

STATE OF WISCONSIN
Assembly Journal
October 1989 Special Session

5:50 P.M.

THURSDAY, January 25, 1990

The assembly met.
 Speaker Loftus in the chair.
 The prayer was offered by Representative Wood.

Assembly Bill	Act No.	Date Signed
9, ss -----	121 -----	January 19, 1990
12, ss (partial veto)-----	122 -----	January 22, 1990

Respectfully submitted,
TOMMY G. THOMPSON
 Governor

Representative Vanderperren led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.
 The result follows:

Present — Representatives Antaramian, Baldus, Barca, Bell, Black, Bock, Bolle, Boyle, Brancel, Brandemuehl, Carpenter, Clarenbach, Coggs, M., Coggs, S., Coleman, Deininger, Duff, Fergus, Fortis, Foti, Gard, Goetsch, Grobschmidt, Gronemus, Gruszynski, Hamilton, Harsdorf, Hasenohrl, Hauke, Hinkfuss, Holperin, Holschbach, Huber, Hubler, Huelsman, Johnsrud, Klusman, Krug, Krusick, Kunicki, Ladwig, Lahn, Larson, Lautenschlager, Lehman, Lepak, Lewis, Linton, Lorge, Loucks, Medinger, Moore, Musser, Notestein, Ott, Ourada, Plache, Porter, Potter, C., Potter, R., Prosser, Radtke, Roberts, Rohan, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schultz, Seery, Stower, Swoboda, Thompson, Turba, Underheim, Urban, Van Dreel, Van Gorden, Vanderperren, Vergeront, Volk, Walling, Welch, Wimmer, Wineke, Wood, Young, Zeuske, Zien, Zweck and Speaker Loftus — 92.

Absent -- None.

Absent with leave — Representatives Panzer, Robson, Travis, Tregoning and Williams -- 5.

Vacancies -- 10th and 14th Assembly Districts — 2.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
 Office of the Governor
 Madison

To the Honorable, the Assembly:

The following bills, originating in the assembly, have been approved, signed and deposited in the office of the Secretary of State:

GOVERNOR'S VETO MESSAGE

January 22, 1990

To the Honorable Members of the Assembly:

I have approved Special Session **Assembly Bill 12** as 1989 Wisconsin Act 122 and deposited it in the Office of the Secretary of State.

Through enactment of this legislation we demonstrate a commitment to act together to combat the problems associated with the illegal sale and use of drugs in three ways. First, by educating our citizens to prevent alcohol and drug abuse from occurring in the first place. Second, by providing treatment to those who have already succumbed to the addiction of alcohol and drugs, so they can lead productive lives. And third, by fulfilling our duty to get tough on those individuals who disregard drug laws, prey on our citizens and undermine society.

Special Session Assembly Bill 12 authorizes more than \$50 million in various new funds to back-up this commitment by funding a wide array of alcohol and drug abuse measures. In conjunction with other alcohol and drug prevention measures which I previously signed into law, and the \$175 million currently budgeted for AODA this biennium, I am confident that our efforts will make a difference.

Over \$6.5 million is provided to increase alcohol and drug prevention educational efforts in VTAE districts and in Milwaukee Public Schools and other K-12 school districts, including:

- * \$2 million to expand existing Head Start programs in schools;
- * \$500,000 to make AODA prevention grants available to all VTAE districts; and
- * \$960,000 for before and after school programs.

A total of \$21.5 million is appropriated to augment or begin a variety of alcohol and drug treatment programs, such as:

- * \$11 million over the biennium for additional youth and community aids;

- * \$1.4 million for services to pregnant women, mothers and their dependent children;
- * \$1.5 million for new juvenile programs;
- * \$1.1 million to provide treatment for cocaine families in Milwaukee;
- * \$500,000 for AODA treatment grants targeted to minorities; and
- * Requiring that positive results of infant drug testing be reported to county social services departments.

The bill provides law enforcement agencies with new tools and resources to use against drug crimes. More than \$25 million is made available to buttress existing state and local law enforcement efforts, including:

- * \$11.7 million in bonding authority to expand the Kettle Moraine Correctional Institution;
- * \$1.4 million to expand provision of home and electronic detention alternatives;
- * \$6.25 million in direct aid to local law enforcement agencies;
- * \$425,900 to begin operating a new Milwaukee County Circuit Court handling primarily drug cases;
- * \$1.1 million to begin operation of a new state crime lab in Wausau; and
- * \$325,000 to fund a new drug and firearms hotline and provide reward money.

The bill will also raise an estimated \$380,000 annually through a tax on drugs sold, produced or transported by drug dealers, to be used for drug law enforcement.

Although I am fully supportive of the thrust of this bill and the many constructive ideas embodied within it, I exercised my partial veto authority in 18 different areas. In some instances, programs were added to the bill that are well-intentioned but have very little relation to combatting or treating the drug problem. A number of new programs also duplicate existing resources. And in some cases, programs were developed too hastily and will lead to technical problems as they are implemented. My vetoes avoid these problems and also reduce expenditures from general purpose revenues by nearly \$2 million over the biennium.

I commend the Legislature on its willingness to tackle the drug problem head on in this bill. However, this is just a beginning. I will amend the present special session call of the Legislature to ban the sale of drug paraphernalia, restrict judicial substitution and provide additional funds for the Alliance for a Drug-Free Wisconsin. In addition, I will ask the Legislature to use \$1 million of the vetoed funds to enact legislation dealing with child abuse and neglect to respond to a serious problem that has arisen in Milwaukee County. These additional measures ensure

that we will not stop short in our commitment to reduce alcohol and drug abuse in Wisconsin.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

ITEM VETOS

A. TREATMENT PROGRAMS

1. Multidisciplinary Treatment for Cocaine Families *Section 45n*

This section establishes, until June 30, 1993 and under certain conditions, a multidisciplinary prevention and treatment team in Milwaukee county for cocaine-abusing women and their children. One of the conditions is that the residential treatment program must be modelled on the State of Florida's parental awareness and responsibility program.

I am partially vetoing this section to delete that condition. I believe that the program developed for Milwaukee County should be designed to meet the needs of its client group. For that reason the Department of Health and Social Services (DHSS) should have flexibility to review all current programs, rather than being limited to one. It is within the DHSS' authority to base the plan which it must submit to me on the Florida program, if appropriate.

2. Alcohol and Other Drug Abuse Residential Treatment Cost Report *Section 3023 (7p)*

This section requires the Department of Health and Social Services (DHSS) to provide information to the Joint Committee on Finance by February 1, 1990, in several areas relating to costs and utilization of hospital or nursing home inpatient alcohol and other drug abuse (AODA) treatment versus home-based residential treatment.

I am vetoing this subsection because the due date is unrealistic. I am directing DHSS to determine the utility of such a report to the provision of AODA treatment services and to prepare it if deemed appropriate.

3. Headstart Childcare *Sections 2 [as it relates to 20.435 (7) (cs)], 19, 48, 49 and 3023 (7q)*

These provisions allocate funding for grants to Headstart agencies for start-up and ongoing childcare before or after the child participates in a Headstart program, or both.

Although this is a worthy proposal, I am vetoing these provisions because they do not address the problems of alcohol and other drug abuse, which is the intent of this bill. In addition, these agencies can access the \$1.6 million for childcare startup and the \$44.4 million for childcare services currently provided over the biennium.

4. State Council on Alcohol and Other Drug Abuse
Section 3058 (4h)

This section requires that the Departments of Health and Social Services, Public Instruction and Justice and the Office of Justice Assistance submit, to the State Council on Alcohol and Other Drug Abuse (SCAODA), their plans for allocation of funds and the criteria for distribution of those funds, for all the new programs in this bill which are funded through those agencies except for the Wisconsin Against Drug Environments (WADE) program. The State Council is directed to review and comment on the plans within 60 days.

I am partially vetoing this section to delete the requirement for review and comment, because I am concerned that creating another level of state review will establish a barrier to timely expenditure of these funds for the purposes intended. However, because I believe that it will assist in statewide coordination of the anti-drug abuse effort for the SCAODA to be informed, I am not vetoing the requirement that the plans be submitted. With this veto I am directing the Department of Health and Social Services to include the plan for the WADE program in its submittal to SCAODA.

5. Indian Alcohol and Other Drug Abuse Programs
Section 3023 (7)

This section requires the Department of Health and Social Services (DHSS) to submit to the Joint Committee on Finance (JCF), for its review and approval, the plan for expenditure of funds for drug abuse prevention and education programs for Indians which are appropriated elsewhere in the bill. This plan is due on January 31, 1990.

I am partially vetoing this section to remove the date by which the plan must be submitted because it is unrealistic. As DHSS must first review plans submitted by Indian tribes or bands and the funding will not begin until July 1, 1991, I am directing DHSS to submit this plan in time for consideration at the June meeting of the JCF under s. 13.10 of the statutes.

6. Foster Grandparents
Section 3123 (10)

This section provides additional funding of \$100,000 GPR in 1990-91 for the foster grandparent program targeted at increasing involvement of foster grandparents in schools. While the proposal has merit, I am vetoing this section because it does not directly address the problems of alcohol and other drug abuse, which is the intent of this bill. In addition, this program is currently funded at \$858,600 FED and \$307,900 GPR annually.

7. Testing of Infants
Section 61r

This section permits the testing of an infant if the presence of drugs in the body is suspected due to use of drugs by the mother during pregnancy. Parental consent is required for the testing and the results of a positive test

must be disclosed to, and only to, county departments of social services or human services.

I am partially vetoing this section to delete the requirement that such results may be disclosed only to county departments of social services or human services. The State Medical Society is concerned, as am I, that the language would preclude the entering of such test results into the child's medical record and bar the information from being shared with other health professionals involved in treating the child. With this veto, the language will still require disclosure to the appropriate county department, but beyond that disclosure the general laws on confidentiality of medical records would apply.

8. Evaluation by the Department of Health and Social Services
Sections 47 and 3023 (6p), (6y), (7f), (9m), (9n), (9p), (9s) and (9v)

These provisions include requirements that the Department of Health and Social Services (DHSS) collect and analyze information about, and evaluate the effectiveness of, nine different programs funded by this bill and report to the Governor and the Legislature by July 1, 1992.

I am partially vetoing these sections to remove the requirement that DHSS evaluate the effectiveness of all nine programs. I have set a priority for three other programs, namely the Multidisciplinary Prevention and Treatment Team for Cocaine Families, the Early Intervention for High Risk Youth and the Intensive Aftercare Pilot program. I am not vetoing the evaluation for effectiveness by DHSS for these three programs.

The available evaluation resources of DHSS are only sufficient to provide an effective evaluation for these three programs and would otherwise be spread too thinly. I also believe that the likelihood of gaining useful information for future planning within the specified time frame is less likely with the other nine programs. They will either be of limited scope, or will have been in operation for too short a period of time when the evaluation is due.

In addition there is a requirement elsewhere in this bill that the Legislative Audit Bureau do a performance audit of all state funded education, prevention, treatment and law enforcement programs. This requirement should provide a reasonable evaluation of all of these programs.

B. JUVENILE PROGRAMS

1. Early Intervention Program
Section 2 [as it relates to s. 20.435 (7) (ej)]

This section appropriates \$1.5 million GPR in 1990-91 to establish an early intervention program for "high-risk" youth. Under the program, counties, in conjunction with school districts, would provide a structured program of school-related services such as after-school activities, alcohol and drug abuse counseling, and tutoring.

Participation in these activities would reduce the likelihood that the youth would continue to be involved in delinquent acts.

I believe, however, that the amount appropriated is excessive for such a program, especially in the initial year of development and implementation. I am therefore partially vetoing the appropriation to reduce funding in 1990-91 to \$500,000.

2. Juvenile Correctional School Study
Sections 3023 (7c) and 3123 (13)

These sections provide \$15,000 GPR in 1989-90 and require that the Department of Health and Social Services (DHSS) contract with a vendor to study the feasibility of relocating girls from the Lincoln Hills School to another location. I am vetoing these provisions because this issue is not related to alcohol and drug abuse, which is the focus of this bill. DHSS can use its staff resources to study this issue if and when it appears that there is some need to remove girls from the School.

C. EDUCATION

1. Alcohol and Other Drug Abuse Education and Training
Section 53am

This section creates a statewide alcohol and other drug abuse education and training program for school district personnel, pupils and parents. This section also requires DPI to assist school districts in developing alcohol and other drug abuse programs. I am vetoing this section because it duplicates the major purpose of the Youth Alcohol and Other Drug Abuse Program appropriation established in 1989 Wisconsin Act 31. Furthermore, DPI already has statutory authority to provide technical assistance to school districts in program development. Finally, no funding is provided to implement this section.

2. Grants for Student-sponsored Programs
Section 53e [as it relates to s. 115.361 (4)]

This section creates a grant program to fund student-sponsored alcohol and other drug abuse prevention and intervention programs. I am retaining the funding and intent of this section but partially vetoing language to modify reimbursement procedures. As written, s. 115.361 (4) would reimburse students directly. However, while these programs will be developed by students, students will not be expending their own funds to pay program costs and, therefore, should not be the ones receiving reimbursement. My veto clarifies that school districts receive the state funds and use those funds to pay the costs of the student-sponsored programs.

D. CORRECTIONS

1. House of Correction Treatment
Section 3158 (4xg)

This provision authorizes an increase in the Department of Corrections appropriation for the intergovernmental

corrections agreement to provide alcohol and other drug abuse treatment programs at the Milwaukee County house of correction. I am vetoing this provision because the funding and operation of the house of correction is a county responsibility.

This provision, if allowed to stand, would set a precedent for state involvement in funding local operations in a way that I believe would interfere with local responsibility and control.

2. AODA Program Certification
Sections 38m and 66s

These sections require that, by July 1, 1990, the Department of Corrections (DOC) ensure that any alcohol and other drug abuse (AODA) treatment program administered for offenders under the custody and supervision of DOC meets applicable certification standards for community AODA programs under subchapter III of chapter HSS 61, Wis. Adm. Code. The sections also require that by the same date, the Department of Health and Social Services (DHSS) ensure that any AODA program administered by DHSS at a secured correctional facility meets the same standards.

I am vetoing these sections because the additional administration and staffing required to implement these sections have not been addressed nor has appropriate funding been provided.

3. Case Management for Inmates
Section 66p

This provision requires that case management services be provided to inmates receiving alcohol or other drug abuse treatment while in prison, or when paroled. I am vetoing this provision because the Department of Corrections already provides these management services, first by the intake and assessment center at Dodge Correctional Institution, then by the program review committee while an offender is incarcerated and finally by the probation and parole agent while an offender is under supervision in the community. This provision appears duplicative of services already provided.

E. LAW ENFORCEMENT

1. Finance Approval of Funding Distribution Method
Section 1m

This section directs the Office of Justice Assistance (OJA) to submit to the Joint Committee on Finance by January 20, 1990, a proposal pursuant to s. 13.10 for allocation of federal anti-drug abuse law enforcement grant funds to local government multijurisdictional enforcement groups (MEGs). OJA is required to use the method of allocation approved by the Committee.

I am partially vetoing this section because the method for allocating these funds has historically been and should continue to be an executive branch function. I am directing OJA to submit to the Department of

Administration (DOA) for approval the method used to allocate federal anti-drug abuse law enforcement grants to MEGs under s. 20.505 (6) (b), (pd) and (pc).

2. Department of Justice/Multijurisdictional Enforcement Group
Section 3034 (3cm), (3dm), (3gm) and (3im)

These sections provide the authorization for Department of Justice (DOJ) drug enforcement agents and support positions. I have partially vetoed these sections to eliminate a direct, formal relationship between the Department of Justice and local multijurisdictional enforcement groups (MEG). The veto of the references to MEGs in subsections (3cm), (3dm) and (3im) will provide DOJ with greater flexibility in providing support to local law enforcement agencies and effective enforcement of drug laws.

The partial veto of subsection (3gm) eliminates the requirement that 3.0 newly created state law enforcement agents report directly to the Milwaukee area MEG unit. Such an arrangement would serve as a bad precedent, would negate DOJ flexibility in the investigation of drug crimes, and may create additional and unnecessary liability problems for the state.

F. TAX ON CONTROLLED SUBSTANCES

1. No-Immunity Provision: Technical Item
Section 61p

This section imposes a tax on controlled substances possessed, manufactured, produced, shipped,

transported, delivered, imported, sold or transferred by drug dealers. Payment of the tax, however, is not intended to provide drug dealers with immunity from criminal prosecution. In the criminal justice system, there is a distinction between "possession" and "possession with intent to deliver". The no-immunity provision of the drug tax mentions only "possession". This could be wrongly construed to give immunity from prosecution, for possession with intent to deliver, to dealers who buy tax stamps. I am vetoing the no-immunity language to ensure that no drug dealer escapes prosecution for any crime by paying the tax.

Representative Hauke moved that the assembly stand adjourned until 10:01 A.M. on Tuesday, January 30.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

5:51 P.M.