



STATE OF WISCONSIN Assembly Journal

Ninety–Second Regular Session

THURSDAY, February 15, 1996

The Chief Clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 298** offered by Representative Kaufert.

Assembly substitute amendment 1 to **Assembly Bill 629** offered by Representative Grothman.

Assembly amendment 1 to **Assembly Bill 738** offered by Representative Ainsworth.

Assembly amendment 2 to **Assembly Bill 738** offered by Representatives Underheim and Ainsworth.

Assembly substitute amendment 1 to **Assembly Bill 766** offered by Representative Ainsworth.

Assembly substitute amendment 1 to **Assembly Bill 814** offered by Representative Schneider.

Assembly amendment 1 to **Assembly Bill 851** offered by Representative Goetsch.

Assembly amendment 1 to **Assembly Bill 860** offered by Representatives Lazich and Vrakas.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 84

Relating to: an advisory referendum on the question of enacting the death penalty in this state.

By Representatives Kaufert, Ziegelbauer, Powers, Kreibich, Ott, Brandemuehl, Owens, Hoven, Freese, Otte, Skindrud, F. Lasee, Silbaugh, Green, Ladwig, Handrick, Olsen, Vrakas and Gunderson; cosponsored by Senators A. Lasee, Drzewiecki, Buettner, Ellis, Zien, Welch, Petak and Fitzgerald.

To committee on **Criminal Justice and Corrections**.

Assembly Bill 889

Relating to: harboring or aiding juveniles who have run away or failed to appear in court and providing a penalty.

By Representatives Murat, Hanson, Wasserman, Krusick, Schneider, Wilder, Meyer, Wood, R. Potter, Walker, Klusman, Gard, Carpenter, Krug, Ziegelbauer, Plache, Underheim, Otte, Seratti, Kaufert, Ladwig, Gunderson, Olsen, Ourada, Baumgart and Huber.

To committee on **Children and Families**.

Assembly Bill 890

Relating to: prohibiting discrimination and other actions by nursing homes toward persons who are eligible for medical assistance, creating a private cause of action for persons suffering medical assistance discrimination, requiring certain procedures for admissions by nursing homes and providing penalties.

By Representatives Krusick, Urban, Bock, Boyle, Cullen, Hahn, Hanson, Morris–Tatum, R. Potter, Ryba and L. Young; cosponsored by Senator Burke.

To committee on **Aging and Long–Term Care**.

Assembly Bill 891

Relating to: requiring nursing homes to maintain temperatures below a specified maximum temperature.

By Representative Krusick; cosponsored by Senator Grobschmidt.

To committee on **Aging and Long–Term Care**.

COMMITTEE REPORTS

The special committee on *Controlled Substances* reports and recommends:

Assembly Bill 817

Relating to: controlled substances and providing a penalty.

Assembly amendment 1 adoption:

Ayes: 6 – Representatives Otte, Grothman, Green, Huber, Cullen and Baldwin.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Otte, Grothman, Green, Huber, Cullen and Baldwin.

Noes: 0.

To committee on **Rules**.

CLIFFORD OTTE

Chairperson

Special committee on Controlled
Substances

ASSEMBLY PETITIONS

The committee on *Elections and Constitutional Law* reports and recommends:

Assembly Bill 613

Relating to: filing of declarations of candidacy and recording of votes received by write-in candidates.

Assembly substitute amendment 1 adoption:

Ayes: 9 – Representatives Walker, Handrick, Duff, Freese, Nass, Huber, Travis, Black and Kreuser.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Walker, Handrick, Duff, Freese, Nass, Huber, Travis, Black and Kreuser.

Noes: 0.

To committee on **Rules**.

Senate Bill 125

Relating to: the date for making application for absentee ballots and the procedure whereby overseas electors may obtain absentee ballots for elections.

Concurrence:

Ayes: 9 – Representatives Walker, Handrick, Duff, Freese, Nass, Huber, Travis, Black and Kreuser.

Noes: 0.

To committee on **Rules**.

SCOTT WALKER
Chairperson
Committee on Elections and Constitutional Law

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

February 13, 1996

To the Honorable, the Legislature:

The following bill(s), originating in the Senate or the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Assembly Bill 240	136	February 13, 1996
Assembly Bill 825	137	February 13, 1996

Respectfully submitted,
TOMMY G. THOMPSON
Governor

Assembly Petition 8

A petition signed by approximately 700 members and friends of the Wisconsin Congress of Parents and Teachers (Wisconsin PTA) requesting a public hearing by the committee on Labor and Employment prior to the March floorperiod on Assembly Bill 333, relating to the hours that children may work.

By Representative Notestein.

To committee on **Labor and Employment**.

COMMUNICATIONS

State of Wisconsin
Joint Legislative Council
Madison

February 13, 1996

Mr. Charles Sanders
Assembly Chief Clerk
1 East Main Street, Suite 402
Madison, WI 53702

Dear Charlie:

I am pleased to transmit to you the following report to the 1995 Legislature on legislation introduced by the Joint Legislative Council:

RL 95-12 Legislation on Shared Governmental Services
(1995 Senate Bills 491 and 542)

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

Sincerely,
DAVID J. STUTE
Director

AGENCY REFERRALS

State of Wisconsin
Department of Administration
Madison

December 28, 1995

To the Honorable, the Legislature:

As required by [1993 Wisconsin Act 351](#), I am submitting to you for distribution to the appropriate standing committees under s.13.172(3) of Wisconsin law the third semiannual *Wisconsin Gasohol and Alternative Fuel Use Report*. If you or any committee members have questions, please contact

Nathaniel E. Robinson, Administrator, Division of Energy and Intergovernmental Relations at 608/266-7257.

Sincerely,
JAMES R. KLAUSER
Secretary, DOA

Referred to committee on **Environment and Utilities**.

State of Wisconsin
Department of Health and Social Services
Madison

December 29, 1995

To the Honorable, the Assembly:

Section [46.03\(26\)](#) of the statutes requires the Department of Health and Social Services to report annually on information system projects under development. The attached report is a summary of the departmental systems currently under development.

Sincerely,
JOE LEEAN
Secretary, DHSS

Referred to committee on **Health**.

State of Wisconsin
Department of Health and Social Services
Madison

January 2, 1996

To the Honorable, the Assembly:

[1993 Wisconsin Act 251](#), Sections [146.53\(2\)](#), [19\(2\)\(a\)3](#), 4, 5 and 5m, require the Department of Health and Social Services to submit to the chief clerk of each house of the Legislature the following five reports:

- the state emergency medical services plan;
- recommendation concerning the possible certification and training of emergency dispatchers;
- the financial needs of emergency medical services (EMS) providers;
- a report that explores the consolidation of state EMS agency functions; and
- recommendations concerning EMS training and certification requirements.

Since the subjects of these reports are closely related, the Department is submitting the five reports as one transmittal.

Department staff is available if you have any questions or desire any additional information.

Sincerely,
JOE LEEAN
Secretary, DHSS

Referred to committee on **Health**.

State of Wisconsin
Gaming Commission
Madison

January 5, 1995

To the Honorable, the Legislature:

Section [565.45](#) Wisconsin Statutes, requires the Wisconsin Gaming Commission to submit a report to the legislature regarding the impact on lottery operations of limiting expenses to 15% of revenues.

Sincerely,
SCOTT SCEPANIAC
Chair, Wisconsin Gaming Commission
MARK D. BUGHER
Secretary, Department of Revenue

Referred to special committee on **Gambling Oversight**.

January 5, 1996

TO: Charles Sanders
Assembly Chief Clerk

FROM: Katharine C. Lyall
President, UW System

RE: 1996 Salary Group/Range Assignment Report
Required under Section [20.923\(5\)](#), Wis. Stats.

Section [20.923\(5\)](#), Wis. Stats., requires that the Board of Regents assign specified titled positions to salary ranges in whatever manner the board determines. The board is required to file a report annually with the Governor and Legislature.

The board has directed that all positions referenced in s. [20.923\(5\)](#) be assigned to either a State Executive Salary Group or to a UW System salary range based on the following assignment criteria:

I. Positions subject to State Executive Salary Group assignment.

- A. All positions referenced in s. [20.923\(5\)](#) which carry the following titles regardless of annual salary:

Associate Vice Presidents
Assistant Vice Presidents
Associate Chancellors
Vice Chancellors not designated in s. [20.923\(4m\)](#)
Associate Vice Chancellors
Assistant Vice Chancellors
Assistant Chancellors

B. All positions carrying the director or associate director title with over 50 percent of their activities coded as physical plant, general operations and services, and auxiliary enterprises whose fiscal year annual salary rate exceeds the maximum of pay range 1-17 (1995-96 maximum is \$57,367) of the general non-represented pay schedule #1.

II. Positions subject to UWS Salary Range Assignment:

All directors or associate directors with over 50 percent of their position assigned to an enumerated activity code in the statute whose annual salary does not exceed the maximum of pay range 1-17.

Part A of the attached report designates those positions assigned to State Executive Salary Groups and Part B provides the minimum and maximum for those positions assigned to a UWS Salary Range. I would note that the number of UW personnel in State Executive Salary Groups declined 5.5% from the previous year and the number of UWS ranges fell 8.2 %. The report is dated January 1, 1996 and serves to fulfill this calendar year's reporting requirement.

Referred to committee on **Colleges and Universities**.

State of Wisconsin
Department of Health and Social Services
Madison

January 17, 1996

To the Honorable, the Assembly:

In accordance with ss. [46.027](#) and [13.172\(3\)](#), Stats., I hereby submit the first annual report of the Gang Violence Prevention Council. The Gang Violence Prevention Council was created by [1993 Wisconsin Act 98](#), enacted December 10, 1993. Attached to the Department of Health and Social Services, the 15-member Council is charged with three specific functions, one of which is to submit an annual report to the appropriate standing committees of the legislature.

The enclosed report conveys the goals, objectives and strategies developed by the Gang Violence Prevention Council and summarizes the Council's activities during the first year of operation. Through this report, the Council attempts to set the groundwork and provide a forum by which existing successful gang prevention and gang intervention strategies and programs can be duplicated, and new ideas and strategies to prevent children from becoming influenced by and involved with gangs can be presented.

Should you have any questions regarding any of the material contained in this report, please feel free to contact me at 267-3691, or Merry Ament, staff to the Council, at 261-6953.

Sincerely,
SILVIA R. JACKSON
Chair, Gang Violence Prevention Council
Administrator, Division of Youth Services

Referred to committee on **Criminal Justice and Corrections**.

State of Wisconsin
Department of Health and Social Services
Madison

January 19, 1996

To the Honorable, the Assembly:

[1993 Wisconsin Act 16](#), Section [9126 \(15d\)](#) provided funds to establish a pilot program for family preservation intensive in-home services for the purpose of preventing out-of-home placements of children who have been abused and/or neglected. Act 16 also directed the Department of Health and Social Services to evaluate the pilot and to submit an interim report of the evaluation to the governor and to the appropriate committees by July 1, 1996 and a final report by January 1, 1998.

Beginning January 1, 1996, the funding for this pilot was incorporated into the Community Aids allocation for the ten pilot counties. The pilot status ended and, therefore, the evaluation ended. Staff from the Office of Policy and Budget and the Bureau for Children, Youth and Families have agreed to submit a final report of the pilot at this time. The attached report fulfills that agreement.

Sincerely,
JOE LEEAN
Secretary, DHSS

Referred to committee on **Children and Families**.

State of Wisconsin
Department of Justice
Madison

January 24, 1996

To the Honorable, the Assembly:

Section [165.90](#), Wisconsin Statutes, requires that you receive an annual report on the progress of the county-tribal law enforcement programs which are funded under this section. Please accept this letter as the report for 1995.

Since 1990, counties and tribes have used these grants to provide law enforcement services on tribal lands. Grants have also been used to support many worthwhile activities including anti-drug and anti-violence community workshops, neighborhood watch programs, youth activities, and joint county-tribal law enforcement committees.

During the fall of 1995, the county-tribal law enforcement coordinator in the Department of Justice concluded field reviews of each county which participates in the county-tribal law enforcement program.

Findings of 1995 Field Reviews

The county-tribal law enforcement program coordinator conducted on-site reviews of the 15 programs funded under s. [165.90](#), Stats., during September and October of 1995.

In general, the county-tribal law enforcement programs are working well. Several counties have established or have

plans to establish joint county–tribal law enforcement committees which will meet on a regular basis. These committees provide a free flow of information between the county and the tribe on the needs of the Indian community as well as the resources which are available to the sheriff’s department to help meet those needs. The committees have also successfully produced neighborhood watch programs and established community workshops on issues such as substance abuse prevention and crime prevention.

Some tribal police departments assist the sheriff’s department by providing most of the law enforcement services for a significant geographical area of the county. In such cases, sheriffs have turned to the trained, certified officers of the tribal police department to police communities that are more difficult to reach for sheriff’s deputies.

Some county and tribal police departments are dealing with increased criminal activity caused by the return of individuals from urban centers to tribal lands. Some of these returnees bring with them urban problems which have not previously been dealt with in the rural communities of northern and western Wisconsin. This has placed an increased burden on the law enforcement agencies in those areas.

The Department of Justice will continue to monitor these programs for achievement of cooperative program objectives and goals, in accordance with in s. 165.90, Stats.

The Department of Justice is committed to making this program a successful collaboration between Indian nations and counties. DOJ will continue to monitor the compliance and achievement of these cooperative programs to ensure that valuable law enforcement services are provided to tribal lands.

Sincerely,
JAMES E. DOYLE
 Attorney General

Referred to committee on **Criminal Justice and Corrections.**

State of Wisconsin
 Department of Public Instruction
 Madison

January 29, 1996

To the Honorable, the Assembly:

As required by s. 119.23, Wis. State., enclosed for distribution to the appropriate standing committees is the fifth–year report on the Milwaukee Parental Choice Program. Authored by John Witte, professor with The Robert M. La Follette Institute of Public Affairs and the Department of Political Science of the University of Wisconsin–Madison, the report is a balanced, independent review of the Milwaukee Parental Choice Program. The fifth–year report is an abbreviated version of earlier reports.

The report features a description of the Milwaukee Parental Choice Program, a description of choice families and

students, a five–year report on outcomes, and a brief response to some of the criticisms of previous reports. It does not contain any information on the 1995–96 school year.

Among the findings of the report are the following:

- The program accomplishes its intent of making alternative school choices available to low–income families in Milwaukee. Choice parents had a slightly lower income than low–income MPS parents in the first four years of the program. Incomes of 1994 choice families increased to an average of \$14,210.
- The leading reasons given for participating in the choice program were the perceived educational quality and the teaching approach and style in the private schools. That was followed by the disciplinary environment and the general atmosphere that parents associate with choice schools.
- Choice parents were significantly more involved in the prior public school education of their children than MPS parents and continued to be more involved in their child’s education at choice schools than MPS parents. Parental satisfaction with choice schools increased significantly over satisfaction with their prior public school.
- Despite their economic status, choice parents reported higher education levels than either low–income or average MPS parents. Choice mothers were more educated than MPS mothers, which should have produced higher scores for choice students but did not.
- Reading scores for choice students essentially remained the same over the past three years. In 1995, there was a 1.5 drop in the Normal Curve Equivalent math scores. Regression results, using a wide range of modeling approaches, generally indicated that choice and public school students were not much different. If there was a difference, MPS students did somewhat better in reading.
- The attrition rate, which was initially very high, is on a downward trend. Excluding students in alternative programs, the attrition rate from choice schools was 44 percent in the first year, 32 percent in the second year, 28 percent in the third year, 23 percent in the fourth year, and 24 percent in the fifth year. Attrition rates are higher with alternative schools and included 46 percent, 35 percent, 31 percent, 27 percent, and 28 percent. Reasons given for leaving were primarily for family–specific reasons, including moving. Other respondents to follow–up questions about attrition were critical of some aspect of the choice program or private schools.
- Pupil attendance in the choice schools is high but only slightly higher than MPS. Attendance by choice students (excluding alternative schools) averaged 94 percent in 1990–91, 92 percent in 1991–92, 92.5 percent in 1992–93, 93 percent in 1993–94, and 92 percent in 1994–95. Average attendance in MPS elementary schools in the last three years has been 92 percent. Attendance at middle schools for the same years averaged 89 percent, 88 percent, and 89 percent.
- The conclusions and recommendations in the report are no different than those offered in previous years. Based

upon surveys of parents, the majority of students and families involved in the choice program report they are better off. This feeling is expressed despite the fact that achievement, as measured by standardized tests, was no different than the achievement of MPS students. The attrition rate and factors affecting attrition indicate that not all students will succeed in choice schools, but the majority remain and applaud the program.

I believe this report provides continuing evidence that, while the Milwaukee Parental Choice Program provides an option for low-income parents who have been dissatisfied with the educational alternatives available for their children, it has not demonstrated the dramatic academic improvements in student achievement that would label it a success. The experiment should continue on a limited basis and provide for continuing evaluation. That evaluation should provide more outcome data that includes, but is not limited to, standardized test scores. Choice school program requirements should be changed to require comparable test-score data with the Milwaukee Public Schools, which administers tests required under the Wisconsin Student Assessment System.

Along with the recommendation for continuing the Milwaukee Parental Choice Program on a limited basis, I caution legislators and other policymakers to realize that the program does not deal directly or substantially with the challenges the Milwaukee Public Schools face such as the high rate of poverty among students, a high dropout rate, large class sizes, and inadequate facilities especially for early childhood programming. The recently enacted biennial budget included funds for the Student Achievement Guarantee in Education (SAGE) initiative, which was based on recommendations from the Department of Public Instruction's Urban Initiative Task Force. The SAGE initiative, while offered to districts throughout the state with at least one school with a high incidence of poverty, is targeted to assist 10 schools in Milwaukee. Components of the SAGE initiative, which includes smaller class sizes, were founded on research that demonstrates improved academic achievement. The SAGE program will be extensively evaluated.

For additional information about the Milwaukee Parental Choice Program, please contact Sally Sarnstrom at (608) 266-7475 or Roger Sunby at (608) 266-2804.

Sincerely,
JOHN T. BENSON
State Superintendent, DPI

Referred to committee on **Urban Education**.

State of Wisconsin
Department of Corrections
Madison

January 30, 1996

To the Honorable, the Assembly:

The following information is provided for your consideration and review pursuant to s. 301.03(6m) Wi. Stats. The figures below cover the period from January 1, 1995 to December 31, 1995.

1. There were 27 inmates transferred involuntarily from a prison to a mental health institute under 51.20(13)(A)4. All but 3 were committed for outpatient treatment. Of the 3 committed for inpatient treatment, 1 remained for 10 months and the length of stay for two is not known since commitment was at the end of the sentence.

No inmates transferred voluntarily from a prison to a mental health institute.

2. 2088 inmates underwent voluntary treatment with psychotropic drugs. 27 inmates were treated with psychotropic drugs on an involuntary basis.

The types of medication used include antipsychotic drugs, antidepressant drugs, anti-anxiety drugs, mood stabilizers, anti-parkinsonian medications, and medication for side effects.

3. Mental Health Services, both psychiatric and psychological, are available at all of the major institutions. Services include chemotherapy, group and individual therapy, psychological, psychiatric, and neuropsychological evaluations, crisis intervention, sex offender groups, anger management groups, and domestic abuse groups.

Inmates who need more intensive mental health services are transferred to the Special Management Unit at Columbia Correctional Institution, the Wisconsin Resource Center, or one of the Mental Health Institutes.

If you need any additional information, please let me know.

Sincerely,
MICHAEL J. SULLIVAN
Secretary, DOC

Referred to committee on **Criminal Justice and Corrections**.