

Ninety-First Regular Session

WEDNESDAY, March 31, 1993

The chief clerk makes the following entries under the above date.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 21

Relating to Bone Marrow Donor Week.

By Senators Petak, Cowles, Rude, Farrow, Buettner, Darling, Lorman, Breske, Burke and Jauch; cosponsored by Representatives Urban, Hahn, Krug, Lorge, Ryba, Boyle, Albers, Turner, Ott, Silbaugh, Dobyns, Underheim, Vrakas, Potter, Lehman, Porter, Ladwig, Zien, Schneiders, Nass, Klusman and Rosenzweig.

To committee on Health Care, Human Services and Corrections.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 122

Relating to requiring medical certifications of deaths to indicate whether use of tobacco contributed to the death.

By Senators Chvala, Risser, Burke and Clausing; cosponsored by Representatives Robson, Plache, Bock, Urban, Stower, Carpenter, Goetsch, R. Young, Boyle, Grobschmidt and Rosenzweig.

To committee on Health Care, Human Services and Corrections.

Senate Bill 123

Relating to designation of faculty in the university of Wisconsin system.

By Senators Potter, Jauch, Moen, Burke and Chvala; cosponsored by Representatives Baldus, Baldwin, Boyle, Vander Loop, Holperin, Roberts, Gronemus, Musser, L. Young, Ryba, Hasenohrl, Grobschmidt, Hinkfuss, Goetsch, Cogg and Porter.

To committee on Education.

Senate Bill 124

Relating to information that may be added to a county real estate tract index system by a register of deeds.

By Senators Drzewiecki, Stitt, Petak, Farrow and Buettner; cosponsored by Representatives Lorge, Ryba, Goetsch, Boyle, Hanson, Green, Zien and Seratti.

To committee on Housing, Commerce, Government Operations and Cultural Affairs.

Senate Bill 125

Relating to protecting children from harm.

By Senators Weeden, Farrow and Petak; cosponsored by Representatives Coleman, Robson, Rosenzweig, Musser, Brandemuehl, Goetsch and Schneiders.

To committee on Judiciary and Consumer Affairs.

Senate Bill 126

Relating to mutual aid agreements between Wisconsin law enforcement agencies and law enforcement agencies in physically adjacent states.

By Senators Jauch, Rude, Moen, Weeden, Schultz, Breske, Clausing and Andrea; cosponsored by Representatives Deininger, Boyle, Seratti, Brandemuehl, Johnsrud, Gard, Robson, Freese, Holperin, Porter and Stower.

To committee on Judiciary and Consumer Affairs.

Senate Bill 127

Relating to disclosure of improper activities by employes of the legislature and of legislative service agencies and prohibiting retaliation because of that disclosure.

By Senators Petak, Cowles, Farrow, Buettner and Darling; cosponsored by Representatives Lehman, Ryba, Boyle, Goetsch, Musser, Ott, Ainsworth, Ourada, Silbaugh, Underheim, Vrakas, Gronemus, Freese, Kaufert, Vergeront, Zien and Nass.

To committee on Housing, Commerce, Government Operations and Cultural Affairs.

Senate Bill 128

Relating to battery to a spouse and providing penalties.

By Senators Petak, Darling, Farrow and Buettner; cosponsored by Representatives Boyle, Schneiders, Silbaugh, Ladwig, Goetsch, Musser and Zien.

To committee on Judiciary and Consumer Affairs.

Senate Bill 129

Relating to requiring alcohol beverage retailers to display warning signs of the risk of birth defects to pregnant women who drink alcohol beverages and granting rule-making authority.

By Senators Petak, Buettner and Moore; cosponsored by Representatives Krosnicki, Ladwig, Robson, Black, Lorge, Boyle, Ott and Silbaugh.

To committee on Health Care, Human Services and Corrections.

Senate Bill 130

Relating to service by a former governor or member of the legislature as a lobbyist.

By Senators Petak, Farrow, Cowles and Schultz; cosponsored by Representatives Hahn, Black, Freese, Johnsrud, Goetsch, Jensen, Ladwig, Beal, Zien and Welch.

To committee on Judiciary and Consumer Affairs.

Senate Bill 131

Relating to allowing landlords to evict tenants within 5 days in the case of nuisances related to drugs.

By Senators Moore, Clausing, Burke, Breske, Andrea, Huelsman, Cowles, Lorman, Lekan, Petak, Stitt, Weeden, Rude and Schultz; cosponsored by Representatives Plache, Riley, Morris-Tatum, Turner, L. Young, Bock, Boyle, Black, Robson, Hanson, Hinkfuss,

Baldus, La Fave, Hasenohrl, Ryba, Stower, Rutkowski, Ladwig, Goetsch, Vergeront, Freese, Deininger, Ainsworth, Underheim, Musser, Schneiders, Ourada, Owens, Hahn, Brancel, Klusman, Nass, Green, Ott, Silbaugh, Seratti, Dobyns, Zien, Wirch, Lazich, Kaufert and Panzer.

To committee on Judiciary and Consumer Affairs.

Senate Bill 132

Relating to the department of justice, controlled substances, medical assistance violations and the contents of the summons in special proceedings involving certain claims.

By Senators Breske, Moen, Burke, Buettner and Plewa; cosponsored by Representatives Holperin, Stower, Riley, Gronemus, Ryba, Bolle, Kaufert, Hahn, Musser and Ourada.

To committee on Judiciary and Consumer Affairs.

PETITIONS AND COMMUNICATIONS
STATE OF WISCONSIN
ETHICS BOARD

March 23, 1993

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:

Children's Hospital Health Systems of Wisconsin

Hurtgen, Robert

Cooperatives, Wisconsin Federation of

Nilsestuen, Rod

Soft Drink Assoc., Wisconsin

McDowell, Kelly

Wisconsin Central, Ltd.

Kerbs, Glenn

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.

U.S. Term Limits

Coenen, Thomas 3/18/93

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

March 23, 1993

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.

Brewers Assoc., Wisconsin State

Subjects: All areas affecting the brewing industry.

Krajewski, Thomas

McDowell, Kelly

Schreiber, Martin

Gas Co., Wisconsin

Subjects: All legislative proposals and administrative rules related to public utilities and natural gas.

Lemmer, Carl

Lundgren, Jon

Labor Assoc. of Wisconsin, Inc.

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

Broydrick, Bill

Hurtgen, Bob

Speech, Language, Hearing Assoc., Inc., Wisconsin

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

Richard, JoAnna

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
Department of Administration
Department of Natural Resources
March 24, 1993

SUBJECT: Clean Water Fund Biennial Finance Plan for FY 1993-95

To the Honorable the Legislature:

Attached to this letter is a copy of the Clean Water Fund Biennial Report for FY 1993-1995.

This plan was prepared jointly by the Department of Natural Resources and the Department of Administration Capital Finance Office. Its purpose is to support the administration of the Clean Water Fund which provides financial assistance to municipalities that are required to construct new wastewater treatment facilities to protect the surface water and groundwater of Wisconsin.

The first version of the plan, which was submitted to your office on August 17, 1992, reflected the Department of Natural Resources biennial budget proposal to the Governor. This second version is updated to reflect the Governor's proposed biennial budget. A third version of the plan will be submitted later this year reflecting the adopted biennial budget.

The preparation, submission, and review of the Biennial Finance Plan by the Joint Committee on Finance, environmental legislative standing committees and the Building Commission is required under s. 144.2415(3), Stats. The statute allows the Joint Committee on Finance and each standing committee to submit to the Building Commission its recommendations and comments regarding each version of the Biennial Finance Plan.

If you have any questions regarding the Biennial Finance Plan, please contact Paulette Harder at 266-0836 or Frank Hoadley at 266-2305.

Sincerely,
Paulette Harder, Director Frank R. Hoadley, Director
Office of Capital Finance
Governmental Relations
Department of Natural Resources Department of
Administration

State of Wisconsin
Department of Administration
March 15, 1993

To the Honorable the Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of February, 1993.

On February 1, 1993 the Elderly Property Tax Deferral Fund balance was \$-68 thousand. This shortfall continued until February 26th when the balance was \$0. The shortfall was due to an excessive General Fund transfer, which was corrected.

The Elderly Property Tax Deferral Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by State Finance will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,
James R. Klauser
Secretary

Referred to Joint Committee on Finance

State of Wisconsin
Legislative Audit Bureau

March 29, 1993

To the Honorable the Legislature:

We have completed an evaluation of the State's Health Insurance Risk Sharing Plan (HIRSP), which provides health insurance to the medically uninsurable. HIRSP is managed by a Board of Governors and is administered by the Office of the Commissioner of Insurance and a private insurer.

HIRSP was originally intended to be an available and affordable alternative for those unable to obtain health insurance in the private market. Subsequent to the plan's enactment, several changes were made to increase its availability and affordability, including the creation of a premium subsidy program for low-income participants. As result, Wisconsin has the second-largest enrollment of the 27 states with risk-sharing plans, with 12,707 currently enrolled.

However, increases in the number of enrollees, combined with escalating medical costs, have led to a sharp increase in HIRSP's costs, which have grown 718 percent in the last five years, from \$5.14 million in fiscal year (FY) 1987-88 to \$42.06 million in FY 1991-92. In an attempt to control costs, the Legislature made a number of changes that have had the effect of making the plan less available and affordable, including a recent change to the statutory premium formula that has increased premium rates, on average, 27 percent beginning July 1, 1992. Further, despite the relatively high enrollment, a group of Wisconsin residents who are medically uninsurable remain without coverage because of premium costs and other restrictions, including exclusion of those over age 65.

If the Legislature chooses to place a priority on availability and access, it will likely need to consider additional revenue sources to fund the plan. Conversely,

if the plan's rapidly rising costs continue to be a major concern, it may be necessary to place additional restrictions on the plan, such as mandating participation in managed health care plans, limiting the plan's enrollment, or limiting the plan's benefits.

We appreciate the courtesy and cooperation extended to us by the Board of Governors, the Office of the Commissioner of Insurance, and the private administrator. The Office of the Commissioner of Insurance's response is Appendix III.

Sincerely,
Dale Cattanaach
State Auditor

State of Wisconsin
Legislative Audit Bureau
March 25, 1993

To the Honorable the Legislature:

We have completed financial audits of the Mendota and Winnebago Mental Health Institutes for fiscal year 1991-92. We were able to provide unqualified opinions on the institutes' financial statements. We also provide a management letter to the Department of Health and Social Services detailing recommended improvements in accounting procedures. Our management letter also discusses the cash deficit in the program revenue appropriation which funds activities at the institutes and centers for the developmentally disabled.

Detailed copies of the audit reports have been distributed to members of the Joint Audit Committee and those required by law to receive detailed copies. If you are interested in receiving a copy of the audit reports or management letter, please contact our office and request a copy of reports 93-8 and 93-9 or the management letter prepared for the institutes.

Sincerely,
Dale Cattanaach
State Auditor

State of Wisconsin
Legislative Council
March 30, 1993

To the Honorable the Legislature:

Enclosed is a copy of the 1992 Annual Report on the Legislative Council Rules Clearinghouse, submitted to the Legislature pursuant to s. 227.15 (5), Stats. Copies have been distributed to the offices of each member of the Legislature.

The Report covers the 12th full calendar year of operation of the Rules Clearinghouse. I trust that it will be found to be informative.

Sincerely,
David J. Stute
Director

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

March 17, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CHARLES S. McNEER of Milwaukee, as a member of the Medical College of Wisconsin Board of Trustees pursuant to the statute governing, to serve for the term ending May 1, 1999.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Health Care, Human Services and Corrections.

State of Wisconsin
Office of the Governor

March 17, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM S. LUNDBERG of Wisconsin Rapids, as a member of the Lower Wisconsin State Riverway Board pursuant to the statute governing, to serve for the term ending May 1, 1996.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Urban Affairs, Financial Institutions and Environmental Resources.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 92-176

Relating to the regulation of boxing.
Submitted by Department of Regulation and Licensing.

Report received from agency, March 29, 1993.
Referred to committee on Housing, Commerce, Government Operations and Cultural Affairs, March 31, 1993.

Senate Clearinghouse Rule 92-202

Relating to standards of professional conduct.
Submitted by Department of Regulation and Licensing.

Report received from agency, March 26, 1993.
Referred to committee on Health Care, Human Services and Corrections, March 31, 1993.

Senate Clearinghouse Rule 92-203

Relating to ear molds and equipment used to measure human hearing.

Submitted by Department of Regulation and Licensing.

Report received from agency, March 26, 1993.
Referred to committee on Health Care, Human Services and Corrections, March 31, 1993.

Senate Clearinghouse Rule 92-218

Relating to use of diagnostic pharmaceutical agents and therapeutic pharmaceutical agents by licensed optometrists.

Submitted by Department of Regulation and Licensing.

Report received from agency, March 29, 1993.

Referred to committee on Health Care, Human Services and Corrections, March 31, 1993.

Senate Clearinghouse Rule 93-29

Relating to the certification of nondistrict education personnel.

Submitted by Board of Vocational, Technical and Adult Education.

Report received from agency, March 26, 1993.

Referred to committee on Education, March 31, 1993.

The committee on Labor, Revenue and Economic Development reports and recommends:

Senate Clearinghouse Rule 92-209

Relating to manufactured homes.

No action taken.

Gwendolynne Moore
Chair

The committee on Education reports and recommends:

Senate Clearinghouse Rule 92-119

Relating to learning assistance programs.

No action taken.

Senate Clearinghouse Rule 92-120

Relating to management restructuring programs.

No action taken.

Senate Clearinghouse Rule 92-121

Relating to grants for elementary mathematics and science programs.

No action taken.

Senate Clearinghouse Rule 92-122

Relating to grants for staff development.

No action taken.

Senate Clearinghouse Rule 92-123

Relating to grants for collaborative projects.

No action taken.

Calvin Potter
Chair
State of Wisconsin
Revisor of Statutes Bureau

April 1, 1993

To the Honorable the Legislature:

The following rules have been published and are effective:

Clearinghouse Rule 91-114 effective April 1, 1993.

Clearinghouse Rule 91-168 effective April 1, 1993.

Clearinghouse Rule 92-103 effective July 1, 1993.

Clearinghouse Rule 92-105 effective April 1, 1993.

Clearinghouse Rule 92-142 effective April 1, 1993.

Clearinghouse Rule 92-165 effective April 1, 1993.

Clearinghouse Rule 92-166 effective April 1, 1993.

Clearinghouse Rule 92- 30 part eff. March 1, 1993.

Sincerely,
GARY L. POULSON
Deputy Revisor

AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 80 offered by Senator Darling.