



STATE OF WISCONSIN

Senate Journal

Ninety–Second Regular Session

10:00 A.M.

TUESDAY, June 6, 1995

The Senate met.

The Senate was called to order by Senator Margaret Farrow.

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

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 247

Relating to: groundwater protection standards and private sewage systems.

By Senators Breske, Rude, Moen, A. Lasee, Buettner, Andrea, Huelsman and Farrow; cosponsored by Representatives Handrick, Powers, Vander Loop, Brandemuehl, Reynolds, Dobyns, Springer, Ryba, Musser, Kreibich, Ourada, Lorge, Zukowski, Ladwig, Hasenohrl, Huber, Gronemus, Nass, Ziegelbauer and Seratti.

To committee on **Environment and Energy**.

Senate Bill 248

Relating to: service connections to the Milwaukee Metropolitan Sewerage District.

By Senators Panzer, Farrow and Adelman; cosponsored by Representatives Urban, Lazich, Hoven, Duff, Jensen and Schneiders.

To committee on **Environment and Energy**.

Senate Bill 249

Relating to: use of the net worth method of establishing proof of responsibility for compliance with requirements to take corrective action because of a discharge from a hazardous waste facility.

By Senator Panzer.

To committee on **Environment and Energy**.

Senate Bill 250

Relating to: the recycled content of newspapers.

By Senators Cowles, Darling, Weeden, Huelsman, Farrow and Rosenzweig; cosponsored by Representatives Ourada, Johnsrud, Duff, F. Lasee, Ainsworth, Klusman and Albers.

To committee on **Environment and Energy**.

Senate Bill 251

Relating to: the deductible under the wildlife damage claim program.

By Senators Breske and Decker; cosponsored by Representatives Lorge, Ryba, Hahn, Hasenohrl and Springer.

To committee on **Environment and Energy**.

REPORT OF COMMITTEES

The committee on **Education and Financial Institutions** reports and recommends:

Assembly Bill 215

Relating to: the payment of salaries to school district employes during energy emergencies.

Concurrence.

Ayes, 7 – Senators Darling, Petak, Huelsman, Rosenzweig, C. Potter, Wineke and Shibilski.

Noes, 0 – None.

Assembly Bill 8

Relating to: charging a fee for the temporary use of school property.

Concurrence.

Ayes, 7 – Senators Darling, Petak, Huelsman, Rosenzweig, C. Potter, Wineke and Shibilski.

Noes, 0 – None.

Alberta Darling
Chairperson

The committee on **Environment and Energy** reports and recommends:

Senate Bill 179

Relating to: use of funds under the stewardship program for golf courses.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Cowles, Panzer, Farrow, Burke and Clausing.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Cowles, Panzer and Farrow.

Noes, 2 – Senators Burke and Clausing.

Robert Cowles
Chairperson

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

Assembly Bill 41

Relating to: membership of the council on veterans programs.

Concurrence.

Ayes, 5 – Senators Zien, A. Lasee, Fitzgerald, Breske and Decker.

Noes, 0 – None.

Assembly Bill 73

Relating to: the national guard tuition grant program and making an appropriation.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators Zien, A. Lasee, Fitzgerald and Breske.
Noes, 1 – Senator Decker.

Concurrence as amended.

Ayes, 4 – Senators Zien, A. Lasee, Fitzgerald and Breske.
Noes, 1 – Senator Decker.

Senate Bill 163

Relating to: modifying procedures for classifications appeals.

Passage.

Ayes, 4 – Senators Zien, A. Lasee, Fitzgerald and Breske.
Noes, 1 – Senator Decker.

David Zien
Chairperson

PETITIONS AND COMMUNICATIONS

Senate Petition 5

A petition by 648 residents of the State of Wisconsin demanding the resignation or impeachment of Governor Tommy G. Thompson and Secretary of the Department of Administration, James Klauser.

By Senator Rude.

To committee on **State Government Operations and Corrections.**

Senate Petition 6

A petition by 119 residents of the State of Wisconsin in opposition to any changes in the Dental Examining Board Rules that would allow a dental cleaning, prophylaxis, scaling or polishing to be delegated or allowed to be performed by anyone other than a dentist or dental hygienist.

By Senator Rude.

To committee on **Health, Human Services and Aging.**

Senate Petition 7

A petition by 190 resident of the State of Wisconsin in opposition to the Oil Company Franchise Fee in the Governor’s 1995–1997 Transportation Budget.

By Senator Rude.

To joint committee on **Finance.**

**State of Wisconsin
Legislative Audit Bureau**

June 5, 1995

The Honorable, The Legislature:

We have completed an evaluation of the Department of Industry, Labor and Human Relations’ Bureau of Migrant Services, as requested by the Joint Legislative Audit Committee. The Bureau is responsible for enforcing federal as well as state migrant labor laws. Wisconsin’s laws are among the nation’s broadest.

In reviewing the Bureau’s certification of migrant labor camps for occupancy, we did not find evidence to suggest that certified camps do not meet established housing standards. In addition, in 1994, few variances to the standards were granted. Nevertheless , improvements can be made to the certification process to promote the efficient use of inspector time and camp operator compliance with the standards.

The Bureau also undertakes several activities to ensure compliance with housing and employment standards following the arrival of migrant workers. Few violations are identified as a result of these activities. The Bureau’s practices do not, however, maximize the probability that serious violations will be identified. For example, out of respect for migrant workers’ privacy, inspectors typically inspect only the exterior of buildings and their grounds. We recommend a number of procedural improvements to better ensure that violations of established standards will be identified if they exist.

Even if serious violations are identified, the enforcement options available to the Bureau are limited. In addition, because the available tools are not used effectively, they may not serve to deter employers and camp operators from violating established standards. While the Department is pursuing several initiatives in this area, better procedures should be developed for collecting the evidence necessary to bring action when a serious violation, such as the operation of an illegal camp, is identified.

Finally, we believe the Council on Migrant Labor’s unique authority to disapprove administrative rules proposed by the Department has hindered, rather than assisted, efforts to address migrant labor issues. We recommend that the statutes be amended to remove this authority from the Council.

We appreciate the courtesy and cooperation extended to us by Department of Industry, Labor and Human Relations staff. The Departments response is Appendix II.

Sincerely,

DALE CATTANACH
State Auditor

**State of Wisconsin
Department of Justice**

June 5, 1995

The Honorable, The Legislature:

[1991 Wisconsin Act 194](#) became effective in April, 1992, and established a Class A misdemeanor penalty for harassment accompanied by a credible threat of death or severe harm or that occurs while the actor is subject to a restraining order limiting contact with the victim. Act 194 increased the penalty to a Class E felony for a second violation involving the same victim within a seven year period.

In subsequent legislative session, [1993 Wisconsin Act 96](#) was enacted which defined “stalking” as intentionally maintaining a visual or physical proximity to a specific person that would cause a reasonable person to fear harm to one’s self or family. The penalty for stalking was set at either a Class A misdemeanor or Class E felony depending on the circumstances of the act. Under s.165.829, this act required the Department of Justice (DOJ) to provide an annual report to the legislature detailing arrests and judgements of conviction for violations of s.940.32 (stalking) and s.947.013 (harassment) through October 1, 1997.

Attached is a report fulfilling the DOJ requirements by providing information on calendar year 1994 arrests and judgements of conviction for violations of Wisconsin’s stalking and harassment statutes. It is important to note a number of limitations with the data contained in this report.

First, the arrest information relies on what local law enforcement agencies report to DOJ. While this information can provide an overall profile of stalking and harassment arrests in Wisconsin, it should not be viewed as comprehensive data on all incidents in the state.

Second, under prevailing law at the time the enabling legislation was passed, police agencies were not required to report all misdemeanor harassment arrests or ordinance

violations to DOJ. Therefore, certain violations of s.940.32 and s. 947.013 may not appear in this arrest data.

In order to ensure that future legislative summaries are more comprehensive, I have designated, pursuant to s. 165.83(2), that all violations of the stalking and harassment statutes are reportable offenses. We should see increased reporting of arrests beginning with the 1995 statistics.

I am pleased that the Department of Justice is able to provide this information to the Wisconsin Legislature. Should any member of the Senate of Assembly require additional information, please contact Michael Moschkau, Director of the Crime Information Bureau, at 266-7399.

Sincerely,
JAMES E. DOYLE
Attorney General

**State of Wisconsin
Department of Justice**

May 31, 1995

The Honorable, The Legislature:

Section 9136(3b) of 1993 Wisconsin Act 16 directed the Department of Justice to conduct a study of legal services costs. The specific mandate was to "conduct a study of the actual costs of investigation and litigation, including attorney fees, in cases of medical assistance fraud, unfair trade practices, environmental protection and pollution discharge violations and state and federal antitrust violations and submit a report to the legislature in the manner provided under section 13.172(2) of the statutes." The attached report is submitted in fulfillment of this requirement.

Sincerely,
JAMES E. DOYLE
Attorney General

**State of Wisconsin
State Senator Carol Buettner**

June 5, 1995

The Honorable, The Senate:

I respectfully request that my name be removed from **Assembly Bill 126** as a coauthor. When I signed onto this bill, it was my understanding that the gag rule would be repealed. This is not in fact the case, and I no longer wish to support this legislation.

Sincerely,
CAROL BUETTNER
State Senator 18th District

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 95-046

Relating to notice of intent regarding certain construction sites.

Submitted by Department of Industry, Labor and Human Relations.

Report received from Agency, June 1, 1995.

Referred to committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**, June 6, 1995.

Senate Clearinghouse Rule 95-008

Relating to a work not welfare demonstration project for aid to families with dependent children recipients.

Submitted by Department of Health and Social Services.

Report received from Agency, June 5, 1995.

Referred to committee on **Health, Human Services and Aging**, June 6, 1995.

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

Senate Clearinghouse Rule 94-163

Relating to public employe safety and health.

No action taken.

David Zien
Chairperson

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

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

Assembly Joint Resolution 47

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Joint Resolution 47

Relating to: proclaiming the Merrimac Ferry an official sesquicentennial landmark.

By Representatives Hahn, Prosser, Owens, Schneiders, Silbaugh, R. Young, Ott, Freese, Gard, Lorge, Grothman and Seratti; cosponsored by Senators Rude and Darling.

Read and referred to committee on **Senate Organization**.

ADJOURNMENT

Senator Farrow, with unanimous consent, asked that the Senate adjourn until Thursday, June 8 at 10:00 A.M..

Adjourned.

10:01 A.M.