

STATE OF WISCONSIN
Senate Journal
Ninety–Second Regular Session

WEDNESDAY, December 20, 1995

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

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 462

Relating to: sexual assaults causing substantial bodily harm.

By Senators Burke, Andrea, Chvala, Clausing, Moen, Moore, C. Potter and Rosenzweig; cosponsored by Representatives Rutkowski, Ainsworth, Baldwin, Bell, Boyle, Carpenter, Coggs, Grobschmidt, Grothman, Hasenohrl, Kaufert, F. Lasee, Lehman, Notestein, Plache, Ryba, Underheim, Wasserman and Wirch, by request of the Wisconsin Coalition Against Sexual Assault.

To committee on **Judiciary**.

Senate Bill 463

Relating to: insurance coverage of hospital or home care after childbirth and granting rule-making authority.

By Senators Rosenzweig, Burke and Moen; cosponsored by Representatives Cullen, Wasserman, Urban, Bock, Robson, Harsdorf, Notestein, Kunicki, Bell, Goetsch, Boyle, Kreuser, Krusick, Baldwin, Carpenter, Grobschmidt, Wirch, Ryba, Plombon, Krug, Black and Brandmuehl.

To committee on **Insurance**.

Senate Bill 464

Relating to: removal of certain references to lunatics in the statutes regarding bank trust powers (suggested as remedial legislation by the office of commissioner of banking).

By Law Revision Committee .

To committee on **Education and Financial Institutions**.

Senate Bill 465

Relating to: grants to school districts to provide services to limited-English speaking pupils from Southeast Asian language groups (suggested as remedial legislation by the department of public instruction).

By Law Revision Committee .

To committee on **Education and Financial Institutions**.

Senate Bill 466

Relating to: bringing honeybees and related items into this state and granting rule-making authority.

By Senators Welch, Schultz and A. Lasee; cosponsored by Representatives Hutchison, Kelso, Ott, Zukowski, Vrakas, Otte, Green, Owens, Grothman and Lorge.

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

Senate Bill 467

Relating to: allowing individuals, shareholders in tax-option corporations and partners to claim the income tax and franchise tax credit for sales taxes and use taxes paid on fuel and electricity that are used in manufacturing.

By Senators Fitzgerald, Schultz, Welch and Buettner; cosponsored by Representatives Brancel, Musser, Goetsch, Grothman, Schneiders, Klusman, Freese, Hahn, Otte, Ainsworth, Harsdorf, Zukowski, Ziegelbauer, Foti, Skindrud, Underheim, Olsen, Springer and Albers.

To committee on **Business, Economic Development and Urban Affairs**.

Senate Bill 468

Relating to: the right of victims to attend court proceedings that a defendant is required or permitted to attend.

By Senators Burke, Clausing, Darling, Rosenzweig and Weeden; cosponsored by Representatives Krug, Boyle, Coleman, Coggs, Goetsch, Green, Gronemus, Hahn, Kreuser, Ladwig, La Fave, Musser, Plache, R. Potter, Riley, Springer, Walker and Wirch.

To committee on **Judiciary**.

Senate Bill 469

Relating to: immunization requirements and the adoption of school health plans.

By Joint Legislative Council .

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

REPORT OF COMMITTEES

The joint committee on **Audit** reports and recommends:

Senate Bill 402

Relating to: legislative oversight of the investment board, structure and composition of the investment board, regulation of certain investments by the investment board, granting rule-making authority and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 9 – Senators Rosenzweig, Weeden, Decker, Wineke; Representatives Lazich, Kelso, Brancel, Plache and Huber.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 9 – Senators Rosenzweig, Weeden, Decker, Wineke; Representatives Lazich, Kelso, Brancel, Plache and Huber.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3.

Ayes, 9 – Senators Rosenzweig, Weeden, Decker, Wineke; Representatives Lazich, Kelso, Brancel, Plache and Huber.

Noes, 0 – None.

Passage as amended.

Ayes, 9 – Senators Rosenzweig, Weeden, Decker, Wineke; Representatives Lazich, Kelso, Brancel, Plache and Huber.

Noes, 0 – None.

Peggy Rosenzweig
Senate Chairperson

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

Assembly Bill 185

Relating to: eliminating certain public service commission hearings.

Introduction and adoption of Senate amendment 1.

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

Noes, 0 – None.

Concurrence as amended.

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

Noes, 0 – None.

Assembly Bill 451

Relating to: harvesting of geese at the Necedah refuge.

Concurrence.

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

Noes, 0 – None.

Senate Bill 441

Relating to: inspection of certain snowmobile trails by the department of natural resources.

Passage.

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

Noes, 0 – None.

Senate Bill 457

Relating to: allotment of individual licensee catch quotas among holders of commercial fishing licenses and granting rule-making authority.

Passage.

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

Noes, 0 – None.

Robert Cowles
Chairperson

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

Assembly Bill 580

Relating to: prohibiting the department of industry, labor and human relations from promulgating a rule requiring the provision of unisex toilet rooms in any building.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

David Zien
Chairperson

The committee on **State Government Operations and Corrections** reports and recommends:

Assembly Bill 240

Relating to: exempting certain land from tax-exempt property reporting requirements.

Concurrence.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Fitzgerald and Breske.

Noes, 0 – None.

Assembly Bill 32

Relating to: charging back personal property taxes.

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Fitzgerald and Breske.

Noes, 0 – None.

Concurrence as amended.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Fitzgerald and Breske.

Noes, 0 – None.

Assembly Joint Resolution 37

Relating to: 4-year terms of office for, and the restriction on holding any other office by, sheriffs (first consideration).

Concurrence.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Fitzgerald and Breske.

Noes, 0 – None.

SMITH, BILL G., of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 1997.

Confirmation.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Fitzgerald and Breske.

Noes, 0 – None.

Senate Bill 197

Relating to: a restatement of the doctrine of sovereign immunity, suits against the state and state agencies and powers and attributes of certain state agencies.

Passage.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Fitzgerald and Breske.

Noes, 0 – None.

Senate Bill 285

Relating to: exemptions from certain state procurement procedures and waiver of state purchasing requirements to permit purchases through contracts established by other governmental entities or certain consortia with 3rd parties.

Adoption of Senate amendment 1.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Fitzgerald and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Drzewiecki, A. Lasee, Fitzgerald and Breske.

Noes, 0 – None.

Senate Bill 367

Relating to: authorizing the department of corrections to establish a chain gang work program and granting rule-making authority.

Adoption of Senate substitute amendment 1.

Ayes, 3 – Senators Drzewiecki, A. Lasee and Fitzgerald.

Noes, 1 – Senator Breske.

Passage as amended.

Ayes, 3 – Senators Drzewiecki, A. Lasee and Fitzgerald.

Noes, 1 – Senator Breske.

Gary Drzewiecki
Chairperson

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

Assembly Bill 328

Relating to: appeals of highway orders of town supervisors.

Concurrence.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Senate Bill 320

Relating to: claims for damages by dogs to animals.

Adoption of Senate amendment 1.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.

Noes, 0 – None.

Senate Bill 331

Relating to: special distinguishing registration plates associated with professional athletic teams, payments to D.A.R.E. Wisconsin, Ltd., and making an appropriation.

Passage.

Ayes, 4 – Senators Drzewiecki, Zien, Andrea and Clausing.
Noes, 1 – Senator A. Lasee.

Alan Lasee
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

December 19, 1995

The Honorable, The Senate:

I am requesting the removal of Senator Russell Decker from the Senate Committee on Audit and from the Joint Committee on Audit effective today.

Thank you for your attention to this matter. Please contact me should you need further information.

Sincerely,

SENATOR CHARLES CHVALA
Senate Democratic Leader

State of Wisconsin

December 19, 1995

The Honorable, The Senate:

I am requesting the removal of Senator Brian Burke from the Senate Committee on Judiciary effective today, per his request.

I am also writing to resign as a member of the Senate committee on Insurance, effective immediately.

Thank you for your attention to this matter. Please contact me should you need further information.

Sincerely,

SENATOR CHARLES CHVALA
Senate Democratic Leader

State of Wisconsin

Committee on Senate Organization

December 19, 1995

The Honorable, The Senate:

Pursuant to Senate Rule 20, I have made the following appointments to Senate Standing Committees:

To the committee on **Insurance**, Senator Robert Jauch;

Sincerely,

SENATOR MICHAEL ELLIS
Chair

State of Wisconsin

Legislative Audit Bureau

December 19, 1995

The Honorable, The Legislature:

We have completed an evaluation of methods for allocating district attorney positions, as requested by the Joint Legislative Audit Committee. District attorney positions were transferred from the county to state employment in 1990.

Currently, there are 360.5 authorized full-time equivalent state prosecutor positions. State expenditures for prosecutorial responsibilities totaled \$28.4 million in fiscal year 1994-95. The current distribution of district attorney positions is largely a result of county staffing decisions made before the transfer to state employment. Although there has been an 8.6 percent increase in positions since 1990, the majority of requests have been denied, in part because of insufficient information about district attorney workload and questions concerning the accuracy of available information in portraying actual workload.

We include a number of recommendations to make the existing caseload measure more accurate by including more types of cases in the measure, recognizing the effect of homicides on case weights, and improving reporting to make data more comparable among counties. Once the caseload measure is made more accurate, it could be used to compare actual workload against a standard in order to evaluate position increase requests. To do so, a workload goal or standard would need to be established, similar to workload standards established for circuit court judges.

We also note that under current statutes, legislative control over the authorization of additional prosecutor positions can be bypassed by appointment and local funding of certain special prosecutor positions. If the Legislature wishes to restrict such activity in order to maintain property tax relief efforts by ensuring that only state funds are used for prosecutors, statutes governing the appointment and funding of public service special prosecutors need to be modified.

We appreciate the courtesy and cooperation extended to us by the State Prosecutors Office staff, district attorneys, and court staff throughout the state. The response of the State Prosecutors Office is Appendix V.

Sincerely,

DALE CATTANACH
State Auditor

**State of Wisconsin
Legislative Council**

December 15, 1995

The Honorable, The Senate:

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

RL 95-6 Legislation on State Fire Programs
(1995 Assembly Bill 746)

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

**State of Wisconsin
Ethics Board**

December 12, 1995

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:

Federated Investors, Inc

Miller, Andrew

Police Assn, Wisconsin Professional

Urso, Steven

Termination of lobbying authorizations:

The following individuals are no longer authorized to lobby on behalf of the organizations listed below, as of the dates indicated.

Firststar Corp

Theo, Peter J. 12/5/95

Homecare Organization, Wisconsin

Burns, Kathleen 12/6/95

Police Assn, Wisconsin Professional

Taranto, Mindy 12/6/95

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 19, 1995

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 that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently

registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

AMEX Life Assurance Company

Long term care insurance, specifically the amendment and creation of sec. Ins 3.455, Wisc. Adm. Code.

Bablitch, Stephen

UNUM Life Insurance Company of America

Long Term Care Insurance Regulation

Essie, Patrick

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:

Builders Assn, Wisconsin

Wendle, William

Children's Health System, Inc.

Intrator, Michelle

Speech, Language, Hearing Assn, Inc, Wisconsin

Huffer, Linda

Intrator, Michelle

Termination of lobbying authorizations:

The following individuals are no longer authorized to lobby on behalf of the organizations listed below, as of the dates indicated.

Troopers Assn, Wisconsin

Burns, Kathleen 12/18/95

Veterinary Medical Assoc., Wisconsin

Burns, Kathleen 12/15/95

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 19, 1995

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:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 390	Wisconsin Act 118	December 18, 1995

Respectfully,
TOMMY G. THOMPSON
Governor

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

Senate Clearinghouse Rule 95-119

Relating to leasing of property.

Submitted by Office of the Commissioner of Banking.

Report received from Agency, December 18, 1995.

Referred to committee on **Education and Financial Institutions**, December 20, 1995.

Senate Clearinghouse Rule 95-120

Relating to bank-owned banks, lending and depository authority.

Submitted by Office of the Commissioner of Banking.

Report received from Agency, December 18, 1995.

Referred to committee on **Education and Financial Institutions**, December 20, 1995.

Senate Clearinghouse Rule 95-174

Relating to fees for registration of ionizing radiation installations.

Submitted by Department of Health and Social Services.

Report received from Agency, December 13, 1995.

Referred to committee on **Health, Human Services and Aging**, December 20, 1995.

Senate Clearinghouse Rule 95-106

Relating to the conduct of youth on aftercare supervision following their release from youth correctional institutions, and revocation of a youth's aftercare for violation of a rule or special condition of aftercare.

Submitted by Department of Health and Social Services.

Report received from Agency, December 15, 1995.

Referred to committee on **Health, Human Services and Aging**, December 20, 1995.

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

Senate Clearinghouse Rule 91-098

Relating to standards for vehicle equipment

No action taken.

Senate Clearinghouse Rule 95-118

Relating to adequate revenue, rate effectiveness, early implementation of tariffs and agency procedures.

No action taken.

Alan Lasee
Chairperson

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 64

Senate Bill 130

Senate Bill 390

Senate Bill 411

Presented to the Governor on December 14, 1995.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

Corrections In:

1995 Senate Bill 419

Prepared by the Legislative Reference Bureau
(December 13, 1995)

1. Page 10, line 12: delete "government"
and substitute "government management".