

STATE OF WISCONSIN
Senate Journal
Ninety–Second Regular Session

WEDNESDAY, December 27, 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 470

Relating to: substituting “phosphate” for “phosphoric acid” in the fertilizer control law, prohibited practices in installing, servicing, testing or calibrating weights and measures and due dates for payment of tonnage fees (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

By Law Revision Committee .

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

Senate Bill 471

Relating to: restrictions on health care services under insurance plans and preexisting condition exclusions or limitations for small insurer health insurance plans (suggested as remedial legislation by the office of the commissioner of insurance).

By Law Revision Committee .

To committee on **Insurance.**

REPORT OF COMMITTEES

The committee on **Business, Economic Development and Urban Affairs** reports and recommends:

Assembly Bill 419

Relating to: the regulation of interior designers, creating a registered interior designers section in the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors, granting rule-making authority and providing a penalty.

Concurrence.

Ayes, 3 – Senators Fitzgerald, Buettner and Darling.

Noes, 1 – Senator Moore.

BLAUBACH, LORRAINE M., of Thiensville, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 1997.

Confirmation.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 0 – None.

BUSALACCHI, FRANK, of Milwaukee, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 1997.

Confirmation.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 0 – None.

GERRARD, NANCY A., of La Crosse, as a member of the Real Estate Board, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 0 – None.

HINSMAN, RICHARD E., of Racine, as a member of the Real Estate Board, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 0 – None.

LEHMAN, MICHAEL, of Hartford, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 0 – None.

LEIPOLD, CRAIG L., of Racine, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 1997.

Confirmation.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 0 – None.

PAYNE, ULICE, JR., of Milwaukee, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 0 – None.

TRUNZO, ROBERT N., of Delafield, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 4 – Senators Fitzgerald, Buettner, Darling and Moore.

Noes, 0 – None.

Senate Bill 184

Relating to: the requirements for licensure as a certified public accountant and granting rule-making authority.

Passage.

Ayes, 3 – Senators Fitzgerald, Buettner and Darling.

Noes, 1 – Senator Moore.

Senate Bill 379

Relating to: regulation of performing rights societies.
Introduction and adoption of Senate substitute amendment 1.
Ayes, 3 – Senators Fitzgerald, Buettner and Darling.
Noes, 1 – Senator Moore.
Passage as amended.
Ayes, 3 – Senators Fitzgerald, Buettner and Darling.
Noes, 1 – Senator Moore.

Scott Fitzgerald
Chairperson

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

Assembly Bill 609

Relating to: disclosure of certain law enforcement agency records Relating to a child to the child's school district administrator.
Concurrence.
Ayes, 7 – Senators Darling, Huelsman, Petak, Welch, C. Potter, Wineke and Shibilski.
Noes, 0 – None.

HOLMES, ROBERT W., of Tomah, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 1999.
Confirmation.
Ayes, 5 – Senators Darling, Huelsman, C. Potter, Wineke and Shibilski.
Noes, 0 – None.

STRUCK, PATRICIA D., of Madison, as Commissioner of Securities, to serve for the term ending July 1, 1996.
Confirmation.
Ayes, 5 – Senators Darling, Huelsman, C. Potter, Wineke and Shibilski.
Noes, 0 – None.

Senate Bill 278

Relating to: authorized names for federal institutions that convert to state savings banks.
Introduction and adoption of Senate amendment 1.
Ayes, 7 – Senators Darling, Huelsman, Petak, Welch, C. Potter, Wineke and Shibilski.
Noes, 0 – None.
Passage as amended.
Ayes, 6 – Senators Darling, Petak, Welch, C. Potter, Wineke and Shibilski.
Noes, 1 – Senator Huelsman.

Senate Bill 440

Relating to: banks and trust companies investing trust funds and foreign trust companies acting as executors or trustees in this state.
Introduction and adoption of Senate amendment 1.
Ayes, 7 – Senators Darling, Huelsman, Petak, Welch, C. Potter, Wineke and Shibilski.
Noes, 0 – None.
Passage as amended.
Ayes, 6 – Senators Darling, Huelsman, Petak, Welch, C. Potter and Shibilski.
Noes, 1 – Senator Wineke.
Alberta Darling
Chairperson

The committee on **Judiciary** reports and recommends:

Assembly Bill 43

Relating to: injury caused by a dog and providing a penalty.
Concurrence.
Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.

Noes, 0 – None.

Assembly Bill 207

Relating to: access to public records.
Introduction and adoption of Senate substitute amendment 1.
Ayes, 4 – Senators Huelsman, Welch, Drzewiecki and Darling.
Noes, 2 – Senators Risser and Adelman.
Concurrence as amended.
Ayes, 4 – Senators Huelsman, Welch, Drzewiecki and Darling.
Noes, 2 – Senators Risser and Adelman.

Assembly Bill 405

Relating to: child sex offenders working or volunteering with children and providing a penalty.
Concurrence.
Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Assembly Bill 552

Relating to: granting civil immunity for responses to an oil discharge.
Concurrence.
Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Senate Bill 117

Relating to: operating a motor vehicle while under the influence of an intoxicant when a minor is a passenger in the motor vehicle and providing penalties.
Passage.
Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Senate Bill 182

Relating to: sex offender registration requirements, the release to certain persons of information concerning sex offenders required to register, requiring persons who are found to be sexually violent persons to provide biological specimens for deoxyribonucleic acid analysis, granting rule-making authority, making an appropriation and providing a penalty.
Introduction of Senate substitute amendment 1.
Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.
Senate substitute amendment 1 adoption.
Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.
Passage as amended.
Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Senate Bill 313

Relating to: interest payments under a restitution order.
Introduction and adoption of Senate amendment 1.
Ayes, 5 – Senators Huelsman, Drzewiecki, Darling, Risser and Adelman.
Noes, 1 – Senator Welch.
Passage as amended.
Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Senate Bill 382

Relating to: making victims of the crime of stalking eligible for crime victim compensation awards.

Passage.

Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Senate Bill 391

Relating to: the effective date of acts affecting crimes. Introduction and adoption of Senate amendment 1.

Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Senate Bill 404

Relating to: homicide by intoxicated use of a vehicle and providing a penalty.

Passage.

Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Senate Bill 437

Relating to: criminal slander of title, simulating legal process and falsely assuming to act as a public officer, public employe or utility employe and providing a penalty.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Huelsman, Welch, Drzewiecki, Darling, Risser and Adelman.
Noes, 0 – None.

Joanne Huelsman
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 390	Wisconsin Act 118	January 3, 1996

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin

Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 130	Wisconsin Act 133	January 5, 1996
Senate Bill 411	Wisconsin Act 134	January 5, 1996
Senate Bill 64	Wisconsin Act 135	January 5, 1996

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Legislative Council**

December 21, 1995

The Honorable, The Senate:

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

RL 95-7 Legislation on Electronic Benefit Transfers
(1995 Senate Bill 445)

RL 95-8 Legislation on Use and Compensation of Guardians ad Litem
(1995 Assembly Bill 742)

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

Sincerely,

DAVID J. STUTE
Director

**State of Wisconsin
Department of Public Instruction**

December 18, 1995

The Honorable, The Legislature:

The department is pleased to submit the 1995 Annual Report on the Status of Bilingual-Bicultural Education programs, as required under s.115.996, Wisconsin Statutes.

The report provides a review of the state's administration and funding of bilingual education in Wisconsin and factors contributing to program expansion and the resulting continuously lower annual reimbursement rates for school districts. The number of pupils served from minority languages, the locations of the state-funded programs during the 1995 fiscal year (July 1, 1994, through June 30, 1995), and staff-related data are included in the report to inform those with responsibilities for ensuring the continued success of bilingual education programs in Wisconsin. I am confident that you will find the report informational, useful and of concern given the rising numbers of pupils to be served absent a corresponding increase in fiscal support by the state.

If you have questions on any aspect of this report, please contact Dr. William J. Erpenbach, director, divisionwide planning and process, 267-1072. He will be happy to discuss these with you at your convenience.

Sincerely,

JOHN T. BENSON
State Superintendent

**State of Wisconsin
Legislative Audit Bureau**

December 21, 1995

The Honorable, The Legislature:

We have completed an audit of the Office of the State Treasurer, covering the period July 1, 1994 to June 30, 1995, as part of our audit of the State's comprehensive financial statements for fiscal year 1994-95 and to fulfill our audit responsibilities under s.13.94, Wis.Stats.

A principal responsibility of the Office is to collect the State's portion of various fees, fines, forfeitures, assessments, taxes, and other remittances due from the counties and other municipalities, including cities, villages, and towns. We found that while the Office has taken reasonable steps to ensure it receives monthly and quarterly collections reports from the counties, effective procedures are not in place to ensure the receipt of all payments due. For example, Milwaukee County has not remitted the State's share of required marriage licenses

fees for at least five years; its unremitted marriage license fees are estimated to total \$1 million in general purpose revenue. Milwaukee County has, however, recently remitted \$24,000 in program revenue for past-due dog license as a result of our audit work.

We also found that Racine and Lafayette counties have not remitted either marriage or dog license fees that are at least one year past due and may include an additional \$80,000 in general purpose and program revenues, and that Marathon County's remittance of \$21,900 in marriage license fees, which the Office should have recorded as general purpose revenue, was instead mistakenly recorded as program revenue from dog license fees. The recording error has since been corrected. Our report recommends steps by which the Office can ensure receipt of appropriate payments from counties and municipalities.

The Office of the State Treasurer also administers the Unclaimed Property program, through which it attempts to return cash, investment securities, and other property left with banks and insurance companies to the rightful owners. In prior audit reports, we discussed the need for improving security over unclaimed property by limiting access to computer records and establishing additional verification procedures. The Office has since addressed most of our concerns, although it still needs to reconcile its unclaimed property records to those maintained on the State's central accounting system.

We appreciate the courtesy and cooperation extended to us by the Office's staff during the audit. The State Treasurer's response is the appendix.

Sincerely,

DALE CATTANACH
State Auditor

**State of Wisconsin
Investment Board**

December 1995

The Honorable, The Senate:

This is the 1994 Annual Report for the State of Wisconsin Investment Board.

Sincerely,

PATRICIA LIPTON
Executive Director

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

December 21, 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 Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 130	Wisconsin Act 133	December 20, 1995
Senate Bill 411	Wisconsin Act 134	December 20, 1995
Senate Bill 64	Wisconsin Act 135	December 20, 1995

Respectfully,
TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

December 19, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DITTMAR, BEVERLY, of Wausau, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Environment and Energy.**

**State of Wisconsin
Office of the Governor**

December 19, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HILLIARD, SUSAN M., of Briggsville, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Environment and Energy.**

**State of Wisconsin
Office of the Governor**

December 19, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LARSEN, MARK, of River Falls, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Environment and Energy.**

**State of Wisconsin
Office of the Governor**

December 19, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CERNY, MARK, of Sharon, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Environment and Energy.**

**State of Wisconsin
Office of the Governor**

December 19, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RUEHLOW, DONALD C., of Prairie du Chien, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Environment and Energy.**

**State of Wisconsin
Office of the Governor**

December 19, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VAN DUZEE, DIRK, of Wabeno, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1998

Sincerely,

TOMMY G. THOMPSON

Governor

Read and referred to committee on **Environment and Energy**.

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

**State of Wisconsin
Revisor of Statutes Bureau**

January 1, 1996

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
94-116	January 1, 1996
94-169	January 1, 1996
94-170	January 1, 1996
94-182	January 1, 1996
94-200	January 1, 1996
95- 5	January 1, 1996
95- 35	January 1, 1996
95- 55	January 1, 1996
95- 56	January 1, 1996
95- 57	January 1, 1996
95- 65	January 1, 1996
95- 73	January 1, 1996
95- 75	January 1, 1996
95- 84	January 1, 1996
95-101	January 1, 1996
95-105	January 1, 1996
95-111	January 1, 1996
95-126	January 1, 1996
95-127	January 1, 1996
95-128	January 1, 1996
95-129	January 1, 1996
95-134	January 1, 1996
95-158	January 1, 1996

Sincerely,

GARY L. POULSON
Deputy Revisor

Senate Clearinghouse Rule 94-205

Relating to building and paying for electric distribution service extensions.

Submitted by Public Service Commission.

Report received from Agency, December 22, 1995.

Referred to committee on **Environment and Energy**, December 27, 1995.

Senate Clearinghouse Rule 95-146

Relating to work recruitment schemes.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, December 21, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, December 27, 1995.

Senate Clearinghouse Rule 95-167

Relating to food processing plants.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, December 21, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, December 27, 1995.

Senate Clearinghouse Rule 95-184

Relating to certification of traffic safety programs and instructions.

Submitted by Department of Transportation.

Report received from Agency, December 22, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, December 27, 1995.

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

Senate Clearinghouse Rule 95-112

Relating to recovering, reclaiming, recycling and selling refrigerant used in mobile air conditioners or trailer refrigeration equipment.

No action taken.

Alan Lasee
Chairperson

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

Corrections In:

1995 Senate BILL 456

Prepared by the Legislative Reference Bureau
(December 20, 1995)

1. Page 2, line 4: before "and" insert "of development".

NOTE: This change reflects the content of the drafting record for Senate Bill 456.