

# STATE OF WISCONSIN

## Senate Journal

### Ninetieth Regular Session

10:00 A.M.

Tuesday, February 18, 1992

The senate met.

The senate was called to order by Senator Chvala.

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 513**

Relating to the eligibility requirement for reserve judges.

By Senator Helbach; cosponsored by Representative Schneider.

To committee on Judiciary and Consumer Affairs.

##### **Senate Bill 514**

Relating to fire inspection requirements, the use and distribution of fire department dues and granting rule-making authority.

By Legislative Council.

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

##### **Senate Bill 515**

Relating to the allocation of federal child care and development block grant funds, requiring the secretary of health and social services to appoint a committee to advise the department of health and social services regarding the expenditure of those funds, license sanctions for day care providers, parental access to day care facilities, creating a child care licensing board, a child care resource and referral service grant program, a child care start-up and expansion grant program, day care programs for the children of student parents, a child care staff retention grant program, a child care quality improvement grant program, contracts for child care training and technical assistance, training personnel of county departments of human services or social services in child care program administration, establishing quality standards for child care that are higher than the standards required for licensure or certification, establishing reimbursement rates or grants based on those higher quality standards, providing a penalty, granting rule-making authority and making appropriations.

By Senators Moen, Risser, Burke, Breske, Ulichny, Buettner, Berndt and Feingold; cosponsored by Representatives Gruszynski, Darling, Young, Bell, Notestein, Lautenschlager, Seery, Carpenter, Harsdorf, Schneider, Baldus, Rohan, Krusick, Medinger, Van Dreef, Potter, Springer, Lorge, Black, Clarenbach,

Rosenzweig, Holperin, Hinkfuss, Hisrich, Bock, Plache, Roberts, Stower, Urban and Radtke.

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

##### **Senate Bill 516**

Relating to the authority of a county executive to veto all or part of the annual county budget.

By Senator Adelman; cosponsored by Representatives Hough and Foti.

To committee on Housing, Government Operations and Cultural Affairs.

#### COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

##### **Assembly Joint Resolution 108**

Relating to commending Ken Keltner.

Concurrence:

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

Noes, 0 -- None.

Fred A. Risser  
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

##### **Senate Bill 402**

Relating to placing criminal defendants with volunteers in probation programs.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

##### **Senate Bill 436**

Relating to providing for the purchase, operation and maintenance of computer-aided transcription equipment and making an appropriation.

Introduction and adoption of Senate substitute amendment 1:

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

Noes, 1 -- Senator Stitt.

Passage as amended:

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Ayes, 4 -- Senators Adelman, Feingold, Chvala and Buettner;  
Noes, 1 -- Senator Stitt.

Lynn S. Adelman  
Chair

The committee on Urban Affairs, Environmental Resources and Elections reports and recommends:

**Assembly Bill 145**

Relating to arrests in populous counties.

Concurrence:

Ayes, 5 -- Senators Burke, Chvala, Decker, Stitt and Cowles;

Noes, 1 -- Senator Adelman.

**Senate Bill 29**

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

Introduction and adoption of Senate substitute amendment 1:

Ayes, 4 -- Senators Burke, Chvala, Adelman and Decker;

Noes, 2 -- Senators Stitt and Cowles.

Passage as amended:

Ayes, 4 -- Senators Burke, Chvala, Adelman and Decker;

Noes, 2 -- Senators Stitt and Cowles.

**Assembly Bill 74**

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

Introduction and adoption of Senate amendment 2:

Ayes, 6 -- Senators Burke, Chvala, Adelman, Decker, Stitt and Cowles;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 4 -- Senators Burke, Chvala, Adelman and Decker;

Noes, 2 -- Senators Stitt and Cowles.

Brian Burke  
Chair

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Legislative Audit Bureau

February 14, 1992

To the Honorable the Legislature:

We have completed a financial audit of the Mendota Mental Health Institute for the period July 1, 1990, through June 30, 1991. The audit was requested by the Department of Health and Social Services to comply with financial statement requirements of the Joint Commission on Accreditation of Hospitals.

Our audit report contains the financial statements, related independent auditor's report, report on internal control structure, and compliance report. We were able to express an unqualified opinion on the Institute's financial statements.

We appreciate the courtesy and cooperation extended to us by the Department of Health and Social Services staff during our audit.

Sincerely,  
Dale Cattanach  
State Auditor

State of Wisconsin  
Legislative Audit Bureau

February 14, 1992

To the Honorable the Legislature:

We have completed a financial audit of the Winnebago Mental Health Institute for the period July 1, 1990, through June 30, 1991. The audit was requested by the Department of Health and Social Services to comply with financial statement requirements of the Joint Commission on Accreditation of Hospitals.

Our audit report contains the financial statements, related independent auditor's report, report on internal control structure, and compliance report. We were able to express an unqualified opinion on the Institute's financial statements.

We appreciate the courtesy and cooperation extended to us by the Department of Health and Social Services staff during our audit.

Sincerely,  
Dale Cattanach  
State Auditor

State of Wisconsin  
Department of Natural Resources

February 11, 1992

To the Honorable the Legislature:

As required by s. 144.737, Stats., we are providing you a draft copy of a Report entitled: "Hazardous Waste Capacity Assurance Plan Update - State of Wisconsin, February 1992" for distribution under s. 13.172(2). A final version of the Update should be sent to you in the near future. If you have any questions regarding this letter, please contact Mark Gordon of my staff at 266-7278.

Sincerely,  
Paul P. Didier, P. E., Director  
Bureau of Solid and  
Hazardous Waste Management

State of Wisconsin  
Department of Corrections

February 10, 1992

To the Honorable the Legislature:

As required under Section 301.03(6r) of the Wisconsin Statutes, I am submitting information relative to the number of prisoners the Department of Corrections considers violent and the total number of prisoners.

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On December 31, 1991 the Department had 7946 adult inmates under institution supervision. Out of the 7946 inmates, 4549 (57%) had assaultive offenses.

Sincerely,  
Patrick J. Fiedler  
Secretary  
STATE OF WISCONSIN  
ETHICS BOARD

February 11, 1992

To the Honorable the Senate:

At the direction of s. 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.

**High Speed Rail Association, Wisconsin**  
Subjects: All areas of legislative and administrative action which would affect the development of high speed rail system in and through Wisconsin.

Goyke, Gary

**International Finance Corporation and Asian Development Bank**

Subjects: Obtain statutory authorization for Wisconsin Investment Board and state-chartered financial institutions to invest in International Finance Corporation and Asian Development Bank AAA obligations on permissive basis.

Earl, Anthony

Theo, Peter

**Sheet Metal Workers' Local Union #18, AFL-CIO**

Subjects: Apprenticeship, Construction, Prevailing Wage, Health and Welfare, Labor Issues, Education and Environmental Resources.

Kuczynski, Ted

**Urban Transit Association, Wisconsin**

Subjects: Mass transit

Goyke, Gary

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

February 11, 1992

To the Honorable the Senate:

At the direction of s. 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:

**Blue Cross/Blue Shield United of WI**

McNulty, Barry

**Cooperatives, Wisconsin Federation of**

Manske, John

**Creative Resource Ventures, Ltd.**

White, Walter

**Health Insurance Assoc. of America**

Hilbert, Lisa

**MCI Communications Corporation**

Wilusz, Edward

**Midwest Equipment Dealers, Inc.**

Manke, Gary

**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.

**American Farmland Trust**

O'Connor, William 1/27/92

**Planned Parenthood of Wisconsin, Inc.**

Fuller, Frankie 1/31/92

**Ripps, Harold W.**

(Ceased lobbying activity on 5/21/91)

Broydrick, Bill 5/21/91

Broydrick, Cindi 5/21/91

McNulty, Barry 5/21/91

**Organization's modification or amendment of records:** The organizations listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

**Employers Health Insurance Company**

New Address:

1100 Employers Blvd.  
Green Bay, WI 54344

**Human Concerns, Wisconsin Council on**

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New Address:  
16 N. Carroll St., #420  
Madison, WI 53703

**Retired Educators Assoc., Wisconsin** (new name)  
Name Change (formerly Retired Teachers Assoc., Wisconsin)

**Lobbyists' modification or amendment of records:** The lobbyists listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

Leslie Schoenfeld-Grendahl (old name)  
name change to:  
Leslie G. Grendahl (new name)

Janet Swandby  
phone change:  
(414) 672-0123 (old)  
(414) 567-8801 (new)

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

February 11, 1992

To the Honorable the Senate:

At the direction of s. 13.685 (7), Wisconsin Statutes, I am furnishing you with the following list of State Agencies with additions or deletions to the names, titles and telephone numbers of their legislative liaisons:

**Administration, Dept. of**

ADD:  
Steinhoff, Neal Admin/Div. Info Tech Svcs. 608-266-2815  
Prange, Phil Spec. Asst./Office of the Sec 608-267-6924  
Matera, Ray Admin/Div Bldgs & Police Svcs 608-266-5044  
McClure, Art Fac. Dev./Bur. Dir./Adm. Serv. 608-266-1360  
Peterson, Dick Fac. Dev./Sec. Chief/Cap. Fin./Phy. Plan. 608-266-5565  
Hoadley, Frank Cap. Fin. Dir. 608-266-2305

**Child Abuse and Neglect Prevention Board**

ADD:  
Morse, Jude Executive Director 608-266-6871

DELETE:  
Olson, Elaine Executive Director 608-266-6871

**Employee Trust Funds, Dept. of**  
AMEND: (Name spelling)

Stanchfield, Eric Deputy Secretary 608-266-0301

**Governor, Office of the =**  
AMEND: (Title changes)

Fonfara, Thomas Senior Policy Analyst 608-266-1212  
Hoslet, Charles Legal Counsel 608-266-1212  
Bartzen, Jeffrey Deputy Legal Counsel 608-266-1212

**Health and Social Service, Dept of**  
ADD:

Alt, Thomas Deputy Admin./DCS 608-267-9059  
Van Vleck, Jan Deputy Admin./DVR 608-266-2168  
Zimdars, Duane Program Planning Analyst/DVR 608-266-1134  
REMOVE  
Hughes, Mike Dir./Office of Policy & Budget 608-266-8402  
Kilgore, Mary Adm. Asst./Div. of Voc. Rehab. 608-266-1931  
Duax, David Admin./Div. of Youth Services 608-267-3691

**Higher Educational Aids Board**

ADD:  
Martin, Buck Deputy Secretary 608-267-2208  
REMOVE:  
Eggert, Peter Deputy Exec. Secretary 608-267-2208

**Historical Society, State**

AMEND: (Name spelling)  
Cooper, David Underwater Archaeologist 608-264-6493

**Industry, Labor, Human Rel, Dept. of**

ADD:  
Ware, LeAnna Acting Director, Equal Rights Bureau 608-266-1997

**Justice, Dept of**

ADD:  
Hoel, David E. AAG 608-266-9231  
Moeller, Marguerite AAG 608-266-8556  
Becker, David AAG 608-266-7447  
Balistreri, Thomas AAG 608-266-1523  
Flanagan, David AAG 608-266-7971  
Dosch, Tom AAG 608-266-0770  
Greene, John AAG 608-266-3936  
Tinker, Steve AAG 608-266-0764  
Lundsten, Paul AAG 608-266-8554  
Flanagan, Maureen McGlynn AAG 608-266-1780  
Schmidt, Jerry AAG 608-266-0810  
O'Brien, Dan AAG 608-266-9620  
Posner-Weber, Greg AAG 608-266-3935  
Freimuth, Jim AAG 608-267-8904

ADD:  
Ruhly, Sharon AAG 608-266-7081  
Kleinmaier, Steve AAG 608-266-8908  
AMEND: (Change in title)

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Derene, Steve            Crime Victims Services 608-267-2251

Haag, Doug            Asst. A.G., Unit VI 608-266-7637  
AMEND: (Name spelling)

Meuer, Tess            Crime Victim Council 608-266-1155

**Lieutenant Governor, Office of**

ADD:

Diderich, Joni           Ass't Policy Director 608-266-3516

**Lottery, Wisconsin**

ADD:

Hlavacek, Maureen      Dir. Admin. & Oper. 608-267-4500

AMEND: (Phone change)

Harmelink, Diane        Deputy Director 608-267-4501

**Military Affairs, Dept of**

ADD:

Boland, Raymond G.     Executive Assistant 608-241-6396

REMOVE:

Conner, Leroy E., Jr.    Executive Assistant 608-241-6396

**Northwest Regional Planning Commission**

ADD:

Davis, Bruce T.           Deputy Director 715-635-2197

Graham, William        Comm Econ Dev Planner 715-748-2470

Silberstein, Jane        Comm Econ Dev Planner 715-682-7042

Bieno, Ed                Comm Econ Dev Planner 715-532-3561

AMEND: (Name spelling)

Mekhail, Mounir        Commissioner 715-682-0310

Andrews, Stephen C.    Executive Director 715-635-2197

Cardwell, Dale R.        Comm Econ Dev Planner 715-635-2197

Heglund, Charles        Commissioner 715-748-2482

**Regulation & Licensing, Dept of**

ADD:

Eggert, Peter            Dir./Business & Design Profs. 608-266-3423

REMOVE:

Lahn, Jacqueline        Dir./Business & Design Profs. 608-266-3423

**Revenue, Department of**

ADD:

Weinberger, Marc        Legislative Liaison 608-266-2928

Mnuk, Katherine        Legislative Liaison 608-267-1262

REMOVE:

Rader, John W.         Executive Assistant 608-266-6466

**Secretary of State, Office of the**

ADD:

Earl Hazeltine            General Counsel 608-267-6807

REMOVE:

Hansen, Christine        General Counsel 608-267-6807

**Transportation, Dept. of** ADD: Thompson, Charles H. Secretary 608-266-1113

REMOVE:

Fiedler, Ronald            Secretary 608-266-1113

AMEND: (Name spelling)

Thiel, James             General Counsel 608-266-8810

Sincerely,

R. Roth Judd

Executive Director

**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor

February 12, 1992

To the Honorable, the Senate:

Upon the request of LYNDA S. CULLEY, I am withdrawing her nomination for appoint to the Public Defender Board.

Respectfully,

Tommy Thompson

Governor

**SENATE CLEARINGHOUSE ORDERS**

**Senate Clearinghouse Rule 91-155**

Relating to administrative orders and contested cases.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, February 17, 1992.

Referred to committee on Agriculture, Corrections, Health and Human Services, February 18, 1992.

The committee on Housing, Government Operations and Cultural Affairs reports and recommends:

**Senate Clearinghouse Rule 91-167**

Relating to fees for credentials and reexaminations and refund fees.

No action taken.

John R. Plewa

Chair

**MESSAGE FROM THE ASSEMBLY**

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 104**

Passed and asks concurrence in:

**Assembly Bill 298**

**Assembly Bill 311**  
**Assembly Bill 314**  
**Assembly Bill 572**  
**Assembly Bill 591**  
**Assembly Bill 675**  
**Assembly Bill 712**  
**Assembly Bill 774**  
**Assembly Bill 801**  
**Assembly Bill 802**  
**Assembly Bill 853**

Concurred in:

**Senate Bill 289**

Amended and concurred in as amended:

**Senate Bill 163**, Assembly amendments 1 and 2

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MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 104**

Relating to designating April 26 to May 2, 1992, as 'Wisconsin Science and Technology Education Week'.

By Representatives Klusman, Young, Rosenzweig, Grobschmidt, Porter, Schneiders, Duff, Lehman, Musser, Prosser, Moore, Turba, Panzer, Nass, Ourada, Hahn, Ott, Ladwig, Loucks, Underheim, Brandemuehl, Kaufert, Rohan, Van Gorden, Silbaugh, Zien, Hisrich, Urban, Vrakas, Robson, Darling and Van Dreel, cosponsored by Senators Potter, Schultz, Ulichny, Huelsman, Buettner, Farrow, Lorman, Petak and Cowles.

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

**Assembly Bill 298**

Relating to public recreational access sites, local boating regulations and granting rule-making authority.

By Representatives Bock, Carpenter, Grobschmidt, Notestein, Fortis, Krug, Ladwig, Barca, Krusick, Lautenschlager, Stower, Potter, Hisrich, Zweck, Boyle, Gruszynski, Robson, Plache, Seery, Young, Baldus and Huber, cosponsored by Senators Barrett, Czarnecki, Decker, Potter, Van Sistine, Rude and Burke.

Read first time and referred to committee on Urban Affairs, Environmental Resources and Elections.

**Assembly Bill 311**

Relating to exempting transfers from a partner to a partnership from the real estate transfer fee.

By Representatives Panzer, Barca, Radtke, Musser, Darling, Hahn, Van Gorden, Ott, Zien, Schultz, Underheim, Silbaugh and Duff, cosponsored by Senators Ulichny, Huelsman, Cowles, Lasec, Stitt and Lorman.

Read first time and referred to committee on Housing, Government Operations and Cultural Affairs.

**Assembly Bill 314**

Relating to eligibility for special action release to parole supervision.

By Representatives Coleman, Welch, Vergeront, Radtke, Goetsch, Musser, Bolle, Ott, Huber, Duff, Darling, Nass, Porter, Silbaugh, Gard, Freese, Klusman, Urban and Underheim, cosponsored by Senators Buettner, Lasec and Huelsman.

Read first time and referred to committee on Agriculture, Corrections, Health and Human Services.

**Assembly Bill 572**

Relating to development zones jobs credit treatment of leased or rented employes.

By Representatives Van Dreel, Fortis, Hisrich, Boyle, Gronemus, Schneiders and Baldus, cosponsored by Senators Cowles and Buettner.

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

**Assembly Bill 591**

Relating to immunity for physicians who provide medical care to athletic participants.

By Representatives Black, Robson, Huber, Barca, Hasenohrl, Coleman, Lorge, Lehman, Hamilton, Lautenschlager, Bock, Darling, Ourada, Musser, Porter, Grobschmidt, Brancel, Hisrich, Baldus, Van Dreel, Schneiders, Loucks, Baumgart, Goetsch, Krug, Holschbach, Kaufert, Roberts, Van Gorden, Turba, Brandemuehl, Vrakas, Stower, Hahn, Rohan, Radtke, Urban, Potter, Silbaugh, Ainsworth, Moore, Ladwig, Rosenzweig, Deininger and Ott, cosponsored by Senators Decker, Jauch, Rude, Berndt, Cowles, Petak, Weeden, Farrow, Huelsman, Lorman, Leman and Helbach, by request of the Wisconsin High School Football Coaches Association, the Wisconsin Independent Schools Athletic Association, the Wisconsin Interscholastic Athletic Association, and the Wisconsin Athletic Directors Association.

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

**Assembly Bill 675**

Relating to investment of the uninsured employers fund and the work injury supplemental benefit fund under the worker's compensation law and interest rates paid by public depositories (suggested as remedial legislation by the state investment board).

By Law Revision Committee.

Read first time and referred to committee on Housing, Government Operations and Cultural Affairs.

**Assembly Bill 712**

Relating to defining corporations servicing student loans as collection agencies.

By Representatives Gruszynski, Brancel, Young, Black, Fortis, Stower, Medinger, Baldus, Zien, S. Coggs, Wood, Plache, Carpenter, Wineke, Roberts, Hough, Gard, Holperin, Hisrich, Boyle, Musser, Notestein, Moore, Potter, Panzer, Lautenschlager, Grobschmidt,

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Van Dreel and Barca, cosponsored by Senators Decker, Van Sistine, Helbach, Andrea, Burke, Chvala and Risser.

Read first time and referred to committee on Higher Education.

**Assembly Bill 774**

Relating to blood tests of infants for congenital and metabolic disorders.

By Representatives Carpenter and Rosenzweig.

Read first time and referred to committee on Agriculture, Corrections, Health and Human Services.

**Assembly Bill 801**

Relating to organizations engaged in fiduciary operations.

By Representative Hauke.

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

**Assembly Bill 802**

Relating to regulating credit services organizations and providing a penalty.

By Representative Hauke.

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

**Assembly Bill 853**

Relating to liability of state officers or employes for the storage, transportation, treatment or disposal of hazardous substances.

By Representatives Vrakas, Holschbach, Holperin, Brancl, Ott, Prosser, Barca, Harsdorf, Underheim, Brandemuehl, Duff, Darling, Ladwig, Musser, Silbaugh and Schwartz, cosponsored by Senators Berndt, Potter, Farrow, Breske, Cowles, Lorman and Petak.

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

Senator Chvala, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, February 20.

10:01 A.M.

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AMENDMENTS OFFERED

Senate amendments 1, 2, 3, 4, 5, 6 and 7 to **Senate Bill 483** offered by Senator Roshell.

Senate substitute amendment 1 to **Assembly Bill 679** offered by Senator Jauch.

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CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau  
**Senate Bill 54**

Assembly Amendment 2

In enrolling, the following correction was made:

1. Page 1, line 4: substitute "(h)" for "(g)".

**Assembly Bill 801**

Assembly Substitute Amendment 1

1. Page 1, line 5: substitute "of" for "or".