

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, February 5, 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 BILLS

Read first time and referred:

Senate Bill 26

Relating to gang criminal activity and providing a penalty.

By Senators Huelsman, Kreul, Breske, Lasee, Farrow, Buettner, Leraan and Petak; cosponsored by Representatives Vrakas, Lehman, Porter, Underheim, Urban, Goetsch, Van Gorden, Rosenzweig, Duff, Gard, Silbaugh, Schneiders, Zien and Wimmer.

To committee on Judiciary and Consumer Affairs.

Senate Bill 27

Relating to disposal of personal property left by a tenant.

By Senator Potter; cosponsored by Representative Baumgart.

To committee on Judiciary and Consumer Affairs.

Senate Bill 28

Relating to admissibility of evidence regarding the manner of dress of a complaining witness.

By Senators Ulichny, Burke, Barrett, Helbach, Buettner, Risser, Potter, Huelsman, Breske, Stitt, Lasee and Farrow; cosponsored by Representatives Rosenzweig, Potter, Young, Krug, Black, Stower, Robson, Carpenter, Wineke, Huber, Plache, Rohan, M. Coggs, Van Dreel, Rutkowski, Gronemus, Holschbach, Bolle, Vander Loop, Porter, Musser, Goetsch, Harsdorf, Klusman, Darling, Vrakas, Loucks, Lehman and Zien.

To committee on Judiciary and Consumer Affairs.

Senate Bill 29

Relating to the discharge of phosphorous into the waters of this state and granting rule-making authority.

By Senators Berndt, Roshell, Kreul, Farrow, Jauch, Moen, Breske and Risser; cosponsored by Representatives Baldus, Duff, Hamilton, Harsdorf, Rosenzweig, Silbaugh, Zien, Lehman, Holperin, Roberts, Musser, Seery, Black, Medinger, Young, Robson, Notestein, Van Dreel, Stower, Boyle and Bock.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 30

Relating to establishing a correctional institution in the town of Brockway in Jackson county.

By Senators Moen, Kreul, Rude, Breske, Andrea and Helbach; cosponsored by Representatives Musser, Roberts, Vander Loop, Schultz, Hamilton, Hisrich, Van Gorden, Medinger and Reynolds.

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

Senate Bill 31

Relating to allowing part-time deputy district attorneys and assistant district attorneys to engage in a private practice of law.

By Senators Moen, Cowles, Kreul and Lasee; cosponsored by Representatives Hamilton, Fortis, Johnsrud, Hasenohrl, Van Gorden, Deininger, Lorge, Musser, Gronemus, Hahn, Hisrich, Wimmer and Huber, by request of James Duvall, Buffalo County District Attorney.

To committee on Judiciary and Consumer Affairs.

Senate Bill 32

Relating to contracts for teaching or other educational services in elementary and secondary schools.

By Senators Stitt, Huelsman, Lasee, Leraan, Berndt, Lorman and Farrow; cosponsored by Representatives Duff, Brancel, Darling, Harsdorf, Ladwig, Lehman, Loucks, Nass, Schneiders, Silbaugh, Turba, Urban, Vergeront, Welch and Zien.

To committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Senate Bill 33

Relating to funding for the endangered resources program and making an appropriation.

By Senators Stitt, Czarnecki, Buettner, Lasee, Ulichny and Farrow; cosponsored by Representatives Darling, Baldus, Deininger, Lehman, Lorge, Ott, Radtke, Rosenzweig, Wimmer and Zien.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 34

Relating to establishing a minimum age for certain driver licensing exemptions.

By Senators Lorman, Weeden and Huelsman; cosponsored by Representatives Schneiders, Goetsch, Vander Loop, Zien, Lehman, M. Coggs and Urban.

To committee on Transportation and Utilities.

Senate Bill 35

Relating to establishing a correctional institution in the city of Waupun.

By Senators Lorman, Andrea, Cowles, Petak and Kreul; cosponsored by Representatives Goetsch, Panzer, Lehman, Rosenzweig, Carpenter, Radtke, Silbaugh and Klusman.

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

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 2

Relating to bill title notations concerning administrative rule making.

Concurrence:

Ayes, 5 -- Senators Risser, Helbach, Chvala, Ellis and Rude;

Noes, 0 -- None.

Assembly Joint Resolution 3

Relating to designating April 21 to 27, 1991, as 'Wisconsin Science and Technology Education Week'.

Concurrence:

Ayes, 5 -- Senators Risser, Helbach, Chvala, Ellis and Rude;

Noes, 0 -- None.

Assembly Joint Resolution 5

Relating to the life and public service of Clifford Messinger.

Concurrence:

Ayes, 5 -- Senators Risser, Helbach, Chvala, Ellis and Rude;

Noes, 0 -- None.

Fred A. Risser
Chair

The committee on Tourism, Commerce, Labor, Veterans' and Military Affairs reports and recommends:

Senate Bill 21

Relating to providing benefits to veterans of Operation Desert Shield and Operation Desert Storm.

Passage:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Kreul and Rude;

Noes, 0 -- None.

Senate Bill 22

An act relating to health insurance risk sharing plan premium reductions and deductibles subsidy and making an appropriation.

Passage:

Ayes, 8 -- Senators Van Sistine, Breske, Roshell, Plewa, Potter, Decker, Kreul and Rude;

Noes, 0 -- None.

Jerome Van Sistine
Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 1

A petition by 4,876 residents of the State of Wisconsin in support of home schooling as an educational alternative and asking the Wisconsin Legislature not to further regulate private education, including home schooling.

By Senator Roshell.

Read and referred to committee on Education, Economic Development Financial Institutions and Fiscal Policies.

State of Wisconsin
Ethics Board

February 4, 1991

To the Honorable the Senate

At the direction of s. 13.685(7), *Wisconsin Statutes*, I am furnishing you with the names of newly licensed lobbyists and the organizations for which they are authorized to act. 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.

AUTHORIZATION TO LOBBY IS GRANTED:

The following organization(s) indicated they have newly authorized as their paid lobbyist(s) the individuals identified below:

AFSCME District Council 48

Subjects: Any area that may effect wages, hours and conditions of employment of workers employed in the public sector.

1) John Parr,

Agri-Business Council, Wisconsin

Subjects: All actions directly and indirectly affecting agriculture (including silviculture) in Wisconsin.

1) Russel R. Weisensel,

American Cancer Society, WI Div.

Subjects: Cancer and tobacco-related issues.

1) Suzan Knobel,

2) William McCracken,

American Telephone and Telegraph

Subjects: Telecommunications, taxes, environment, civil rights, labor.

1) James L. Leonhart,

AMEX Life Assurance Company

Subjects: Any function or activity of any branch, department or phase of federal, state or local government; agriculture; outdoor or environment; taxation; regulation or business, finance or insurance or

other topics pertaining to the general public health or welfare.

- 1) Stephen B. Bablitch,
- 2) Ronald Kuehn,

Anesthesiologists, Wisconsin Society of

Subjects: Malpractice insurance; licensing of health professionals.

- 1) Thomas S. Hanson,

Associated Builders and Contractors of Wisconsin, Inc.

Subjects: Business, taxes, budget, building codes, unemployment compensation, wage and hour apprenticeship, transportation.

- 1) Stephen Stone,
- 2) Les Wakefield,
- 3) Wayne Belanger,

Associated Credit Bureaus of Wisconsin, Inc.

Subjects: Consumer affairs and credit reporting.

- 1) Donald Rush,

Blind Enterprises and Services, Inc., American Council of the

Subjects: Any and all legislation relating to the blind or visually impaired.

- 1) Robert W. Schroeder,

Bradley Center Corp.

Subjects: Matters affecting sports and entertainment regulation; all matters which affect or may affect the corporation.

- 1) Sharon Cook,
- 2) Brian L. Mitchell,

Burlington Northern Railroad

Subjects: Transportation, general business matters; all areas relating to railroading, regulation of business, taxation and environment.

- 1) M. William Gerrard,
- 2) Sam Gratz,

Campground Owners, Wisconsin Assoc. of

Subjects: Tourism, taxation, commerce and consumer affairs, health and social services.

- 1) Thomas Coenen,
- 2) Janet Swandby,

Chicago and North Western Transportation Co.

Subjects: All areas relating to railroading, regulation of business, taxation and environment.

- 1) M. William Gerrard,
- 2) Sam Gratz,

Cities, Alliance of, Wisconsin Inc.

Subjects: Intergovernmental payments, property taxes, public employee bargaining, environment, highways, courts, and state taxes.

- 1) Edward Huck,

Economic Development Assoc., Wisconsin

Subjects: Commerce and business, commercial credit, economic development, education, higher education, environment, recycling and conservation, excise and fees, family law, housing, labor, rural development, small business and employment, taxation, tourism and recreation, transportation, utilities, cultural affairs, natural resources, securities, urban affairs, ways and means, health care financing, highways, judiciary, veterans, energy.

- 1) Joseph M. Chernelich,
- 2) Deanna M. Kilen,

Education Association Council, Wisconsin

Subjects: Matters that affect education, as well as labor, corrective institutions, taxes, school aid, DPI.

- 1) Morris Andrews,
- 2) Richard Collins,
- 3) R. Michael Brennan,
- 4) John Stocks,
- 5) Bruce Oradei,
- 6) Jack Coe,
- 7) George Williams,
- 8) Frank Burdick,

Farmers Group, Inc.

Subjects: Insurance; property, casualty and life.

- 1) John A. Petit,

Farmers Organization, National

Subjects: Wisconsin farmers, farms, the agricultural industry, and the agricultural processing industry, including bovine growth hormone, taxation, and dairy plan security.

- 1) Michael Quam,

Handicapped Children's Education Board, Manitowoc County

Subjects: Education, special education, taxation, school financing, state shared revenues.

- 1) Edward L. Blume,

International Business Machines Corp.

Subjects: Employment law issues, taxation, environment, education and other issues of concern to the information processing industry.

- 1) Joseph Chernelich,
- 2) Deanna Kilen,

Lehmann, Ernest K. and Associates of Wisconsin Inc.
Subjects: Mining, natural resources, environmental, taxation.

JOURNAL OF THE SENATE [February 5, 1991]

- 1) R. Joseph Sandberg,
- 2) Thoedore A. De Matties,

MCI Communications Corporation

Subjects: Taxation and regulation of telecommunications services.

- 1) David Berger,

Mercantile Thrift Stores, Inc.

Subjects: Legislation affecting operation of thrift stores, sale of salvaged and distressed merchandise, veterans organizations exemption from solicitation statutes.

- 1) Robert W. Schroeder,

Miller Brewing Company

Subjects: Any matters affecting the brewing, food or tobacco industries.

- 1) Paul J. Lucas,
- 2) Martin J. Schreiber,
- 3) Thomas G. Krajewski,
- 4) Anthony Earl,

Milwaukee Metropolitan Sewerage District

Subjects: Any matter affecting organization in any way by any state agency or the legislature.

- 1) Susan B. Anthony,
- 2) William Broydrick,
- 3) Cynthia Broydrick,
- 4) Thomas J. Crawford,
- 5) Moira Fitzgerald,
- 6) Michael J. McCabe,
- 7) Barry McNulty,
- 8) James H. Petersen,
- 9) JoAnne Richard,

Noranda Exploration, Inc.

Subjects: Mining, minerals exploration, wetlands issues.

- 1) Michael Donnelly,
- 2) Glen Adams,
- 3) Anthony Earl,
- 4) Edward W. Mouw,

Ophthalmology, Wisconsin Academy of

Subjects: Health care, finance (budget).

- 1) Robert Heider,
- 2) William Broydrick,
- 3) JoAnne Richard,

Outdoor Advertising Assoc. of Wisconsin

Subjects: Any measure related to outdoor advertising, signs, small business, taxation.

- 1) Thomas S. Hornig,
- 2) Thomas H. Coenen,
- 3) Janet R. Swandby,

Cooling Contractors, Inc., Wisconsin Association of
Subjects: Licensing and regulations of plumbing-heating-cooling contractors and consumer affairs.

- 1) Donald Rush,

Printing Industries of Wisconsin

Subjects: Any function of any branch, department or phase of federal, state or local government agriculture, outdoors or environment, taxation, regulation.

- 1) Henry J. Handzel Jr.,

Rochester Telephone Corporation

Subjects: Telecommunications, committee, tax issues.

- 1) Andrew Caverly,

Safety Belt Coalition, Inc., Wisconsin

Subjects: Any function or activity of any branch, department or phase of federal, state or local government; public safety; transportation; safety belts; airbags; outdoors or environment; taxation; regulation or business, finance or insurance or other topics pertaining to the general public health or welfare.

- 1) Brenda Weix,

Smith Corporation, A.O.

Subjects: Environmental, commerce and business, tax, labor and employment, worker's compensation, commercial credit, transportation, agriculture, natural resources, insurance and potentially all areas listed in the subject matter index.

- 1) Roger S. Smith,
- 2) Edward O'Connor,
- 3) Henry L. Hedges,

Solid Wastes Management Association, National

Subjects: All legislation and rules affecting the waste industry to include environmental and transportation related issues.

- 1) Paul Sicula,

St. Francis, City of

Subjects: Areas related to municipal government.

- 1) Chet Gerlach,

Tangible Assets, Wisconsin Council for

Subjects: Any legislation to taxes and the Department of Revenue.

- 1) Gary Goyke,
- 2) Ruthann Nelson,

United Council of UW Student Governments

Subjects: Areas affecting University of Wisconsin students.

- 1) Lance Walter,

Water Well Association Inc., Wisconsin

JOURNAL OF THE SENATE [February 5, 1991]

Subjects: Department of Natural Resources Administrative Rules dealing with water well construction and well service, groundwater protection and environmental protection; clean drinking water acts and concerns; environmental protection and concerns.

1) Gervase Hephner,

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. Royh Judd
Executive Director
State of Wisconsin
Investment Board

February 1, 1991

To the Honorable the Legislature:

Pursuant to s.25.17(14m) of the Statutes, I am submitting to you the Investment Board's Annual Report for fiscal year 1990, which contains a discussion of investments made within the state.

Sincerely,
Patricia Lipton
Executive Director

State of Wisconsin
Department of Veterans Affairs
January 30, 1991

To the Honorable the Legislature:

I am submitting the attached report on the Wisconsin Veterans Retraining Grant Program as directed by section 3056(2) of 1989 Wisconsin Act 31.

The report is to be distributed to the Legislature in the manner provided in section 13.172(2) of the statutes. Thank you for your assistance.

Sincerely,
John J. Maurer
Secretary

State of Wisconsin
Department of Public Instruction
January 29, 1991

To the Honorable the Legislature:

Senate Bill 31(4h) [attached] requires the Department of Public Instruction to submit a report on the creation of an energy savings program to the Chief Clerk of each house of the legislature by January 1, 1991. The Department has not been able to meet this deadline due to the lengthy process of surveying the local school districts as to their energy usage. Although it has taken us past the deadline, we have been able to gain a 100% response to our survey. As the deadline for this survey approached, my staff had to make a decision to submit a report with incomplete data, or an accurate report reflecting the energy use of every school building in the State. The Department chose to take the extra time

necessary to compile a complete and accurate survey. It is almost unheard of to gain a 100% response, and I am very pleased that we have been able to do so. I feel that the completeness of the survey results will offset our inability to meet the January 1, 1991 deadline.

Attached are draft copies of some charts that depict the energy use in the school buildings in Wisconsin. We are currently analyzing the data contained on these tables to help us formulate recommendations relating to incentives for school district energy saving programs. As a result, I am requesting an extension until March 1, 1991 to submit recommendations and applicable statutory language.

Sincerely,
Herbert J. Grover
State Superintendent

State of Wisconsin
Department of Health and Social Services
December 1990

To the Honorable the Legislature:

I am pleased to submit to the Governor and to the Legislature the 1989 "Summary Guide to Wisconsin Hospitals," which summarizes the hospital utilization and fiscal information contained in the 677 page "Detailed Guide to Wisconsin Hospitals" released in October.

The inclusion of hospital revenue and expense information in the detailed and summary guides fulfill the statutory requirement contained in s. 153.35(2), Wis. Stats., to provide "*comparisons, among hospitals, of increases or decreases in gross revenue, net revenues, revenues and expenditures.*"

OHCI wishes to express its sincere appreciation to all Wisconsin hospitals that were part of the reporting process. In addition, I would like to personally thank members of the Hospital Data Systems Unit (Center for Health Statistics, Division of Health) and my staff in developing this report.

Printed copies of this publication are available from the Office. Please contact our office should you or your staff have any questions.

Sincerely,
R. Nicholas Trane II
Director Office of Health
Care Information

State of Wisconsin
Legislative Audit Bureau
January 30, 1991

To the Honorable the Legislature:

We have completed a financial audit of the Racing Board's revenue and expenditure statement for fiscal years 1988-89 and 1989-90 to satisfy our responsibilities under s. 13.94, Wis. Stats. We evaluated the accounting controls and records of the Racing Board and reviewed calendar year 1990 racing activity.

The Racing board has appropriate accounting controls, and its financial transactions generally comply with statutory and other state guidelines, although several minor noncompliance issues were reported to the Racing Board during the course of our audit. The Racing Board subsequently has made progress in implementing the suggested improvements.

The Racing board received a \$430,100 start-up loan from the General Fund in fiscal year 1988-89. In August 1990, the loan was repaid to the General Fund with interest. Three race tracks opened on or before their scheduled dates in calendar year 1990. The Racing Board delayed the opening of the Dairyland Greyhound Park 19 days until the surface of the racing track and other construction met standards and subsequently assessed \$1 million in fines against Dairyland. In June 1991, St. Croix Meadows Greyhound Race Park, the last track scheduled to open, will begin operations.

Wagering and attendance at the race tracks in calendar year 1990 generally met expectations. Wagers were over \$210 million, and attendance was approximately 2.3 million. The Racing Board received revenues of \$8.7 million from racing activity.

Revenues received by the Racing Board in excess of its operating costs are designated for various programs. The amount received in fiscal year 1990-91 is expected to exceed the amount appropriated for these purposes by an estimated \$5.8 million.

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

Sincerely,
Dale Cattanach
State Auditor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

January 30, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHN VAN HOLLEN of Mason, as a member of the Wisconsin State Lottery Board pursuant to the statute governing, to serve for the interim term ending May 1, 1991.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

State of Wisconsin
Office of the Governor

January 30, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM B. JOHNSON of Hayward, as a member of the Wisconsin Racing Board pursuant to the statute governing, to serve for the interim term ending May 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

SENATE CLEARINGHOUSE ORDERS

State of Wisconsin
Revisor of Statutes Bureau

February 1, 1991

To the Honorable the Legislature:

The following rules have been published and are effective:

- Clearinghouse Rule 88- 18 effective February 1, 1991.
- Clearinghouse Rule 89-155 effective February 1, 1991.
- Clearinghouse Rule 89-206 effective February 1, 1991.
- Clearinghouse Rule 90- 26 effective February 1, 1991.
- Clearinghouse Rule 90- 49 effective February 1, 1991.
- Clearinghouse Rule 90- 51 effective February 1, 1991.
- Clearinghouse Rule 90- 65 effective February 1, 1991.
- Clearinghouse Rule 90- 74 effective February 1, 1991.
- Clearinghouse Rule 90- 96 effective February 1, 1991.
- Clearinghouse Rule 90-100 effective February 1, 1991.
- Clearinghouse Rule 90-112 effective February 1, 1991.
- Clearinghouse Rule 90-119 effective February 1, 1991.
- Clearinghouse Rule 90-121 effective February 1, 1991.
- Clearinghouse Rule 90-124 effective February 1, 1991.
- Clearinghouse Rule 90-131 effective February 1, 1991.
- Clearinghouse Rule 90-137 effective February 1, 1991.
- Clearinghouse Rule 90-145 effective February 1, 1991.

JOURNAL OF THE SENATE [February 5, 1991]

Clearinghouse Rule 90-156 effective February 1, 1991.
Clearinghouse Rule 90-161 effective February 1, 1991.
Clearinghouse Rule 90-165 effective February 1, 1991.
Clearinghouse Rule 90-166 effective February 1, 1991.
Clearinghouse Rule 90-172 effective February 1, 1991.
Clearinghouse Rule 90-173 effective February 1, 1991.
Clearinghouse Rule 90-174 effective February 1, 1991.
Clearinghouse Rule 90-177 effective February 1, 1991.
Clearinghouse Rule 90-182 effective February 1, 1991.
Clearinghouse Rule 90-185 effective February 1, 1991.
Clearinghouse Rule 90-191 effective February 1, 1991.
Clearinghouse Rule 90-198 effective February 1, 1991.
Clearinghouse Rule 90-200 effective February 1, 1991.

Sincerely,
GARY L. POULSON
Deputy Revisor

Senate Clearinghouse Rule 90-194

Relating to the agricultural diversification and development grant program.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, January 31, 1991.
Referred to committee on Agriculture, Corrections, Health and Human Services, February 5, 1991.

Senate Clearinghouse Rule 90-235

Relating to the recycling of refrigerants from mobile air conditioners.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, February 1, 1991.

Referred to committee on Urban Affairs, Environmental Resources and Elections, February 5, 1991.

The committee on Tourism, Commerce, Labor, Veterans' and Military Affairs reports and recommends:

Senate Clearinghouse Rule 90-80

Relating to flammable and combustible liquids and the protection of groundwater.

No action taken.

Jerome Van Sistine
Chair

Senator Helbach, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Wednesday, February 6.

10:01 A.M.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 23** offered by Senator Decker.