

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

2:00 P.M.

Wednesday, February 23, 1994

The Senate met.

The Senate was called to order by Brian D. Rude, President of the Senate.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 750

Relating to waiver of juvenile court jurisdiction, jurisdiction over and disclosure of the identify of a child who is accused of causing death or great bodily harm by committing certain offenses, jurisdiction over a child who is accused of violating a state criminal law after the juvenile court has waived its jurisdiction over the child for a previous violation, victim attendance at waiver hearings, adult court access to juvenile court records and providing a penalty.

By Senators Ellis and Leean; cosponsored by Representatives Kunicki and Linton, by request of Governor Tommy G. Thompson.

To committee on Judiciary and Insurance.

Senate Bill 751

Relating to eligibility of nonprofit conservation organizations for grants for certain conservation purposes, technical assistance for nonprofit conservation organizations, creation of the Warren Knowles stewardship council, granting rule-making authority and making an appropriation.

By Senators Ellis and Leean; cosponsored by Representatives Kunicki and Linton, by request of Governor Tommy G. Thompson.

To committee on Environment and Energy.

Senate Bill 752

Relating to various changes pertaining to charter schools and granting rule-making authority.

By Senators Ellis and Leean; cosponsored by Representatives Kunicki and Linton, by request of Governor Tommy G. Thompson.

To committee on Education.

Senate Bill 753

Relating to the requirement to file product liability insurance reports.

By Senators Ellis and Leean; cosponsored by Representatives Kunicki and Linton, by request of Governor Tommy G. Thompson.

To committee on Judiciary and Insurance.

Senate Bill 754

Relating to: the maximum term of imprisonment for Class B felonies; parole eligibility for persons convicted of certain crimes; eligibility for mandatory release on parole for persons convicted of certain crimes; persistent serious felony offenders; minimum penalties for committing certain crimes with a dangerous weapon in certain places; and providing penalties.

By Senators Ellis and Leean; cosponsored by Representatives Kunicki and Linton, by request of Governor Tommy G. Thompson.

To committee on State Government Operations and Corrections.

Senate Bill 755

Relating to exempting lottery operation vendors from the conflict of interest prohibitions under the racing and pari-mutuel wagering law.

By Senators Ellis and Leean; cosponsored by Representatives Kunicki and Linton, by request of Governor Tommy G. Thompson.

To committee on Business, Economic Development and Urban Affairs.

Senate Bill 756

Relating to actuarial opinions for life insurance reserves under standard valuation law and granting rule-making authority.

By Senators Ellis and Leean; cosponsored by Representatives Kunicki and Linton, by request of Governor Tommy G. Thompson.

To committee on Judiciary and Insurance.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 749

Relating to: actions to improve dairy farm profitability and the competitiveness of this state's dairy industry and assisting beginning farmers; grain inspection fees; the agricultural chemical cleanup program; a business development initiative loan program; correctional institution enterprises; work programs for certain inmates of the state prisons; expansion of prisons; youth aids; the corrective sanctions program for juvenile offenders; the amount paid for guardian ad litem fees in paternity proceedings; information regarding circuit court costs; reimbursement for witness costs; payment for the transcription of preliminary examinations; reimbursement for investigative and expert services provided in cases in

which representation is provided by the state public defender; possession, with intent to manufacture or deliver, cocaine; grants to cities for neighborhoods that have high levels of violent and drug-related crime; grants for law enforcement community policing; aid to vocational, technical and adult education districts for chauffeur training; development and update of instructional television programs specific to this state; initial awards of tuition grants; historic site admission fees; youth apprenticeship training grants; creating a national and community service board; foster care basic maintenance rates and supplemental payments; receipt and expenditure of funds from other state agencies by the child abuse and neglect prevention board; creating a board on hunger and establishing a community-based hunger prevention grant program; matching medical assistance funds for a federal grant to a county for services to children with serious emotional disturbances; expanding the allowable period for reduction of the mental health institutes' deficit; adjusting per diem costs of care in mental health institutes; treatment of trusts and of certain transfers of assets for purposes of medical assistance eligibility; treatment of stepparent income in determining eligibility for aid to families with dependent children; recoupment of overpayments of aid to families with dependent children; recovery of medical assistance payments; medical assistance reimbursement for services provided as the result of referral by self-interested physicians; benefits under the work-not-welfare pilot program and the food stamp program; distribution of certain federal social services block grant funds; allocation of community aids funds to counties; changing the status of the office of health care information in the office of the commissioner of insurance to a division; safety devices and size requirements for personal watercraft; charging of fees by the department of natural resources for reviewing and evaluating applications and notifications of intent for federal licensing of power projects; custodianship of state-owned securities by the state treasurer; calculation of accrued tax receipts; financing of property tax deferral loans by the Wisconsin housing and economic development authority; disallowance of income tax deductions for state taxes paid; adopting internal revenue code provisions for income and franchise tax purposes; allowing payments of sales tax and use tax refunds to buyers under certain circumstances; the due date for the motor vehicle fuel tax; misuse of dyed diesel fuel; authorizing the department of revenue to permit certain buyers to pay a use tax to it later rather than a sales tax at the time of purchase; setting off certain amounts from state tax refunds; uniform traffic citations and traffic accident reports; the repaired salvage vehicle examination fee; flood damage aids; reimbursement under the local roads improvement program; the capital assistance program for transportation services to elderly and disabled persons; adjusting the number of full-time equivalent positions authorized for state agencies; granting bonding authority; providing an exemption from rule-making

procedures; providing an exemption from emergency rule procedures; granting rule-making authority; decreasing and making appropriations; and providing penalties.

Introduction:

Ayes, 14 -- Senators Leean, Weeden Schultz, Cowles, Panzer and Chvala; Representatives Linton, Holperin, Hubler, Coggs, Krug, Huber, Brancel and Foti;

Noes, 1 -- Senator Farrow.

Read first time and referred to joint committee on Finance.

Joseph Leean
Co-chair

Barbara J. Linton
Co-chair

Pursuant to Senate Rule 36(2) and Section 13.52 of the Wisconsin Statutes, the Co-Chairs of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 749** as a matter of public policy.

The committee on Environment and Energy reports and recommends:

Senate Bill 558

Relating to taking, removing, selling and transporting certain wild plants.

Passage:

Ayes, 5 -- Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 -- None.

Assembly Bill 341

Relating to groundwater standards for mining activities and mining waste facilities.

Concurrence:

Ayes, 3 -- Senators Cowles, Burke and Clausing;

Noes, 2 -- Senators Farrow and Panzer.

Assembly Bill 542

Relating to information concerning persons who intend to engage in mining and related entities and denial of mining permits.

Introduction and adoption of Senate amendment 1:

Ayes, 3 -- Senators Cowles, Burke and Clausing;

Noes, 2 -- Senators Farrow and Panzer.

Concurrence as amended:

Ayes, 3 -- Senators Cowles, Burke and Clausing;

Noes, 2 -- Senators Farrow and Panzer.

Assembly Bill 598

Relating to the procedures for collecting forfeitures for violations of provisions concerning the removal and disposal of septage.

Concurrence:

Ayes, 5 -- Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 -- None.

Assembly Bill 732

Relating to requiring additional types of facilities to complete toxic chemical release forms and submit them to the department of natural resources.

Introduction and adoption of Senate amendment 1:

Ayes, 4 -- Senators Cowles, Farrow, Panzer and Clausing;

Noes, 1 -- Senator Burke.

Concurrence as amended:

Ayes, 5 -- Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 -- None.

Assembly Bill 836

Relating to the requirement that an effective recycling program include volume-based solid waste fees.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 4 -- Senators Cowles, Farrow, Panzer and Clausing;

Noes, 1 -- Senator Burke.

Concurrence as amended:

Ayes, 5 -- Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 -- None.

Robert Cowles
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Industry,
Labor and Human Relations

February 21, 1994

To the Honorable the Legislature:

T) Pursuant to Chapter 109 of Wisconsin Statutes, I am providing you with the annual report on business closings and/or mass layoffs. The Statute requires that this report is due no later than March 1 annually and that it include the number, type and disposition of all determinations made by the Department under ss. 109.07(5)(N)(6)(b).

The Department in 1993 received ten complaints of which four complaints were dismissed as no violation under the law, five complaints from 1993 are still pending as of the date of this report, and one complaint was found to be valid.

Five complaints were carried over from 1992 of which two were dismissed as no violation under the law, one complaint was referred to the Attorney General's office, one is under appeal and one was closed due to bankruptcy.

Should you have any questions regarding the information in this report, please contact me immediately.

Sincerely,
Carol Skornicka
Secretary

State of Wisconsin
University of Wisconsin System

February 18, 1994

To the Honorable the Legislature:

At its regularly scheduled meeting February 11, 1994, the Board of Regents of the University of Wisconsin System unanimously passed the following resolution:

that, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, the Board of Regents accepts those portions of the report on Primary Care Education and Training Programs that pertain to the University of Wisconsin-Madison and directs that the report be submitted to the chief clerk of each house of the legislature, pursuant to 1993 Act 16.

Attached is a copy of the complete report.

Sincerely,
Katharine C. Lyall
President

State of Wisconsin
Department of Administration

February 4, 1994

To the Honorable the Legislature:

I am pleased to submit our Annual Minority Business Report for fiscal year 1993. This year's report reflects a new high and increased commitment by state agencies.

State agencies spent \$24,992,744 with firms designated as minority businesses.

The Department of Development has continued to expand the number of businesses certified as minority firms. A total of 554 firms have now been certified, an increase of 19 from the previous fiscal year.

Twenty-four state and quasi-state purchasing offices have awarded at least 5% or more of their purchasing dollars to certified minority businesses

Not counting firms interested only in financial investments, 52% of the certified minority businesses received contracts for various commodities and services during fiscal year 1992-93.

I am pleased that we have again met our goal for architectural and engineering services by awarding 9.1% of the contracts in this category to minority firms. The Wisconsin Fund Point Source Program through its funding of water pollution abatement projects for the Milwaukee Metropolitan Sewerage District expended 21.9% of grant dollars to minority firms.

The State of Wisconsin Investment Board expended 5.4% of its funds to minority firms.

A total of \$10,644,090 was deposited in minority-owned banks by various state and quasi-state agencies.

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The Wisconsin Housing and Economic Development Authority placed 20% of its discretionary purchases with minority firms.

These are but a few of the highlights of the past year. While proud of this progress, we still have room for improvement and our goal remains 5%. We will continue to work toward this goal building on the progress we have made. The attached report discusses in greater detail the efforts that are being made.

Sincerely,
James Klauser
Secretary

State of Wisconsin
Ethics Board

February 22, 1994

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.

Galaxy Gaming and Racing Ltd. Partnership

Subjects: All areas pertaining to the pari-mutuel industry; gaming; lottery; taxation; environment; employment; advertising; and other applicable issues.

Ruhland, Joan

Tenuta, James

Transplant Group, Wisconsin

Subjects: All matters relating to human organ transplantation.

Buchen, Elizabeth

Christianson, Peter

Earl, Anthony

Theo, Peter

Weiden, Michael

Warner Cable Communications

Subjects: All matters relating to cable television and telecommunications.

Driessen, Anthony

Theo, Peter

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and

reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,
R. Roth Judd
Executive Director

State of Wisconsin
Ethics Board

February 22, 1994

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:

American Telephone & Telegraph

Bennett, Bruce

GTE Telephone Operations North Area

Pitterle, Steven

Super Sky Products Corp.

Buchen, Elizabeth

Wisconsin Bell, Inc.

Geroux, John

Paulson, Michael

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.

Fire Chiefs Assoc., Wisconsin State

Spellmeyer, Grant 2/16/94

Procter & Gamble Distributing Co., The

Spellmeyer, Grant 2/16/94

Super Sky Products Corp.

Spellmeyer, Grant 2/16/94

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

SENATE CLEARINGHOUSE ORDERS

The committee on Environment and Energy reports and recommends:

Senate Clearinghouse Rule 93-231

Relating to a surcharge for failure to pay a fee.

Review period waived:

Ayes, 5 -- Senators Cowles, Farrow, Panzer, Burke and Clausung;

Noes, 0 -- None.

Robert Cowles
Chair

Read and referred to joint committee for Review of Administrative Rules.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

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

Assembly Joint Resolution 122

Assembly Joint Resolution 126

Passed and asks concurrence in:

Assembly Bill 84
Assembly Bill 101
Assembly Bill 179
Assembly Bill 375
Assembly Bill 680
Assembly Bill 785
Assembly Bill 788
Assembly Bill 791
Assembly Bill 796
Assembly Bill 857
Assembly Bill 881
Assembly Bill 989
Assembly Bill 1026
Assembly Bill 1032
Assembly Bill 1037

Concurred in:

Senate Bill 232

Assembly Bill 819, Senate amendments 1, 2 and 3

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 122

Relating to celebrating March 1, 1994, as St. David's Day.

By Representatives Owens, Stower, Ladwig, Grobschmidt, Grothman, Duff, Coleman, Baldus, Skindrud, Hahn, Lorge, Boyle, Walker, Welch, Underheim and Silbaugh, cosponsored by Senators Breske, Zien, Andrea and Wineke.

Read and referred to committee on Senate Organization.

Assembly Joint Resolution 126

Relating to commending Dan Jansen for his speed skating accomplishments.

By Representatives Rutkowski, Krusick, Krug, Bell, Baumgart, Bock, Reynolds, Travis and Prosser, cosponsored by Senators Adelman and Farrow.

Read and referred to committee on Senate Organization.

Assembly Bill 84

Relating to the discipline of state employes based on surveillance.

By Representative Schneider.

Read first time and referred to committee on State Government Operations and Corrections.

Assembly Bill 101

Relating to termination of parental rights over a child conceived as a result of sexual assault.

By Representatives Notestein, Bell, Black, Roberts, Wood, Stower, Hinkfuss, Musser, Baldus, Kaufert, Bock, Huber, Ainsworth, Barca, Boyle, Dobyns, Wirch, Harsdorf and Underheim, cosponsored by Senators Chvala, Potter, Breske, Darling, Buettner and Lorman.

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

Assembly Bill 179

Relating to encouragement of gasohol usage, information concerning gasohol refueling facilities, storage of gasohol by the state, and use of gasohol in state-owned and state-leased vehicles.

By Representatives Lorge, Musser, Ward, Baldus, Otte, Carpenter, Roberts, Bolle, Wirch, Hahn, Ryba, Zien, Ainsworth, Albers, Silbaugh, Goetsch, Freese, La Fave, Holperin, Harsdorf and Hinkfuss, cosponsored by Senators Schultz, Lasee, Petak, Cowles and Drzewiecki.

Read first time and referred to committee on Environment and Energy.

Assembly Bill 375

Relating to consolidating department of development reports into one report.

By Representatives Kunicki, Travis, Prosser and Linton, cosponsored by Senators Ellis, Rude, Helbach and Leraan, by request of Governor Tommy G. Thompson.

Read first time and referred to committee on Business, Economic Development and Urban Affairs.

Assembly Bill 680

Relating to changing certain procedures used by cities and villages in the annexation of town territory.

By Representatives Otte, Gronemus, Lorge, Springer, Brandemuehl, Musser, Ott, Hahn, Klusman, Gard, Zukowski, Ainsworth, Beal and Owens, cosponsored by Senators Lasee and Moore.

Read first time and referred to committee on Transportation, Agriculture, Local and Rural Affairs.

Assembly Bill 785

Relating to local regulation of play vehicles on roadways.

By Representatives Linton, Baldus, Ladwig, L. Young, Cullen, Gruszynski, Musser, Kaufert, Black and Lorge, cosponsored by Senators Schultz, Petak and Darling.

Read first time and referred to committee on Transportation, Agriculture, Local and Rural Affairs.

Assembly Bill 788

Relating to the county share of certain city and village street improvements.

By Representatives Turner, Lorge, Bolle, Brandemuehl, Goetsch, Hahn, Hasenohrl, Roberts, Ryba, Lazich, Gronemus, Musser, Seratti, Vergeront, R. Young, Ziegelbauer, Hinkfuss, Hanson, Boyle and Zukowski, cosponsored by Senators Lasee, Andrea, Burke and Risser.

Read first time and referred to committee on Transportation, Agriculture, Local and Rural Affairs.

Assembly Bill 791

Relating to potential job transfers under the tax incremental financing program.

By Representatives Bell, Plache, Krug, Baldus, Grobschmidt, Notestein, Bock, Turner, R. Young and L. Young, cosponsored by Senator Plewa.

Read first time and referred to committee on Business, Economic Development and Urban Affairs.

Assembly Bill 796

Relating to the uniform commercial code statewide lien system and making appropriations.

By Representatives Roberts, Plombon, Kaufert, Baldus, Hahn, Huber, Vrakas, Holperin, Hasenohrl, Ott and Lorge, cosponsored by Senators Darling, Moen, Moore and Risser.

Read first time and referred to committee on Financial Institutions and Cultural Affairs.

Assembly Bill 857

Relating to authorizing an increase in a school district's revenue limit for state aid received as a result of making expenditures from a capital expansion fund.

By Representatives Roberts, Grobschmidt, Meyer, Ryba, Baldus, Gronemus and Holperin, cosponsored by Senators Rude and Breske.

Read first time and referred to committee on Education.

Assembly Bill 881

Relating to prohibiting smoking in shopping malls.

By Representatives Springer, Bock, Boyle, Grobschmidt, Morris-Tatum, Plache, Urban and Robson, cosponsored by Senators Clausing, Rosenzweig and Burke.

Read first time and referred to committee on State Government Operations and Corrections.

Assembly Bill 989

Relating to the regulation of smoking in multifamily dwellings.

By Representatives Cullen, Urban, Carpenter, Turner, L. Young, Bock, Bell, R. Young, Plache and Boyle, cosponsored by Senators Clausing, Weeden, Burke, Risser, Darling and Zien.

Read first time and referred to committee on State Government Operations and Corrections.

Assembly Bill 1026

Relating to increasing a school district's revenue limit if state aid to the school district is increased based on more accurate data.

By Representative Grobschmidt.

Read first time and referred to committee on Education.

Assembly Bill 1032

Relating to allowing tax increments under the tax incremental financing program to be shifted between districts for environmental remediation.

By Representatives Kreuser, Wirch and Porter, cosponsored by Senator Andrea.

Read first time and referred to committee on Business, Economic Development and Urban Affairs.

Assembly Bill 1037

Relating to labor concession liens.

By Representatives Baldus, Plombon, Stower, R. Young, Roberts, Bock, Potter, Springer, Bell, Musser, Boyle, Huber, Lorge and Kreuser, cosponsored by Senators Decker, Clausing, Wineke and Moore.

Read first time and referred to committee on Judiciary and Insurance.

Senator Rude, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, February 24.

2:01 P.M.

AMENDMENTS OFFERED

Senate amendment 1 to Senate substitute amendment 1 to Senate Bill 317 offered by Senator Chvala.