

Ninety-First Regular Session

WEDNESDAY, October 5, 1994

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Ethics Board

September 27, 1994

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am notifying you of 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:

Blue Cross/Blue Shield United of Wisconsin

Weber, Taisha

Cancer Society, Wisconsin Division, American

Duff, Nancy

Printing Industries of Wisconsin

Johnson, B.G.

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Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

Cancer Society, Wisconsin Division, American

Schoenmarklin, Susan 9/23/94

Life Underwriters, Wisconsin Assn of

Linck, Susan 9/22/94

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

State of Wisconsin
Department of Health and Social Services
September 30, 1994

To the Honorable the Legislature:

The attached report is submitted in accordance with s. 49.45(2)(a)21 of the Wis. Stats., which directs the Department of Health and Social Services to report

annually on Wisconsin Medical Assistance (MA) recipient access to obstetric and pediatric services. The report outlines the variety of federal and state mandates and initiatives that have been established to encourage increased provision of these important services by physicians and other professions and increased use of medical services by children and pregnant women who receive MA.

I am pleased to advise you that for the fifth consecutive year, Wisconsin's State Plan Amendment, which assures the Federal Health Care Financing Administration (HCFA) that Wisconsin MA recipients have access to pediatric and obstetric care equal to that of the general population, has been accepted by HCFA. As this report indicates, at least 50 percent of the total number of primary care physicians in each of the 12 regions developed for State Plan Amendment reporting provided pediatric and obstetric services to Wisconsin MA recipients, in compliance with the federal standards.

Access to pediatric and obstetric care for MA recipients will continue as a focus of Departmental efforts.

Sincerely,
Gerald Whitburn
Secretary

State of Wisconsin
Supreme Court of Wisconsin
Director of State Courts

October 1, 1994

To the Honorable the Legislature:

Pursuant to s. 758.19(5)(i), Wis. Stats., the information reported to the Director of State Courts under s. 758.19(5)(e), Wis. Stats., each county is required to submit an annual report to the Director of State Courts which provides information on the actual amount incurred in the previous calendar year for court costs relating to the circuit court support payment and the guardian ad litem reimbursement programs.

Under the the circuit court support payment program, counties received \$9,931,700, or \$43,922 per circuit court branch, in circuit court support payments on April 21, 1994 to be used by the counties to offset the following court costs incurred or to be incurred by them from August 13, 1993, through December 31, 1994:

- * Juror fees under s. 59.77(8), Wis. Stats.;
- * Fees for expert witnesses called by the guardian ad litem under s. 767.045(6), Wis. Stats., if either or both parties are unable to pay those fees;
- * Witness fees set under s. 814.68(1)(b)1 and (c), Wis. Stats., for witnesses called by the court on its own motion or called by, or subpoenaed at the request of, a district attorney, the state public defender or private attorney appointed under s. 977.08, Wis. Stats.;

- * Fees for expert witnesses appointed under s. 907.06, Wis. Stats., by the court on its own motion or by the court at the request of the district attorney, the state public defender, or a private attorney appointed under s. 977.08, Wis. Stats., or by the court upon agreement of the district attorney, the state public defender or a private attorney appointed under s. 977.08, Wis. Stats.;
- * Fees for witnesses or expert witnesses subpoenaed by the court at the request of the district attorney, coroner, or medical examiner under s. 979.06(1) and (2), Wis. Stats.; and
- * Salaries and fringe benefits for judicial assistants for circuit court judges.

The guardian ad litem reimbursement program reimburses counties for the costs of guardian ad litem compensation incurred under ss. 48.235(8), 48.996, 55.06(6), and (9)(b), 767.045(6), 880.33(2)(a)2, 880.331(8), and 891.39(1)(b), Wis. Stats. The Director of State Courts was appropriated \$2,399,000 for state fiscal year 1993-94 to reimburse counties for those guardian ad litem services rendered and paid for by the county from January 1, 1994 through June 30, 1994. The \$4,738,500 appropriated for state fiscal year 1994-95 will be available to reimburse counties for those guardian ad litem services rendered and paid for by the county from July 1, 1994, through June 30, 1995.

The first report from counties under this statute was due July 1, 1994 for calendar year 1993. As of October 1, 1994, all counties have submitted the annual report to the Director of State Courts. If a county does not meet the annual reporting requirement under s. 758.19(5)(e), Wis. Stats., it is not eligible to receive its circuit court support payment for one year after the July 1st report was due or until the annual report is submitted, whichever is earlier.

Because the majority of the counties were not maintaining their records during calendar year 1993 in a manner which allowed for the detailed reporting as required by the annual report, counties were instructed to provide as much information as possible. Beginning with the calendar year 1994 annual report due to the Director of State Courts on July 1, 1995, counties will be expected to maintain their records so as to provide more detail information.

Circuit Court Support Payment Program. Attachment A is a compilation of the information provided by counties for calendar year 1993 on the actual costs incurred during the year for the categories under the circuit court support payment program. Based on these annual reports, counties report incurring \$9,976,358 in these court costs throughout the calendar year. More specifically:

- * salaries and fringe benefits for judicial assistants totalled \$4,924,005;

- * juror fees totalled \$4,057,274; and
- * witness and expert witness fees totalled \$995,080.

Although the counties reported \$4.9 million, our research shows that the costs reported for salaries and fringe benefits for judicial assistants were overstated by counties for this calendar year. One of the primary reasons for this overstatement is that the judicial assistant position description developed by the Director of State Courts as required by s. 758.19(h), Wis. Stats., was not effective until January 1, 1994. In future annual reports, counties can report only the salaries and fringe benefits of those judicial assistants who meet the description of the qualifications and duties listed in the position description.

Guardian Ad Litem Reimbursement Program. Counties were also required to report the costs of those guardian ad litem fees which are listed under s. 758.19(6), Wis. Stats. Attachment B provides the information counties were able to report for calendar year 1993. Of the \$6,791,431 counties reported guardian ad litem services paid during 1993:

- * \$2,638,624 were for guardian ad litem services provided under Chapter 48 of the Wisconsin Statutes;
- * \$1,127,276 were for guardian ad litem services provided under Chapters 55 and 880 of the Wisconsin Statutes; and
- * \$1,763,064 were for guardian ad litem services provided under Chapter 767 of the Wisconsin Statutes.

The remaining \$1,262,467 was reported as "other guardian ad litem services" mainly because counties could not easily identify the proper category where these costs belonged. Moreover, counties also reported that they recouped at least \$874,020 of the \$6.8 million in guardian ad litem fees from those parties which provided the services.

Sincerely,
J. Denis Moran
Director of State Courts

State of Wisconsin
Department of Natural Resources

September 29, 1994

To the Honorable the Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11(2)(j) of the state statutes, this document provides information on the numbers of environmental assessments (EA's) and environmental impact statements (EIS's) completed by the Department in the past fiscal year.

JOURNAL OF THE SENATE [October 5, 1994]

Questions about the report can be directed to George Albright, Chief of the Environmental Analysis / Project Management Section, Bureau of Environmental Analysis and Review, phone 6-6437.

Sincerely,
George E. Meyer, Secretary
Department of Natural Resources

State of Wisconsin
Department of Natural Resources

September 16, 1994

To the Honorable the Legislature:

Section 9142(11) of the 1993 Wisconsin Act 16 required the Department to form a committee to study and recommend improvements to the current system of selling hunting and fishing licenses in Wisconsin. We're pleased with the results of that effort and feel that the committee did an excellent job of examining this issue and putting forth its recommendation. Based upon these recommendations, as appropriate, we will be moving forward in the 1995-97 biennial budget with initiatives that support the direction contained in the report.

Please find attached a copy of the final report. If you have any questions or require additional follow-up, I will be happy to respond.

Sincerely,
George E. Meyer
Secretary

State of Wisconsin

September 30, 1994

To the Honorable the Legislature:

Attached to this letter is the Clean Water Fund Biennial Finance Plan for the 1995-1997 biennium.

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), Wis. Stats. The statute allows the Joint Committee on Finance and each standing committee to submit to the Building Commission its recommendations and comments regarding the Biennial Finance Plan.

This plan was prepared jointly by the Department of Natural Resources and the Department of Administration Capital Finance Office. As financial managers for the program, DOA's Capital Finance Office is responsible for completing the following sections of the Plan:

- Balance Sheets and other financial information.
- The extent to which the CWF will be maintained in perpetuity, retain its purchasing power and achieve wastewater treatment needs.
- The impact of the program on guidelines stated in s. 144.2415(3)(b), Wis. Stats.

If there are questions concerning these section, you should contact Frank Hoadley, Director of DOA's Capital Finance Office, at 608-266-2305.

This first version of the plan reflects the Department of Natural Resources biennial budget proposal to the Governor. A second version will be submitted early next year and will be updated to reflect the Governor's proposed biennial budget. A third version of the plan will be submitted later next year reflecting the adopted biennial budget.

The Water Fund staff from DNR and DOA are looking at several sources of funding to address a shortfall in the funding of program operations for the Clean Water Fund. This projected shortfall is due to reductions in federal grants to fund program operations. Further discussion of these options are on page 6 and 7 of the Plan. DNR staff will present information on these options with the latest information on the magnitude of federal funding decreases to the Natural Resources Board in November, 1994. At that time, the Natural Resources Board will be requested to approve one of these options to address the funding shortfall. The Building Commission and the Legislature will be informed of the Board's action after the Board takes final action at their November meeting.

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

Paulette Harder, Director
Office of Governmental Relations
Department of Natural Resources

Frank Hoadley
Capitol Finance Director
Department of Administration

Referred to the committee on Environment and Energy.

State of Wisconsin
Department of Agriculture, Trade and Consumer
Protection

September 30, 1994

To the Honorable the Legislature:

Pursuant to s. 710.02(4)(b), Stats., as amended by 1989 Wisconsin Act 31, I am pleased to submit to the Senate the attached report entitled "Status of Alien Land Ownership in the State of Wisconsin."

Under s. 710.02(4)(a), Stats., DATCP must annually submit this report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172(3), Stats. The report summarizes information received under s. 710.02(4)(a), Stats.

Under s. 710.02(4)(a), Stats., all foreign persons (including individuals, corporations, companies, firms, partnerships, trusts, and any other legal entity) who acquire or transfer land in Wisconsin must submit a

report to DATCP not later than 90 days after the date of acquisition or transfer. The same report must also be filed under federal law, under 7 USC 3501 to 3508. Aliens initially file the ASCS-153 forms with their county ASCS office. The reports are then forwarded to Washington, DC, to be verified and recorded before they are filed with DATCP.

The attached report summarizes ownership of Wisconsin land as of January 1, 1994 and purchases during the 1993 calendar year. Copies of this report may be obtained by contacting Kathy Schmitt in the Office of Policy and Program Analysis, Secretary's Office, at 608/264-6102.

Sincerely,

Alan T. Tracy

Secretary

Referred to the committee on Transportation, Agriculture, Local and Rural Affairs.

SENATE CLEARINGHOUSE ORDERS

State of Wisconsin
Revisor of Statutes Bureau

October 1, 1994

To the Honorable the Legislature:

The following rules have been published and are effective:

- Clearinghouse Rule 92-78 effective October 1, 1994.
- Clearinghouse Rule 93-172 effective October 1, 1994.
- Clearinghouse Rule 93-185 effective October 1, 1994.
- Clearinghouse Rule 93-204 effective October 1, 1994.
- Clearinghouse Rule 93-214 effective October 1, 1994.
- Clearinghouse Rule 94-8 effective October 1, 1994.
- Clearinghouse Rule 94-11 effective October 1, 1994.
- Clearinghouse Rule 94-18 effective October 1, 1994.
- Clearinghouse Rule 94-25 effective October 1, 1994.
- Clearinghouse Rule 94-32 effective October 1, 1994.
- Clearinghouse Rule 94-36 effective October 1, 1994.
- Clearinghouse Rule 94-37 effective October 1, 1994.
- Clearinghouse Rule 94-39 effective October 1, 1994.
- Clearinghouse Rule 94-49 effective October 1, 1994.
- Clearinghouse Rule 94-50 effective October 1, 1994.
- Clearinghouse Rule 94-54 effective October 1, 1994.
- Clearinghouse Rule 94-61 effective October 1, 1994.
- Clearinghouse Rule 94-86 effective October 1, 1994.
- Clearinghouse Rule 94-93 effective October 1, 1994.

Sincerely,

Gary L. Poulson

Deputy Revisor

The committee on Health, Human Services and Aging reports and recommends:

Clearinghouse Rule 94-67

Relating to prohibited vendor practices under the supplemental food program for women, infants and children.

Modifications approved:

Ayes, 7 — Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 — None.

Carol A. Buettner

Chair

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

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

Clearinghouse Rule 94-87

Relating to the local roads improvement program.

No action taken.

Clearinghouse Rule 94-113

Relating to the inspection of a repaired salvage vehicle.

No action taken.

Clearinghouse Rule 94-121

Relating to display of registration certificate.

No action taken.

Clearinghouse Rule 94-124

Relating to adult sponsors for minors obtaining driver licenses and the issuance of commercial driver licenses.

No action taken.

Alan J. Lasee

Chair

Clearinghouse Rule 94-46

Relating to twin trifecta pools and tri-superfecta pools. Submitted by Gaming Commission.

Report received from agency, September 29, 1994.

Referred to committee on Business, Economic Development and Urban Affairs, October 5, 1994.

Clearinghouse Rule 94-85

Relating to the school breakfast program.

Submitted by Department of Public Instruction.

Report received from agency, October 3, 1994.

Referred to committee on Education, October 5, 1994.

Clearinghouse Rule 94-95

Relating to pari-mutuel racing.

Submitted by Gaming Commission.

Report received from agency, September 29, 1994.

Referred to committee on Business, Economic Development and Urban Affairs, October 5, 1994.

Clearinghouse Rule 94-107

Relating to reimbursement for the direct costs of medical care provided to adults who have cystic fibrosis.

Submitted by Department of Health and Social Services.

Report received from agency, October 3, 1994.

Referred to committee on Health, Human Services and Aging, October 5, 1994.

Senate Clearinghouse Rule 94-115

Relating to the minor deficiencies license.

Submitted by Department of Public Instruction.

Report received from agency, October 3, 1994.

Referred to committee on Education, October 5, 1994.

Senate Clearinghouse Rule 94-123

Relating to the special resource account and vehicle asset limit demonstration projects under the aid to families with dependent children program.

Submitted by Department of Health and Social Services.

Report received from agency, October 4, 1994.

Referred to committee on Health, Human Services and Aging, October 5, 1994.

Senate Clearinghouse Rule 94-139

Relating to title restrictions, full terms of sale and guarantees.

Submitted by Department of Regulation and Licensing.

Report received from agency, September 30, 1994.

Referred to committee on Business, Economic Development and Urban Affairs, October 5, 1994.

Senate Clearinghouse Rule 94-149

Relating to alternative education program licenses and conflict resolution.

Submitted by Department of Public Instruction.

Report received from agency, October 3, 1994.

Referred to committee on Education, October 5, 1994.

Senate Clearinghouse Rule 94-150

Relating to teacher licenses and approved programs at the early childhood, elementary and elementary/middle level.

Submitted by Department of Public Instruction.

Report received from agency, October 3, 1994.

Referred to committee on Education, October 5, 1994.

Senate Clearinghouse Rule 94-151

Relating to educational interpreter - deaf or hard of hearing licenses.

Submitted by Department of Public Instruction.

Report received from agency, October 3, 1994.

Referred to committee on Education, October 5, 1994.