

The Chair, with unanimous consent, asked that the calling of the roll be dispensed with.

INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 40**

Relating to earmarking the net proceeds of the state lottery for residential and agricultural property tax relief (first consideration).

By Senators Petak, Kreul, Lorman, Buettner, Farrow and Stitt; cosponsored by Representatives Radtke, Vergeront, Musser, Hahn, Silbaugh, Brancel, Lorge, Underheim, Ladwig, Ainsworth, Freese and Turba.

Read first time and referred to committee on Aging, Banking, Communications and Taxation.

**Senate Joint Resolution 41**

Relating to the rights of victims of crime (first consideration).

By Senators Ulichny, Rude, Risser, Buettner, Helbach, Farrow, George, Leean, Plewa, Lorman, Andrea, Huelsman, Breske, Barrett, Roshell, Potter, Burke and Petak; cosponsored by Representatives Plache, Panzer, Notestein, Barca, Darling, Hinkfuss, Harsdorf, Baldus, Deininger, Boyle, Gard, Carpenter, Duff, Grobschmidt, Hahn, Hasenohrl, Hisrich, Robson, Loucks, Medinger, Musser, Lorge, Lehman, Klusman, Kaufert, Ourada, Porter, Radtke, Rosenzweig, Schultz, Urban, Van Dreel, Van Gorden, Vergeront, Zweck, Coleman, Reynolds and S. Coggs, by request of Attorney General James Doyle, Crime Victims Council, Wisconsin Chiefs of Police Association, Wisconsin Victim Witness Professionals, Wisconsin Coalition Against Sexual Assault, Mothers Against Drunk Driving, Parents of Murdered Children and Other Survivors of Homicide Victims, Professional Fire Fighters of Wisconsin, Wisconsin Committee for Prevention of Child Abuse, American Association of University Women, Wisconsin Division, Wisconsin Justice Fellowship and International Association of Campus Law Enforcement Administrators, Wisconsin Chapter.

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

INTRODUCTION OF BILLS

Read first time and referred:

**Senate Bill 174**

Relating to the award of litigation expenses in condemnation proceedings.

By Senators Petak, Kreul, Rude and Farrow; cosponsored by Representatives Goetsch, Ladwig, Silbaugh, Radtke and Vrakas.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 175**

Relating to the performance of farm chores by foster children and granting rule-making authority.

By Senators Kreul, Roshell, Petak, Lasee and Huelsman; cosponsored by Representatives Schultz, Hahn, Freese, Turba, Goetsch, Zien, Lorge, Lehman, Silbaugh and Ainsworth.

To committee on Agriculture, Corrections, Health and Human Services.

**Senate Bill 176**

Relating to exemption from insurance regulation.

By Senator Van Sistine, by request of Office of the Commissioner of Insurance.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

**Senate Bill 177**

Relating to the price that may be charged for a raffle ticket.

By Senator Ellis, by request of Thomas J. Duffy, American Cancer Society, Wisconsin Division, Area 11 Office.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

**Senate Bill 178**

Relating to the closure of preliminary examinations in criminal cases involving sexual assault, sexual exploitation or incest.

By Legislative Council.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 179**

Relating to criminal liability based on omissions or criminal recklessness and providing penalties.

By Legislative Council.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 180**

Relating to sexual assault, intercourse and contact.

By Legislative Council.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 181**

Relating to limitations on discovery in a civil action based on sexual assault or sexual exploitation.

By Legislative Council.

To committee on Judiciary and Consumer Affairs.

**Senate Bill 182**

Relating to the hiring of permanent replacement employees during a labor dispute and discrimination against employees who participate in a labor dispute.

By Senators Feingold, Van Sistine, Burke, Chvala, Andrea, Breske, Decker, Plewa, Czarnecki, George, Risser, Jauch and Barrett; cosponsored by Representatives Clarenbach, Vander Loop, S. Coggs, Carpenter, Vanderperren, Van Dreel, Hinkfuss, Holschbach, Lautenschlager, Grobschmidt, Robson, Bock, Roberts, Gruszynski, Fortis, Medinger, Young, Notestein, Boyle, Hamilton and Seery.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

**Senate Bill 183**

Relating to crediting military service for certain participants in the Wisconsin retirement system who retired before March 9, 1984, due to layoff and making an appropriation.

By Senators Risser, Van Sistine, Kreul, Chvala and Roshell; cosponsored by Representatives Prosser, Moore, S. Coggs, Hahn, Musser, Turner, Vander Loop, Rohan, Boyle, Gruszynski and Goetsch.

To Joint Survey committee on Retirement Systems.

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**COMMITTEE REPORTS**

The committee on Judiciary and Consumer Affairs reports and recommends:

**Assembly Bill 10**

Relating to requests for increased appropriations to state agencies.

Concurrence:

Ayes, 4 -- Senators Adelman, Chvala, Feingold and Buettner;

Noes, 1 -- Senator Stitt.

**Assembly Bill 351**

An act relating to crime victim compensation and making appropriations.

Concurrence:

Ayes, 4 -- Senators Adelman, Chvala, Feingold and Buettner;

Noes, 1 -- Senator Stitt.

Lynn S. Adelman  
Chair

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**PETITIONS AND COMMUNICATIONS  
STATE OF WISCONSIN  
ETHICS BOARD**

April 23, 1991

To the Honorable the Senate:

At the direction of § 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules. For each organization I have noted the general area of legislative or administrative action which the organization has described as the object of its lobbying activity and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

**Apple Computers, Inc.**

Subjects: All legislation affecting computer technology

Broydrick, Bill

Broydrick, Cindi

Richard, JoAnna

McNulty, Barry

Fitzgerald, Moira

Thompson, Terrence

**Door County Chamber of Commerce**

Subjects: All matters affecting business and industry as it relates to the county of Door.

Hastings, Robert D.

**Upjohn Company**

Subjects: Health care, public safety, agriculture, consumer affairs, environmental issues

Bowlby, Judy

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,

R. Roth Judd

Executive Director

STATE OF WISCONSIN  
ETHICS BOARD

April 23, 1991

To the Honorable the Senate:

At the direction of § 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

**Organization's authorization of additional lobbyists:** The following organizations previously registered with the

Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

**American Civil Liberties Union of Wisconsin, Inc.**

Anderson, E. Fay

**Brunswick Corporation**

McNulty, Barry

**Chemlawn Services Corporation**

Swingle, Brian

**Meehan Seaway Service, Ltd.**

Richard, JoAnna

**Minnesota Mining & Manufacturing Company**

Kilen, Deanna

**Organization's termination of lobbyists:** Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

**Marshall & Ilsley Corporation**

Christianson, Peter 4/16/91

Driessen, Anthony 4/16/91

Theo, Peter 4/16/91

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,  
R. Roth Judd  
Executive Director  
State of Wisconsin  
Legislative Audit Bureau

April 24, 1991

To the Honorable the Legislature:

We have completed a management review of the State of Wisconsin Investment Board. During fiscal year 1989-90, the Investment Board managed over \$23 billion of investments, such as stocks and fixed income securities.

We found that, while the Board has been able to exceed the investment returns assumed by the pension fund actuary, it has experienced an erosion of performance over the last several years compared to its own internally-established performance goals and to the returns earned by other large public investment funds. The principal reason for this erosion of performance is low returns on stock portfolios.

Since the implementation of a bonus compensation plan for board staff in 1988, the Board has awarded more than \$665,000 in bonuses. In each of the three years bonuses were awarded, more than 95 percent of eligible staff received a bonus. It appears, therefore, that bonuses

have been used extensively as a salary supplement rather than as recognition for meritorious investment performance.

Approximately \$1.1 billion of investment funds have been invested in the Board's Invest in Wisconsin program, including \$325 million in loans to Wisconsin businesses. However, we also found that Wisconsin banks have shown little interest in the Board's Certificate of Deposit program. Only \$13.3 million of the \$200 million authorized by the Board were on deposit with Wisconsin banks at the end of fiscal year 1989-90.

We reviewed the ethical requirements and oversight mechanisms for board members and staff. We found no evidence that anything other than valid investment criteria have been used in making investment decisions. Overall, the Board has adopted necessary and adequate rules governing potential conflicts of interest, but we recommend that more be done to ensure that board members disclose their financial relationships to one another.

We appreciate the courtesy and cooperation extended to us by the staff of the Investment Board. The Executive Director's response is the appendix.

Sincerely,  
Dale Cattanach  
State Auditor

State of Wisconsin  
Department of Industry,  
Labor and Human Relations

April 22, 1991

To the Honorable the Legislature:

In accordance with Public Law 97-300, Job training Partnership Act (JTPA), the Annual Reports of the 17 JTPA Service Delivery Areas have been submitted. They are hereby transmitted to you for your review.

If you have any questions concerning these reports or need additional information, please feel free to contact me or my staff.

Sincerely,  
June Suhling  
Division Administrator

#### SENATE CLEARINGHOUSE ORDERS

##### Senate Clearinghouse Rule 90-116

Relating to bingo cards, the conduct of bingo, bingo financial reports, bingo expenses and the conduct of calendar raffles.

Submitted by Department of Regulation and Licensing.

Report received from agency, April 23, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, April 25, 1991.

##### Senate Clearinghouse Rule 91-64

AN ORDER to renumber NR 400.02 (16), 406.02 (1), 484.05 (2) and 484.06 (1) (zk) to (zp); to renumber and

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amend NR 484.06 (2) (a) to (t); to amend NR 400.02 (4), (26), (31), (66) and (80), 406.02 (3), 406.04 (1) (a) 1 to 3, (g), (h), (i) (title) and (j), (2) (b), (c), (cm), (d), (e) 1 and 5, (f) 1 to 3 and (g), (3) (title) and (7) (a), (b) and (c) 1 and 5, 484.03 (title), (intro.) and (3) and 484.06 (1) (intro.) (title); and to create NR 400.02 (78m) and (98), 406.04 (1) (m), 419.07, 484.03 (6), 484.04 and 484.05 (2) to (4), (6) and (7), pertaining to organic compound emissions from the remediation of contaminated soil or water.

Submitted by Department of Natural Resources.

Report received from agency, April 25, 1991.

Referred to committee on Urban Affairs, Environmental Resources and Elections, April 25, 1991.

Senator Risser, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Tuesday, April 30.

10:01 A.M.