

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Third Regular Session

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WEDNESDAY, December 10, 1997

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The Chief Clerk makes the following entries under the above date.

**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 38**

Relating to: requiring local approval of certain local taxes and charges (first consideration).

By Senators Plache, Moen and Roessler; cosponsored by Representatives Grothman, J. Lehman, Sykora, Musser, Plouff, Vander Loop, Springer, Skindrud, R. Young, F. Lasee, Schafer, Olsen, Ladwig and Porter.

Read first and referred to committee on **Economic Development, Housing and Government Operations**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 374**

Relating to: indexing the factors of the formula that is used to calculate the utility component of the shared revenue payments.

By Senators Wirch, Rude, Plache, Moen and Roessler; cosponsored by Representatives Steinbrink, Springer, Kreuser, Porter, J. Lehman, F. Lasee, Hutchison, Kaufert, Kreibich, Johnsrud, Huber, Plouff and Otte.

To committee on **Economic Development, Housing and Government Operations**.

**Senate Bill 375**

Relating to: point-of-service coverage options, requirements for and certification of health care plans and utilization review programs, prohibiting certain employment terminations, prohibiting requiring prior authorization for emergency services and granting rule-making authority.

By Senators Welch, Rosenzweig, Roessler, Darling and C. Potter; cosponsored by Representatives Urban, Hasenohrl, Owens, Sykora, Wasserman, Gunderson, Ladwig, Porter, Lorge, Bock, J. Lehman, Robson, Goetsch, Brandemuehl, Vrakas, Musser, Baldwin and Ott.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

**Senate Bill 376**

Relating to: technical college for certain Wisconsin works participants.

By Senators Jauch, Moen and Moore; cosponsored by Representatives Plouff, Bock, Notestein, Boyle, Black, R. Young, Huber, L. Young, Staskunas, Turner, Gronemus, J. Lehman and Cullen.

To committee on **Education**.

**Senate Bill 377**

Relating to: requiring physicians to report injuries to, and deaths of, minors that they suspect are caused by articles intended for use by minors and requiring the secretary of agriculture, trade and consumer protection to publicize dangers created by such articles.

By Senators Decker, Clausing, Wirch and Roessler; cosponsored by Representatives Springer, Ott, Ourada, Huber, Ryba, Riley, Bock, Plale, R. Young, Notestein, Boyle, L. Young, Robson, Hasenohrl, Sykora, Kelso and Plouff.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Legislative Council**

October 30, 1997

The Honorable, The Senate:

I am pleased to transmit to you the following reports to the 1997 Legislature on legislation introduced by the Joint Legislative Council:

RL 97–4 Legislation on Adoption Laws, Adoption Assistance and Long-Term Kinship Care (1997 Assembly Bills 600, 601 and 602)

RL 97–5 Legislation on Teacher Preparation, Licensure and Regulation (1997 Senate Bill 364)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of these reports are available at the Legislative Council Staff Offices, One East Main Street, Suite 401, or from our web page at [www.legis.state.wi.us/lc/jlcrecs.html](http://www.legis.state.wi.us/lc/jlcrecs.html).

Sincerely,

DAVID J. STUTE  
Director

**State of Wisconsin  
Legislative Audit Bureau**

December 4, 1997

The Honorable, The Legislature:

We have completed an evaluation of consumer protection programs administered by the Department of Agriculture,

Trade and Consumer Protection (DATCP) and the Department of Justice (DOJ), as directed by the Joint Legislative Audit Committee. [1995 Wisconsin Act 27](#) consolidated most consumer protection activities in DATCP effective July 1, 1996, but DOJ retains responsibility for enforcing laws related to telecommunication and deceptive advertising and for litigating cases brought to it by DATCP and others. In fiscal year (FY) 1996–97, DATCP expenditures for consumer protection totaled an estimated \$3.9 million. During the same period, DOJ expenditures for this purpose totaled an estimated \$742,000.

DATCP and DOJ have different approaches to delivering consumer protection services. DATCP emphasizes providing information to assist consumers in resolving their complaints independently. If, however, disputes involve alleged illegal activities, DATCP emphasizes administrative actions such as mediation and warnings to businesses, an approach that has meant fewer complaints are resolved through court action. DOJ emphasizes strong enforcement action to halt illegal practices and recover financial losses on behalf of consumers. DOJ is concerned DATCP is not aggressively investigating and referring for court action telemarketing and other scams perpetrated by out-of-state businesses against Wisconsin consumers. In FY 1996-97, less than 5 percent of the investigations initiated by DATCP were in business areas for which DOJ had exclusive responsibilities before consolidation. Instead, more than 68 percent of DATCP's investigations were in six business activities, such as home repair, that have always been DATCP's responsibility. Each agency believes its own approach is most effective, but both need to do more to measure the effectiveness of their programs.

We attempted to measure the level of consumer satisfaction with state consumer protection programs by surveying 1,000 randomly selected consumers who filed complaints between October 1995 and September 1996. We found no significant difference in the level of satisfaction between those individuals filing complaints with DATCP and those filing with DOJ.

We appreciate the courtesy and cooperation extended to us by officials of both agencies. Responses from DATCP and DOJ are Appendix IV and Appendix V, respectively.

Sincerely,

DALE CATTANACH  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

December 4, 1997

The Honorable, The Legislature:

We have completed an evaluation of the Department of Health and Family Services' handling of complaints of abuse, neglect, or theft by certified nurse aides, as requested by the Joint Legislative Audit Committee. These aides provide routine care to nursing home residents and recipients of other health care services. Since 1992, the Department has had responsibility for investigating complaints of nurse aide misconduct to determine whether evidence shows "willful and wanton" misconduct, which the Department has found in 439 cases. Notation of such misconduct on a registry prevents the individual's future employment as a nurse aide by any nursing home in the state that receives federal reimbursement. Nurse aides are allowed to continue employment until cases are resolved.

The federal government requires the "timely review and swift investigation" of such complaints, and Wisconsin Administrative Code directs completion within 60 days of filing. However, of the 1,918 complaints investigated, the Department has resolved only 4.2 percent within 60 days;

average disposition exceeded 11 months. By January 1997, the backlog of cases pending had reached 477.

The delay has resulted from inadequate management of the program, including understaffing and reliance on temporary staff as investigators, a lack of written investigative procedures for staff, limited staff training, inadequate supervision, and a time-consuming internal review process. The Department assigned additional staff in 1997 and could eliminate the case backlog by March 1998. However, the need for management improvements will become more important because the Department has been given, by [1997 Wisconsin Act 27](#), the 1997-99 biennial budget, responsibility for resolution of complaints of misconduct by more types of health care employees in a larger number of facilities and services.

We appreciate the courtesy and cooperation extended to us by the Department of Health and Family Services and by the health care providers we visited. The Department's response is the Appendix.

Sincerely,

DALE CATTANACH  
State Auditor

**Milwaukee Public Schools  
Office of Governmental Relations**

December 10, 1997

The Honorable, The Senate:

Enclosed you will find a copy of the report entitled "State-Funded High/Scope All-Day Five-Year-Old Kindergarten Program and State-Funded High/Scope First Grade Program." This report summarizes the projects and data collected for the 1996–1997 school year.

This report was prepared in response to Sections [119.71](#), [119.73](#), and [119.75](#) of the current state statutes.

Sincerely,

DOUGLAS HASELOW  
Chief Lobbyist  
Office of Governmental relations.

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

December 2, 1997

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of **Stella Young** for appointment to the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

Ms. Young notified my office that she has resigned from this position.

Thank you for your attention to this matter.

Sincerely,

TOMMY G. THOMPSON  
Governor

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 96–169**

Relating to notice of receipt of an application to incidentally take an endangered or threatened species.

Submitted by Department of Natural Resources.

Report received from Agency, December 5, 1997.

Referred to committee on **Agriculture and Environmental Resources**, December 10, 1997.

**Senate Clearinghouse Rule 97-082**

Relating to parking.

Submitted by Department of Administration.

Report received from Agency, December 9, 1997.

Referred to committee on **Economic Development, Housing and Government Operations**, December 10, 1997.

**Senate Clearinghouse Rule 97-116**

Relating to multiple trip mobile home permits.

Submitted by Department of Transportation.

Report received from Agency, December 9, 1997.

Referred to committee on **Labor, Transportation and Financial Institutions**, December 10, 1997.

**Senate Clearinghouse Rule 97-120**

Relating to waters classified as outstanding resource waters.

Submitted by Department of Natural Resources.

Report received from Agency, December 5, 1997.

Referred to committee on **Agriculture and Environmental Resources**, December 10, 1997.

**Senate Clearinghouse Rule 97-121**

Relating to commercial clamming on the Wisconsin-Iowa boundary waters.

Submitted by Department of Natural Resources.

Report received from Agency, December 5, 1997.

Referred to committee on **Agriculture and Environmental Resources**, December 10, 1997.

**Senate Clearinghouse Rule 97-122**

Relating to relicensing Lake Michigan commercial fishers.

Submitted by Department of Natural Resources.

Report received from Agency, December 5, 1997.

Referred to committee on **Agriculture and Environmental Resources**, December 10, 1997.

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The committee on **Agriculture and Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 97-078**

Relating to the wastewater fee program.

No action taken.

**Senate Clearinghouse Rule 97-086**

Relating to commercial feed.

No action taken.

**Senate Clearinghouse Rule 97-087**

Relating to solid and hazardous waste management.

No action taken.

Alice Clausing  
Chairperson

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1997 SENATE JOINT RESOLUTION 37**

Prepared by the Legislative Reference Bureau  
(December 4, 1997)

1. Page 2, line 15: delete "as been" and substitute "has been".