

# Ninety-First Regular Session

WEDNESDAY, December 15, 1993

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

## INTRODUCTION OF BILLS

Read first time and referred:

### Senate Bill 594

Relating to permitting the discovery of medical information in actions for personal injuries.

By Senator Huelsman; cosponsored by Representatives Gard, Vergeront, Schneiders, Roberts and Green.

To committee on Judiciary and Insurance.

### Senate Bill 595

Relating to the purchase of used home furnishings by antique dealers and recyclers and providing a penalty.

By Senators Moore, Burke, Lorman and Rosenzweig; cosponsored by Representatives Riley, R. Young, Bock, Turner, Plache, Notestein, Potter, Schneider and Wirch.

To committee on Business, Economic Development and Urban Affairs.

### Senate Bill 596

Relating to burial of utility service on university of Wisconsin system properties and making an appropriation.

By Senators Buettner, Schultz, Clausing, Darling, Lorman, Breske, Drzewiecki, Rude and Helbach; cosponsored by Representatives Meyer, Underheim, Baldwin, Beal, Ladwig, Owens, Baldus, Brandemuehl and Ott.

To committee on Education.

### Senate Bill 597

Relating to eligibility for and allocation of clean water fund financial hardship assistance.

By Senator Helbach; cosponsored by Representative Gruszynski.

To committee on Environment and Energy.

### Senate Bill 598

Relating to hunting of deer by members of the armed forces.

By Senators Breske, Zien, Schultz, Farrow and Petak; cosponsored by Representatives Gronemus, Ryba, Lorge, Turner, Dobyns, Nass, Stower, Wirch and Boyle.

To committee on Environment and Energy.

### Senate Bill 599

Relating to reports on bingo operations that are submitted to the gaming commission by organizations licensed to conduct bingo.

By Senator Breske; cosponsored by Representatives Ryba and Gruszynski.

To committee on Business, Economic Development and Urban Affairs.

### Senate Bill 600

Relating to waiver of fees for fishing approvals.

By Senators Breske, Farrow, Jauch, Darling, Helbach and Zien; cosponsored by Representatives Ryba, Musser, Hasenohrl, Turner, Lorge, Dobyns, Vergeront, Meyer, Boyle, Springer and Ourada.

To committee on Environment and Energy.

### Senate Bill 601

Relating to granting the Milwaukee federated library system the same powers as multicounty library systems and eligibility to participate in the Wisconsin retirement system and in certain other benefit plans offered by the state.

By Senators Plewa, Rosenzweig, Burke and Darling; cosponsored by Representatives Grobschmidt, Carpenter, Roberts, Notestein, Walker, Williams and Potter.

To Joint Survey committee on Retirement Systems.

### Senate Bill 602

Relating to the control of honeybee pests and the regulation of home insulation practices (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

By Law Revision Committee.

To committee on Transportation, Agriculture, Local and Rural Affairs.

### Senate Bill 603

Relating to the waiver of requirements for fishing and hunting approvals for certain events or programs sponsored or approved by the department of natural resources, granting rule-making authority and providing an exemption from and extending the time limit for emergency rule procedures.

By Senators Jauch, Rude and Breske; cosponsored by Representatives Linton, Boyle, Stower, R. Young, Holperin, Black and Hubler.

To committee on Environment and Energy.

### Senate Bill 604

Relating to persistent serious felony offenders and providing penalties.

By Senators Rosenzweig, Darling, Andrea, Drzewiecki, Petak, Lasee, Potter, Leean, Farrow, Weeden, Schultz, Zien, Buettner, Rude and Breske; cosponsored by Representatives Gard, Ladwig, Kreibich, Grobschmidt, Krusick, Ryba, Seratti, Skindrud, Zukowski, Gruszynski, Hahn, Carpenter, Otte, Silbaugh, Ziegelbauer, Ainsworth, Foti, Schneiders, Musser, Vergeront, Kaufert, Underheim, Vrakas, Goetsch, Porter, Ward, Owens, Dobyns, Jensen, Nass, Brancel, Brandemuehl, Walker, Green, Welch, Klusman, Coleman, Harsdorf, Prosser, Ott, Albers, Freese, Johnsrud, Duff, Beal, Krosnicki, Ourada, Bolle, Swoboda and Lazich.

To committee on Judiciary and Insurance.

**Senate Bill 605**

Relating to surety bond requirements for cemetery authorities receiving gifts and for persons establishing mausoleum care funds-

By Senators Huelsman, Burke and George; cosponsored by Representatives Hubler, Deininger and Green.

To committee on Business, Economic Development and Urban Affairs.

**Senate Bill 606**

Relating to visitation privileges of grandparents and stepparents if one or both parents of a minor child are deceased.

By Senators Buettner, Huelsman, Drzewiecki, Darling, Clausing, Rosenzweig and Breske; cosponsored by Representatives Notestein, Reynolds, Gard, Bolle, Seratti, Goetsch, Brandemuehl, Boyle and Huber.

To committee on Judiciary and Insurance.

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin

Joint Legislative Council

December 9, 1993

To the Honorable the Legislature:

I am pleased to transmit to you the following report to the 1993 Legislature on legislation introduced by the Joint Legislative Council:

RL 93-11-- Legislation on Use of Public Waters (1993 Assembly Bill 865)

RL 93-12-- Legislation on Oversight of Community Mental Health Services (1993 Assembly Bill 900 and 1993 Assembly Joint Resolutions 101 and 102)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of these reports are available, on request, in the Legislative Council offices, One East Main, Suite 401.

Sincerely,  
David J. Stute  
Director

State of Wisconsin  
Legislative Audit Bureau

December 9, 1993

To the Honorable the Legislature:

We have completed an audit of the Office of the State Treasurer as part of our audit responsibilities under s. 13.94 Wis. Stats., and as part of our audit of the State's comprehensive financial statements for the year ended June 30, 1992. We also verified the existence of securities recorded as being held at the Office of the State Treasurer or at custody banks.

Overall, considering the limited number of treasury staff, the internal controls are generally adequate. However, some of the Office's accounting activities could be

eliminated because they are no longer necessary, and other activities would benefit from improved controls.

The Office maintains records of investments made by the State of Wisconsin Investment Board. We determined that treasury accounting procedures are duplicative of those of the Investment Board. The State Treasurer agrees and intends to seek legislation to eliminate this area of activity. Although we do not believe the Office needs to account for state-owned securities held in custodial banks, it does still need to safeguard the securities it holds in its vault. Our report recommends improved record-keeping procedures for these securities.

We also reviewed the role played by treasurers in other states in making investment decisions. We found that Wisconsin is one of only a few states that does not provide its treasurer a role in making decisions over the investment of excess cash balances. In the 28 states that have boards overseeing the investment of excess cash, or in some cases pension funds, 23 have the treasurer sit on that board. In Wisconsin, the State Treasurer is not a member of the Investment Board.

The Unclaimed Property program is a major activity for the Office. Our report recommends improved control over access to records that might allow a fictitious claim to be processed. We also recommend procedures for improved accounting for non-cash unclaimed property, such as stock certificates.

We appreciate the courtesy and cooperation extended to us by staff in the Office of the State Treasurer. The response from the State Treasurer is Appendix II.

Sincerely,  
Dale Cattanach  
State Auditor

State of Wisconsin  
Ethics Board

December 7, 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:

**Right to Life, Inc., Wisconsin**

Driscoll, Frances

**Organization's cessation of lobbying activity:** The following organization previously registered with the Ethics Board as the employer of a lobbyist indicates a cessation of all lobbying activity effective on the date shown.

Grand Avenue Corp., The 12/6/93

Mueller, H. Carl 12/6/93

Remsik, Jeffrey 12/6/93

**Organization's modification or amendment of records:**

The organization listed below has indicated to the Ethics Board that it does not expect to spend more than \$500 in a calendar year for lobbying activities. The organization is exempt from registration and is not required to file a Statement of Lobbying Activities and Expenditures. The organization's lobbyist is exempt from the licensing requirement (s. 13.621(5) Wisconsin Statutes).

**Dog Federation of Wisconsin, Inc.** Modify lobbyist entry: Delete: Donald Heibler (incorrectly listed)  
Insert: Swandby, Janet

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

December 7, 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.

**Midwest Security Insurance Companies**

Subjects: Health care and insurance legislation and regulation.

Engel, Michael

**Regional Child, Adolescent and Family Mental Health Advocates**

Subjects: Maintenance of child, adolescent and family mental health programs and facilities in southern Wisconsin.

Clarenbach, David

**Service Corp. International**

Subjects: Service Corp. International will seek input on legislative and executive branch areas of responsibility that effect the operation of funeral homes and cemeteries.

Wimmer, James

**TDS Telecom: Central Region - TSSD, Inc.**

Subjects: TDS/CR - TSSD, Inc. will lobby in areas where legislation or rules regarding telecommunications are being changed which directly or indirectly impact rural areas. Further lobbying may include promotion of rural, social and economic development in Wisconsin.

Brozek, Michael

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

December 14, 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:

**United Council of UW Student Governments, Inc.**

Stacy, David

**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.

**United Council of UW Student Governments, Inc.**

Bretzmann, Jason

Johnson, Tammy

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

December 14, 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.

**Electronic Election Systems Corp.**

Subjects: Interested in improvement of the election process by adaptation of modern state-of-the-art systems which are cost-effective enough over present methods to more than pay for themselves with a bonus added of increased accuracy ratio.

Hanson, Thomas

**Norwest Financial, Inc.**

Subjects: Credit life

Hanson, Thomas

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

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

December 10, 1993

To the Honorable, the Senate:

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

Senate Bill	Act No.	Date Approved
8	96	December 10, 1993
488	97	December 10, 1993
548 partial veto	98	December 10, 1993

Respectfully,  
TOMMY G. THOMPSON  
Governor

State of Wisconsin  
Office of the Governor

December 10, 1993

To the Honorable, the Senate:

I have approved Senate Bill 548 as 1993 Wisconsin Act 98 and have deposited it in the Office of the Secretary of State. I have exercised by partial veto authority in several areas.

Juvenile Boot Camp

Section 66 requires the Department of Health and Social Services (DHSS) to establish a boot camp for juvenile offenders beginning on January 1, 1995 and specifies program components and eligibility requirements. I am vetoing the "on January 1" date to give the department more flexibility in implementation of this new program. I am also partially vetoing most of the programmatic and eligibility requirements since they may unnecessarily limit DHSS in developing its plan for a boot camp as required by 1993 Wisconsin Act 16. Sections 14, 15, 17, 9126(1)(a), and 9226(1) and (2) all relate to the funding for the boot camp in terms of institutional daily rates, and Youth Aids and program revenue expenditure authority. I am vetoing rate changes for calendar year 1994 and the funding provided to pay for those rate increases for that year since the program will not yet be operating. Consequently, I am lining out the allocation language in sections 9126(1)(a) and 9226(2) to reduce the program revenue funding for the boot camp from \$1,250,000 to \$624,000 PR in the first six months of FY95. Similarly, I am partially vetoing the allocation language in 9226(1) for Youth Aids to eliminate calendar year 1994 funding and reducing the amount available in the first six months of 1995 from \$936,600 to \$624,000 GPR. Finally, I am vetoing section 9400(1) which is the effective date for the repeal and re-creation of the calendar year 1994 rates since no rate change will be made for that calendar year. I am also requesting the Department of Administration Secretary not to allot these funds.

Early Intervention Program

Sections 7, 18 and 9226(5) reestablish the early intervention program which was originally created in 1989 Wisconsin Act 122 but allowed to sunset June 30, 1993. While I certainly agree that prevention programs would help to divert youth from delinquent behavior, I am vetoing the re-creation of this program because the program, as structured, is problematic and seems unworkable. First, it is unlikely that the first year funding of \$200,000 could be awarded as grants given the procedural requirements DHSS must meet before the grants can be made. Second, the program is due to sunset on June 30, 1995 yet the Department is to have evaluated the effectiveness of the program by that same date. Therefore, I am vetoing all of the early intervention program language. If there is a desire to initiate such a program, a county can use its Youth Aids community program funding which was increased by 3% each year under 1993 Wisconsin Act 16.

Civil Actions Against Criminal Gangs

Section 128 permits civil actions against a criminal gang or a member, leader or organizer of the gang. It allows the state, a school district, a county or municipality to bring a civil action in circuit court for expenses resulting from criminal gang activity (such as law enforcement, fire fighting, emergency and other costs). It also allows any person to bring a civil action for 3 times the damages incurred due to criminal gang actions.

I am making two partial vetoes to safeguard these provisions from legal challenges. First, at the request of the Attorney General, I am vetoing the words "3 times" because a court may consider treble damages to be punitive. If this occurs, the criminal case against the defendants could be threatened since it may be deemed double jeopardy or excessive punishment. This veto retains the option for a victim to bring a civil action for damages. Second, in the civil cases allowed by this bill, a judgment in favor of the plaintiff becomes a binding adjudication against the criminal gang as to its assets anywhere. I am vetoing the phrase "as to its assets anywhere" to avoid unconstitutionality on grounds that state jurisdiction is exceeded. Judgments against a gang would still apply to all assets accessible to a Wisconsin authority.

#### Gang Violence Prevention Council

Section 12 outlines the duties of the Gang Violence Prevention Council and includes a requirement that the Council evaluate the effectiveness of programs which prevent youth from becoming involved with gangs and which promote child development. I am partially vetoing the evaluation requirement to clarify that the Council's purpose is to try to determine what programs are useful in deterring gang crimes rather than requiring the Council to conduct sophisticated program evaluations. Further, I have partially vetoed references to analyzing programs that promote child development since this is an overly broad charge to a council whose purpose has to do with gang violence prevention.

#### Intensive Aftercare

Section 69 reestablishes the intensive aftercare program. The language identifies components of the program and requires that the youth on supervision receive a daily "face-to-face" contact with the aftercare agent. I am partially vetoing the "face-to-face" language because an evaluation of the former pilot program indicated that some clients are better served when the daily contact is sometimes made by telephone rather than having an in-person contact every day. It seems reasonable to make the program more flexible and to incorporate findings of the most effective strategies for supervision.

#### Grant for Police Substations

Sections 2 (as it relates to s. 20.455(2)(ff), 8 and 113 provide \$187,500 GPR in FY94 and \$375,000 GPR in FY95 for a grant to the City of Milwaukee to maintain two permanent police substations in areas of the city that have high rates of crime and homicide.

I am vetoing these provisions entirely because the state has already provided significant resources for an identical pilot demonstration project in Milwaukee. At the time the state provided funding for this purpose, I made it absolutely clear that the state funding provided for the establishment of the Milwaukee police substations was intended to be provided on a one-time only basis. I am pleased that the state was able to be a

partner with the City of Milwaukee in establishing police substations. However, I believe these funds could be put to better use in the fight against violent crime in Wisconsin and will have specific proposals for dealing with violent crime in my upcoming budget adjustment bill.

#### Community Improvement Job Training

Sections 19 and 9226(3) require DHSS to award \$250,00 in FY95 to a city or organization to provide training, counseling and assistance in securing funds to start small businesses to individuals who reside in neighborhoods that have gang problems and provide projects to rebuild and strengthen these neighborhoods. I am vetoing the reference to a city because I want the Secretary of DHSS to award the funds to an organization with expertise in providing the type of services specified for this program.

#### Cocaine Penalties

The bill provides new penalties relating to cocaine and removes the distinction that existed between penalties for violations involving cocaine base (crack cocaine) and those involving other types of cocaine.

Section 96m was to have provided the penalties for possession with intent to manufacture or deliver more than 100 grams of cocaine. However, due to a drafting error, section 96m does not accomplish legislative intent, but rather could be interpreted to mean that the penalties for possession with intent to manufacture or deliver as enumerated in the bill would not apply. I have vetoed this section and partially vetoed sections 96g and 9359(3) to maintain the maximum penalties for possession with intent to manufacture or deliver cocaine as originally intended by the legislature. Unfortunately, I am not able, through my application of the partial veto, to restore the ten year presumptive minimum sentence for this offense. I will propose language in January to restore the penalties consistent with legislative intent.

The provisions included in this omnibus crime bill go a long way toward getting tough on crime by focusing on increasingly serious societal problems such as drug use and trafficking, violent crimes against persons including law enforcement officers, and criminal gang activity. I am very pleased with the strong, nonpartisan support shown toward this bill and believe the provisions enacted in this bill will serve to make Wisconsin a safer place for all people.

Respectfully,  
TOMMY G. THOMPSON  
Governor

State of Wisconsin  
Office of the Governor

December 13, 1993

To the Honorable, the Senate:

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

Senate Bill	Act No.	Date Approved
243	102	December 13, 1993
20	103	December 13, 1993
67	104	December 13, 1993
68	105	December 13, 1993
511	106	December 13, 1993

Respectfully,  
**TOMMY G. THOMPSON**  
 Governor  
 State of Wisconsin  
 Office of the Governor  
 December 14, 1993

To the Honorable, the Senate:

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

Senate Bill	Act No.	Date Approved
418 partial veto	99	December 13, 1993

Respectfully,  
**TOMMY G. THOMPSON**  
 Governor  
 State of Wisconsin  
 Office of the Governor  
 December 13, 1993

To the Honorable, the Senate:

I have approved **Senate Bill 418** as 1993 Wisconsin Act 99 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in a number of areas.

I am very pleased to sign the State's most significant piece of welfare reform legislation ever. It is probably the most comprehensive welfare reform that any Governor has signed. Once again, Wisconsin leads the nation in this key arena.

**Senate Bill 418** primarily does two things: it creates a pilot program, Work-Not-Welfare, that establishes the principle that welfare should be a time-limited means of helping recipients to work their way out of periods of personal economic stress, and it sets the stage for the formation of a comprehensive self-sufficiency program that replaces our current welfare system. The passage of **Senate Bill 418** marks an important milestone in Wisconsin's efforts to reform our malfunctioning welfare system. Through a series of waivers and pilot programs, we have already established many of the principles that can form the foundation of comprehensive reform, and we have arrived at a point where there is significant consensus between the executive and legislative branches on the need to move forward to meaningful comprehensive restructuring of the system. While clear differences of opinion remain concerning the final design of such reform, I believe we have built a solid foundation on which we can successfully move forward and continue to be a model to the rest of the nation. I pledge myself to work with all interested parties towards this end and

invite others to join in that effort in a spirit of bipartisan cooperation.

**WORK-NOT-WELFARE PROVISIONS**

The Work-Not-Welfare (WNW) initiative that I proposed in late May is enacted in this legislation. This legislation will permit us to implement the nation's first genuine demonstration of time-limited cash benefits. We will dramatically change our welfare system when we implement this pilot.

Work-Not-Welfare requires work and places a time limit on how long an individual may receive welfare benefits. This bill:

- \* Limits cash benefits to 24 months within a 4-year period, except in certain circumstances and as determined by the case management team.
- \* Establishes the principle that welfare should be time-limited -- a means of helping recipients work their way out of periods of personal economic stress.
- \* Requires that every person, unless exempt, must comply with an employment plan within 30 days as a condition of receiving cash benefits.
- \* Provides that a WNW group, if at least one person is employed in unsubsidized employment and the 48-month window has not expired, would be eligible for transitional child care and Medical Assistance (MA) for up to 12 months. After this point, MA coverage would continue only for those persons determined to be categorically eligible.

This enactment is the culmination of a series of AFDC reform initiatives here in Wisconsin. These initiatives have established the basic premise that able-bodied individuals have a responsibility to seek self-sufficiency, that welfare should be used as a temporary last resort, and that incentives should promote individuals' efforts to attain such self-sufficiency.

The Learnfare program, recognizing the need for education as a primary component of attaining economic independence, requires AFDC recipients to keep themselves and their children in school. The Job Opportunities and Basic Skills (JOBS) training program provides a variety of work experience, training, education, job search, and work supplementation opportunities tailored to recipients' needs to enable them to enter the job market and be productive. Waivers to extend the earned income disregard, Medical Assistance eligibility, and transitional child care for up to twelve months after a family leaves AFDC recognize that some time-limited government aid may be needed to bridge the gap between receiving full welfare benefits and becoming economically independent. The 100-hour rule waiver removes disincentives for AFDC-Unemployed Parent recipients to work as much as they can. The AFDC vehicle asset and special resource account waivers will assist recipients in owning reliable transportation to get

to work and to save up for more education or training to improve their job opportunities. The Parental and Family Responsibility waiver removes the current system's unfortunate disincentives to the formation of stable family units and promotes family responsibility in pursuing work and making child-bearing decisions. The Work-Not-Welfare waiver is a capstone to the rest of these initiatives in that it incorporates many of their elements and promotes the principle that the individual's responsibility to strive for self-sufficiency is primary. WNW properly limits government's role to providing full economic assistance to families for a limited period of time, during which government will aid recipients in job-training and job-seeking and after which government will provide only a minimal safety net.

#### Partial Vetoes

While I am very pleased that the Work-Not-Welfare program passed with bipartisan support, I am using the partial veto in a number of areas. I have done so primarily either to meet the terms and conditions of the federal waivers as approved by the federal Departments of Agriculture (USDA) and of Health and Human Services (USDHHS) or to remove amendments added by the Legislature that restrict the flexibility needed by the pilot counties and the state Department of Health and Social Services (DHSS) to administer the program.

#### Milwaukee Participation

Section 70 (as it relates to county participation) requires DHSS to select Milwaukee County and one or more other counties to participate in the WNW program. This language removes DHSS' flexibility to select pilot counties from those with an expressed interest in piloting the program. Milwaukee county has indicated that its involvement in the Two-Tier and the Parental and Family Responsibility pilots limits the resources that it has available to participate in the WNW program. I am therefore exercising the partial veto in this section to remove required Milwaukee County participation because DHSS must have more flexibility in designating the pilot counties in order to meet federal requirements and county needs.

#### Self-Initiated Programs

Section 70 (as it relates to education and training for self-initiated participants) clarifies that such a person may meet her/his employment and training requirement by obtaining a high school diploma or equivalency degree, a bachelor's degree or a vocational or trade school degree within 24 months. I am exercising the partial veto in this section to remove the language which specifies each type of education or training program that a person may use to fulfill his/her employment and training requirements because I want to make it clear that the focus of WNW is on work on and on-the-job training. In addition, case management teams will be able to accommodate participation in each of these educational components, as

specified in DHSS rules, without their being specified in the statutes.

#### Health Care Eligibility and Premiums

Sections 37 and 81 (as it relates to Medical Assistance eligibility) specify that no adult members of the WNW group are eligible for Medical Assistance (MA) or General Relief (GR) medical or dental coverage if they have already received 24 months of cash benefits. The approved federal waiver specifies that DHSS must provide continuing categorical eligibility for Medical Assistance for adults who lose eligibility for WNW cash benefits as a result of the time limit, but who otherwise would be eligible for MA benefits. I am therefore exercising the partial veto in section 81 to remove the language that specifies that adults are not eligible for MA during their 36-month period of ineligibility because this language does not conform to the federal waiver. I am also exercising the partial veto in section 37 to remove the language that specifies that no participant would be eligible for General Relief medical or dental care during the 36-month ineligibility period because it is inconsistent with the MA provision as vetoed and should be patterned after that provision.

Section 70 (as it relates to MA premiums) requires that WNW participants who are receiving transitional MA coverage and have income greater than 100% of the federal poverty line must contribute an amount equal to 10% of the amount that their income exceeds the poverty line. The final federal waiver terms and conditions specify that DHSS shall work with the federal Health Care Finance Administration (HCFA) to develop a premium schedule that is acceptable to HCFA. I am exercising the partial veto in this section to remove the 10% threshold because the current language does not provide DHSS with enough flexibility to negotiate the final premium schedule with HCFA. The final premium schedule will be included in DHSS' administrative rules for WNW.

#### Evaluation

Section 70 (as it relates to the evaluation of the WNW pilot) requires DHSS to contract with the Legislative Audit Bureau (LAB) to manage the evaluation contract. The provision also specifies that each evaluation must include an implementation evaluation, an outcome evaluation, and an impact evaluation and must use methodologies approved by the Joint Committee on Finance (JCF). According to the approved federal waiver, USDHHS must be involved in the selection of the evaluation contractor and must approve the methodologies used in the evaluation. I am therefore exercising the partial veto in this section to remove the requirements that DHSS contract with LAB, the JCF approve the evaluation methodologies, and that each annual evaluation contain an implementation, outcome, and impact evaluation for several reasons. First, DHSS and the federal government will and should be involved in the selection of the evaluation contractor and

methodologies. Second, no funding was included in the bill to pay the LAB to manage the contract. Third, it is not useful to require an implementation, outcome, and impact evaluation for every year of the pilot. I am, however, retaining the general requirement to conduct an annual evaluation of the WNW program because I welcome an objective evaluation of the program as appropriate and necessary.

Work First

Section 65 directs DHSS to select Kenosha and 8 additional counties, 4 urban and four rural, to pilot the Work First program. Elsewhere in the bill, \$1.35 million GPR funding is provided over the biennium for this pilot program. I support Work First because, as demonstrated in Kenosha county, it has successfully increased the amount of JOBS program opportunities for AFDC recipients and minimized the time between application for AFDC benefits and participation in the JOBS program. I am therefore retaining the level of funding provided by the Legislature. Nevertheless, I am exercising the partial veto in this section to delete the specification of the number and type of counties involved in the pilot because those limitations unduly restrict DHSS' flexibility to implement this pilot program in a way that responds appropriately to the amount of funding available and to county desires to participate in Work First.

**SUNSET AND REPLACEMENT LEGISLATION PROVISIONS**

**Senate Bill 418** sunsets the Aid to Families with Dependent Children (AFDC), Food Stamps (FS), General Relief (GR), and Relief to Needy Indian Persons (RNIP) programs on December 31, 1998. It also directs the DHSS Secretary to submit to the Legislature by January 1, 1995 a proposal for welfare reform that replaces these programs and that meets certain criteria set forth by the Legislature.

The review of the state's welfare reform efforts which I set out above makes it clear that, while the state has made significant progress on this front, the sheer multitude of waivers and special initiatives indicates that the system is ripe for comprehensive reform. Such reform should replace efforts to attack the shortcomings of the present system one by one. The use of sunsets provides urgency to the need to attack the issue in a comprehensive manner in a timely fashion.

On the other hand, I believe it is necessary to act in a prudent manner that does not detract from any of the appropriate reforms that have so far been enacted. As a result, I am agreeing at this time to a sunset of the AFDC program and to a general directive that the DHSS Secretary propose in 1995 a replacement for AFDC by the end of 1998. I am not about to sign legislation that will sunset important welfare reform statutes that I have fought so hard to put on the books—including Learnfare, the Parental and Family Responsibility initiative, Work-Not-Welfare, our fraud penalties provisions, the waiver

savings statutes and such things as the residency requirement in the General Relief program. In addition, the Food Stamp program is 100 percent federally funded and provides assistance to elderly and disabled as well as AFDC recipients. It does not make sense at this point to end Wisconsin's participation in the Food Stamp program and put at risk over \$230 million in federal funds that the program provides to Wisconsinites each year. My objections to the individual components of the legislative plan which I have vetoed are set forth below.

I have emphasized the need to replace the AFDC program because I believe it is fundamentally flawed. The AFDC rolls contain many families who have exhibited long-term dependency on government welfare. At the same time, these are families with children, who are of special concern to all of us because of their dependence on adults and their vulnerability. It is therefore of prime importance that a "self-sufficiency" (rather than a "welfare") system -- one based on independence through work -- be created to enable parents to assume their rightful role as the primary agents of providing the economic foundation for their families. This self-sufficiency program should be based on the foundations that have already been established by the state's current initiatives. It should emphasize and require work, stress parental responsibility and accountability, help participants attain self-sufficiency at the earliest feasible opportunity and ensure fairness -- fairness to both participants and taxpayers. I am therefore directing the DHSS Secretary to keep these principles in mind in designing an AFDC replacement system.

I share the belief that the other components of the current welfare system are also in need of reform as well. And while I am not concurring in the proposed sunset of their provisions, I am nevertheless directing the DHSS Secretary to review these programs as well and either to suggest reforms of those programs or to incorporate GR and RNIP recipients into a comprehensive self-sufficiency program, as appears appropriate upon such review.

A key issue in welfare reform is the availability of jobs for those who want to work. While I have placed much of my efforts as Governor on welfare reform, I have placed even more on creating jobs and improving the state's business climate to promote a strong economy. I believe that is the correct emphasis. These combined efforts have led to a state economy growing faster than the rest of the nation and decrease in welfare rolls at a time when nearly all other states are experiencing significant welfare increases. The success of this strategy is evident.

The legislative plan for reform set forth in **Senate Bill 418** would seem to envision government creation of makework jobs for those who do not find work. I believe that is not an appropriate approach. Instead, government should do all it can to promote the creation of productive private-sector jobs. I will continue to do everything I can as Governor to promote this objective.



Consistent with my job creation strategy, I feel that the first step the state must make in this direction is to do more to coordinate its welfare programs with its multiple programs designed to promote economic development, as well as with those aimed at reducing drug use, making the streets safe from crime, and otherwise improving communities. I am therefore directing the DHSS Secretary, in the design of a self-sufficiency program to replace AFDC, to review his department's programs and other state programs and to propose methods of making them work together towards this goal. I am also directing DHSS to work with the Department of Administration, the Department of Development, and other state agencies to identify the relevant programs and the means to make them work towards common objectives.

By including the sunset and replacement legislation provisions in **Senate Bill 418**, the Legislature issued me a challenge. I am happy to take up the challenge, and I issue an invitation to legislators to continue to work with me in a bipartisan manner as we move forward to create a self-sufficiency program for families and to coordinate such a program with our community development programs. I also invite local elected officials and other community leaders to give us their input and to assist us with their insights as we begin this final step of reforming our welfare programs to achieve something new and more effective. We can accomplish the task if we all continue to work together toward our common goal.

#### Partial Vetoes

While I have accepted some elements of the legislative plan to sunset welfare programs and to require DHSS to propose legislation for a replacement program, as indicated above, I cannot accept all the legislative provisions. I have therefore used the partial veto to eliminate most of the program sunsets and to provide the DHSS Secretary with more flexibility in proposing replacement legislation.

#### Sunsets of AFDC, GR, RNIP, and FS Programs

Section 64 of **Senate Bill 418** sunsets on December 31, 1998 the general provisions of the AFDC program contained in s. 49.19, Wisconsin Statutes. Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 66, 67, 68, 69, 70 (as it relates to the sunset of Work-Not-Welfare), 71, 73, 74, 75, 76, 77, 78, 79, 80, 81 (as it relates to the sunset of AFDC), 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 116 relate to the sunset on the same date of other provisions of the Aid to Families with Dependent Children, General Relief, Relief to Needy Indian Persons, and Food Stamp programs. I am allowing only the sunset of s. 49.19 in section 64 to stand. I am exercising the partial veto on the other sections listed because I do not believe that it is appropriate at this time

to sunset all the elements of the current AFDC system, especially those incorporating the welfare reform provisions which have been enacted during my administration. The task of designing a replacement system, receiving state legislative approval, seeking federal approval, and planning for implementation of a new system is formidable and ambitious, and it could potentially take the state beyond the December 31, 1998 sunset. Should this happen, a single legislative change of the sunset date contained in s. 49.19 -- the section establishing the AFDC program -- is all that would be needed to extend it temporarily without calling into question all the current elements of that program. Should the sunset of s. 49.19 take effect, the other sections of the statutes whose sunsets I have removed would no longer be applicable and could be repealed at a later date.

Concerning GR and RNIP, I am specifically vetoing their sunsets because I am not convinced at this time that these programs need to be discontinued and incorporated into a comprehensive replacement plan serving all indigent individuals. It is not clear to me that the populations served by these programs should be included in a comprehensive reform including families with dependent children, as society has traditionally -- and rightly -- taken greater responsibility for families with children. Moreover, the GR and RNIP programs are not eligible for federal financial participation, and the state should replace its AFDC program with a self-sufficiency program that preserves the current federal contribution of approximately 60% of program costs. As I have stated, I believe the focus of reform at this time should be the AFDC program, but I am directing the DHSS Secretary also to review these programs.

Concerning Food Stamps, I am vetoing the sunset because FS is a fully federally funded program, except for some state and local match for administration, and it is not appropriate for the state to forego these federal benefits to its citizens. However, I am directing the DHSS Secretary also to review this federal program to ensure that it is most effectively coordinated with the state's reform efforts.

While I am retaining the sunset of s. 49.19, I am troubled that the section contains the foster care rates, which ought not be sunsetted because they are also used for Community Aids programs. I am therefore directing the DHSS Secretary to propose remedial legislation at the earliest possible opportunity to remove those rates out of the sunsetted portion of the statutes.

#### Proposed Legislation

Section 112 directs the Secretary of health and Social Services no later than January 1, 1995 to propose legislation to replace the AFDC, GR, RNIP, and the FS programs by December 31, 1998 and lists requirements that such a replacement plan shall meet. I am partially vetoing this section to remove the month and day from "January 1, 1995", retaining only the reference to the year "1995", because I do not believe that one year is

enough time for the necessary review, consultations, and planning to propose such complex legislation. In addition, substantial action may occur at the federal level on both health care reform and welfare reform within the next year. This partial veto will gain some additional time to review and design a replacement program and to do so within whatever parameters the federal government may establish, while setting two years as the maximum for proposing such legislation.

I am also partially vetoing this section to remove the requirement that the proposed legislation replace the GR, RNIP, and FS programs because I am not convinced at this point that their inclusion is necessary or appropriate to a comprehensive self-sufficiency program aimed at replacing the AFDC program. However, as I have indicated above, I am directing the DHSS Secretary to review these programs and to propose whatever remedial legislation he determines is needed. I am also directing the DHSS Secretary to consult with the counties, with the tribes, and with the federal government before proposing any changes in these programs.

Finally, I am exercising the partial veto to delete the requirements that the proposed replacement plan legislation must meet because I feel they do not leave the DHSS Secretary enough discretion in designing a self-sufficiency program to replace AFDC and do not necessarily accord with the vision that I have enunciated above for reforming AFDC and other state programs. As a result, while I have excised substantial portions of the legislative directive for replacement legislation, I am approving the requirement that the DHSS Secretary submit within 2 years a replacement plan for the current AFDC program, to take effect by December 31, 1998.

Respectfully,  
TOMMY G. THOMPSON  
Governor

State of Wisconsin  
Office of the Governor

December 15, 1993

To the Honorable, the Senate:

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

Senate Bill	Act No.	Date Approved
537 partial veto	115	December 14, 1993
464	117	December 14, 1993
299	118	December 14, 1993

Respectfully,  
TOMMY G. THOMPSON  
Governor

State of Wisconsin  
Office of the Governor

December 15, 1993

To the Honorable, the Senate:

I have approved 1993 Senate Bill 537 as 1993 Wisconsin Act 115 and have deposited it in the office of the Secretary of State. Because this is an appropriation bill I have exercised a partial veto by vetoing part of the nonstatutory language in Section 2 of the bill. I object to this nonstatutory language because it inadvertently creates an ambiguity regarding the frequency and duration of the procedural reporting requirement called for. This nonstatutory language was not part of my original bill but was adopted as an amendment by the Joint Committee on Finance on October 27, 1993. In drafting the language that is used in the bill, the Legislative Reference Bureau modified the phrase, "...at its December, 1993, s. 13.10 meeting..." to, "...at its 4th quarterly meeting under section 13.10 of the statutes...". This modification creates an ambiguity as to whether or not a reporting requirement created by the Joint Committee on Finance is continuing, rather than one-time only as the Committee intended.

In exercising this partial veto it is not my intent to contravene the oversight policy expressed by the Legislature with regard to the added bonding authority under this bill. I believe this veto helps restore and clarify the Legislature's intent.

Respectfully,  
TOMMY G. THOMPSON  
Governor

SENATE CLEARINGHOUSE ORDERS

**Clearinghouse Rule 93-105**

Relating to food warehouses and retail food establishments.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, December 10, 1993.

Referred to committee on Transportation, Agriculture, Local and Rural Affairs, December 15, 1993.

**Clearinghouse Rule 93-110**

Relating to the operation of prison industries.

Submitted by Department of Corrections.

Report received from agency, December 8, 1993.

Referred to committee on State Government Operations and Corrections, December 15, 1993.

**Clearinghouse Rule 93-147**

Relating to atrazine use restrictions.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, December 10, 1993.

Referred to committee on Transportation, Agriculture, Local and Rural Affairs, December 15, 1993.

**Clearinghouse Rule 93-148**

Relating to prohibiting the sale of toys containing mercury in Wisconsin.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, December 10, 1993.

Referred to committee on Transportation, Agriculture, Local and Rural Affairs, December 15, 1993.

**Senate Clearinghouse Rule 93-166**

Relating to trolling.

Submitted by Department of Natural Resources.

Report received from agency, December 13, 1993.

Referred to committee on Environment and Energy, December 15, 1993.

The committee on Human Resources, Labor, Tourism, Veterans and Military Affairs reports and recommends:

**Senate Clearinghouse Rule 92-163**

Relating to elevators.

No action taken.

David A. Zien

Chair

State of Wisconsin

Revisor of Statutes Bureau

December 1, 1993

To the Honorable the Legislature:

The following rules have been published and are effective:

Clearinghouse Rule 92- 29 effective December 1, 1993.

Clearinghouse Rule 92-178 effective December 1, 1993.

Clearinghouse Rule 92-210 effective December 1, 1993.

Clearinghouse Rule 93- 9 effective December 1, 1993.

Clearinghouse Rule 93- 31 effective December 1, 1993.

Clearinghouse Rule 93- 39 effective January 1, 1994.

Clearinghouse Rule 93- 42 part effective December 1, 1993.

Clearinghouse Rule 93- 42 part effective February 1, 1994.

Clearinghouse Rule 93- 74 effective January 1, 1994.

Clearinghouse Rule 93- 75 effective December 1, 1993.

Clearinghouse Rule 93- 77 effective December 1, 1993.

Clearinghouse Rule 93- 88 effective December 1, 1993.

Clearinghouse Rule 93- 90 effective December 1, 1993.

Clearinghouse Rule 93- 95 effective December 1, 1993.

Clearinghouse Rule 93-111 effective December 1, 1993.

Clearinghouse Rule 93-113 effective December 1, 1993.

Clearinghouse Rule 93-120 effective December 1, 1993.

Clearinghouse Rule 93-122 effective December 1, 1993.

Clearinghouse Rule 93-129 effective December 1, 1993.

Sincerely,

Gary L. Poulson

Deputy Revisor

**CHIEF CLERK'S REPORT**

The chief clerk records:

**Senate Bill 8.**

**Senate Bill 20.**

**Senate Bill 67.**

**Senate Bill 68.**

**Senate Bill 243.**

**Senate Bill 299.**

**Senate Bill 411.**

**Senate Bill 418.**

**Senate Bill 443.**

**Senate Bill 464.**

**Senate Bill 487.**

**Senate Bill 488.**

**Senate Bill 511.**

**Senate Bill 537.**

**Senate Bill 548.**

Correctly enrolled and presented to the Governor on December 9, 1993.

**CHIEF CLERK'S CORRECTION**

Suggested by Legislative Reference Bureau

**Senate Bill 571**

1. Page 8, line 9: substitute "par." for "s. 20.345(7)".

**Senate Bill 585**

1. Page 15, line 23: substitute "attempted" for "attemped".