

STATE OF WISCONSIN
Senate Journal
Ninety–Second Regular Session

WEDNESDAY, April 24, 1996

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

REPORT OF COMMITTEES

The committee on **Senate Organization** reports and recommends:

Senate Bill 674

Relating to: redefining the internal revenue code for the income tax and the franchise tax.

Introduction.

By request of Mark Bugher, Secretary of the Department of Revenue.

Ayes, 5 – Senators Ellis, Rude, Farrow, Chvala and Risser.
Noes, 0 – None.

Michael Ellis
Chairperson

To joint committee on **Finance**.

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

Assembly Bill 1050

Relating to: certain town sanitary districts having the powers of public inland lake protection and rehabilitation districts, authority to enact ordinances by town sanitary districts, conversion of town sanitary districts into public inland lake protection and rehabilitation districts on lakes without contiguous public lands or easements and making appropriations.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Burke and Clausing.
Noes, 0 – None.

Assembly Bill 815

Relating to: the hunting of sharp-tailed grouse and granting rule-making authority.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Burke and Clausing.
Noes, 0 – None.

Assembly Bill 820

Relating to: disabled hunter permits issued to persons who are visually handicapped.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Burke and Clausing.
Noes, 0 – None.

Assembly Bill 844

Relating to: preference in sending or receiving telegraphs.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Burke and Clausing.
Noes, 0 – None.

Assembly Bill 865

Relating to: eliminating obsolete terminology regarding water systems, authorizing the department of natural resources to utilize moneys for removal of abandoned containers and introducing, stocking and planting fish, spawn and other wild animals (suggested as remedial legislation by the department of natural resources).

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Burke and Clausing.
Noes, 0 – None.

Assembly Bill 912

Relating to: an indeterminate permit to operate a public utility; investigation by the public service commission of the reasonableness of public utility rates; updating the definition of complaint; deleting the requirement that a small telecommunications utility submit a list of its published consumers to the public service commission when proposing a rate increase; updating the definition of public utility; the advance planning of electric generating facilities and transmission lines; rebates, concessions and discrimination by public utilities; and the assessment by the public service commission against the local exchange and interexchange telecommunications utilities (suggested as remedial legislation by the public service commission).

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Burke and Clausing.
Noes, 0 – None.

Assembly Bill 919

Relating to: the duration of the requirement to maintain proof of financial responsibility for long-term care of a mining waste facility.

Concurrence.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Burke and Clausing.
Noes, 0 – None.

Robert Cowles
Chairperson

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

Assembly Bill 790

Relating to: disciplinary actions against physicians, fees for renewal of physicians' licenses, requiring a report on disciplinary actions against physicians, granting rule-making authority and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Buettner, Rosenzweig, Zien, Welch, Moen, Breske and Moore.

Noes, 0 – None.

Concurrence as amended.

Ayes, 7 – Senators Buettner, Rosenzweig, Zien, Welch, Moen, Breske and Moore.

Noes, 0 – None.

Carol Buettner
Chairperson

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

Assembly Bill 13

Relating to: trespass to land.

Concurrence.

Ayes, 3 – Senators Huelsman, Welch and Darling.

Noes, 2 – Senators Risser and Adelman.

Assembly Bill 671

Relating to: civil liability of therapists.

Concurrence.

Ayes, 4 – Senators Huelsman, Welch, Darling and Risser.

Noes, 1 – Senator Adelman.

Joanne Huelsman
Chairperson

PETITIONS AND COMMUNICATIONS

April 24, 1996

To the Honorable, the Senate:

Pursuant to Senate Rule **36 (2)(c)** and section 13.52 (6), Wisconsin Statutes, the Co-Chairs of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 674**, relating to redefining the internal revenue code for the income tax and the franchise tax, as a matter of public policy.

Sincerely,
Senator Brian D. Rude
President

**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 373	Wisconsin Act 215	April 29, 1996
Senate Bill 565 (partial veto)	Wisconsin Act 216	April 29, 1996
Senate Bill 181	Wisconsin Act 220	April 30, 1996
Senate Bill 188	Wisconsin Act 221	April 30, 1996
Senate Bill 239	Wisconsin Act 222	April 30, 1996
Senate Bill 292	Wisconsin Act 223	April 30, 1996
Senate Bill 344	Wisconsin Act 224	April 30, 1996

Senate Bill 436	Wisconsin Act 225	April 30, 1996
Senate Bill 464	Wisconsin Act 226	April 30, 1996
Senate Bill 622	Wisconsin Act 227	April 30, 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 21	Wisconsin Act 239	May 2, 1996
Senate Bill 33	Wisconsin Act 240	May 2, 1996
Senate Bill 204	Wisconsin Act 241	May 2, 1996
Senate Bill 256	Wisconsin Act 242	May 2, 1996
Senate Bill 279	Wisconsin Act 243	May 2, 1996
Senate Bill 285	Wisconsin Act 244	May 2, 1996
Senate Bill 340	Wisconsin Act 245	May 2, 1996
Senate Bill 408	Wisconsin Act 246	May 2, 1996
Senate Bill 419	Wisconsin Act 247	May 2, 1996
Senate Bill 562	Wisconsin Act 248	May 2, 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 632 (partial veto)	Wisconsin Act 255	May 3, 1996
Senate Bill 478	Wisconsin Act 256	May 3, 1996

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
The University of Wisconsin System**

April 15, 1996

The Honorable, The Legislature:

At its meeting March 8, 1996, the Board of Regents accepted the attached report for submission to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. **13.172(3)**.

Section **36.25(14m)(c)**, Wis. Stats., requires the Board of Regents to submit a report to the governor and to the chief clerk of each house of the Legislature annually by April 15 on its precollege, recruitment, and retention plan for minority and disadvantaged students. The report must also include information on financial aid programs serving those students. The report for 1994–95 is attached.

If you need additional information regarding this report please contact Andrea–Teresa Arenas at 262–8636.

Sincerely,
KATHARINE C. LYALL
President

Referred to committee on **Education and Financial Institutions**.

**State of Wisconsin
Department of Agriculture, Trade and Consumer
Protection**

April 11, 1996

The Honorable, The Legislature:

We are pleased to submit to you a copy of the 1995 annual report on the 76 Wisconsin County and District Fairs receiving state aid. This report is prepared by the Department in accordance with the requirements contained in section 93.23(1)(h), Wisconsin Statutes.

This report is a detailed statement showing receipts and disbursements of each fair receiving state aid, together with a classified statement of premiums paid and the amount of state aid claimed.

If you have any questions relative to this report, please call Bob Williams, Fairs Coordinator, at 608/224-5131.

Sincerely,

ALAN TRACY
Secretary

**State of Wisconsin
Department of Corrections**

April 5, 1996

The Honorable, The Legislature:

Section 303.019, Wisconsin Statutes, directs that “the Department of Corrections and administration shall report on a quarterly basis, except for the last quarter in a fiscal year, to the Joint committee on Finance providing a cash balance summary for each prison industry and a projected fiscal year-end profit and loss statement for the prison industry program...”.

Attached are the “Projected Accrual Profit and Loss Statement” and “Year to Date Cash Balance Summary by Industry” for the period ending December 31, 1995.

Prison Industries had a cash deficit of \$1.3 million through the second quarter ending December 31, 1995. Actual year-to-date expenditures were \$8,146,800. These expenditures reflect approximately \$685,000 in expenditures related to the previous fiscal year (FY 95) as directed by Joint Finance in an October 26, 1995 s.13.10 meeting.

Revenues for the same time period were \$6,619,000. Prison Industries has adequate fixed assets, inventories and receivables to cover the overdraft.

The projected profit on the accrual basis for the fiscal year ending June 30, 1996 is \$200,000.

Sincerely,

MICHAEL J. SULLIVAN
Secretary
Department of Corrections

JAMES R. KLAUSER
Secretary
Department of Administration

Referred to **joint committee on Finance.**

**State of Wisconsin
Legislative Audit Bureau**

April 17, 1996

The Honorable, The Legislature:

We have completed an evaluation of the methodology used to determine the workload of Wisconsin circuit court judges and the need for additional positions, as requested by the Joint Legislative Audit Committee. Circuit court judges were

transferred from county to state employment in 1980 by Chapter 449, Wisconsin Laws of 1977.

Currently, there are 233 authorized full-time equivalent circuit court judgeships. In fiscal year 1994-95, the State’s circuit court expenditures totaled \$56.9 million. Although position requests are typically made by the Director of State Courts, the judiciary is significantly involved in the request-development process. While the Director of State Courts uses a measure of reasonable judicial workload to identify circuits in need of additional positions, to be included in the position request a circuit is expected to have support from the affected county and the chief judges of the state’s ten judicial districts.

We found that Wisconsin’s methodology for measuring judicial workload is capable of providing objective and comparable information on the need for additional judges. However, a recent update of the methodology is incomplete and needs changes to yield reliable results. We include a number of recommendations to increase confidence in the results of the workload measure. These include expanding the size of the data sample used to estimate the time required to hear cases, improving reporting to make data more comparable among counties, and recognizing differences in administration and legal research activities for different case types. Once the estimates of case times are improved, they could be used to evaluate whether different case weights should be established for large and small counties.

We appreciate the courtesy and cooperation extended to us by the Office of the Director of State Courts, circuit court judges, and court staff throughout the state. The response of the Director of State Courts is Appendix IV.

Sincerely,

DALE CATTANACH
State Auditor

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

April 18, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BERKOS, DANIEL M., of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 1999.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Judiciary.**

**State of Wisconsin
Office of the Governor**

April 18, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WALSH, DONALD E., of Pewaukee, as a member of the Public Defender Board, to serve for the term ending May 1, 1999.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Judiciary.**

**State of Wisconsin
Office of the Governor**

April 18, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROE, DEAN K., of Brookfield, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2003.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

April 18, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DEBRASKA, BRADLEY, of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the interim term ending May 1, 1999.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Education and Financial Institutions.**

**State of Wisconsin
Office of the Governor**

April 19, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SELL, STEVEN D., of Oxford, as Administrator of the Division of Emergency Government, to serve for the term ending at the pleasure of the Governor.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **State Government Operations and Corrections.**

**State of Wisconsin
Office of the Governor**

April 18, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, 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>
Senate Bill 373	Wisconsin Act 215	April 16, 1996
Senate Bill 565 (partial veto)	Wisconsin Act 216	April 18, 1996
Senate Bill 181	Wisconsin Act 220	April 16, 1996
Senate Bill 188	Wisconsin Act 221	April 16, 1996
Senate Bill 239	Wisconsin Act 222	April 16, 1996
Senate Bill 292	Wisconsin Act 223	April 16, 1996

Senate Bill 344	Wisconsin Act 224	April 16, 1996
Senate Bill 436	Wisconsin Act 225	April 16, 1996
Senate Bill 464	Wisconsin Act 226	April 16, 1996
Senate Bill 622	Wisconsin Act 227	April 16, 1996

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

April 18, 1996

To the Honorable, the Senate:

I have approved **Senate Bill 565** with several partial vetoes as **1995 Wisconsin Act 216** and deposited it in the Office of the Secretary of State.

This government operations bill primarily corrects drafting errors made in **1995 Wisconsin Act 27**, the biennial budget bill. It also contains several changes needed to effectively administer several programs created or modified in Act 27.

I have exercised the partial veto in Section 9101. This partial veto eliminates a nonstatutory provision which requires the Department of Administration to decrease appropriations from a program revenue or program revenue-service appropriation by \$32,400 for fiscal year 1995-96 and \$32,400 for fiscal year 1996-97 and decrease 1.0 PR position authorized for the department. In addition, the Secretary of Administration must notify the co-chairpersons of the Joint Committee on Finance no later than June 1, 1996, of the proposed decrease in funding and position authority under the 14-day passive review process.

I am vetoing this provision because this funding and position authority reduction was already decreased under the Land Information Board's standard budget adjustments in **1995 Wisconsin Act 27**. The additional reduction in the Department of Administration's program revenue appropriation would be viewed as eliminating funding and a position twice.

I have exercised the partial veto in Sections 60g, 9247, and 9462(3u). Sections 60g, 9247, and 9462(3u) eliminate, beginning in FY97, \$178,300 SEG and 2.0 FTE positions in the Wisconsin Department of Revenue and decrease the number of unclassified division administrators in the Wisconsin Gaming Board. I am vetoing these provisions to retain funding and position authority for the Department of Revenue and to retain the authority to appoint three division administrators outside the classified service of the Gaming Board.

These vetoes will better effectuate the transfer of the state lottery from the Gaming Commission to DOR. In addition, the Gaming Board will retain its existing flexibility to hire division administrators outside the classified service to help meet the challenges ahead.

I have also exercised the partial veto in Section 9162(3m). This provision prohibits the Department of Transportation (DOT) from charging any sponsor of Farm Progress Days 1996 for any costs of state traffic patrol services incurred by DOT associated with Farm Progress Days 1996.

I am vetoing this provision because it sets a precedent for legislatively limiting DOT's flexibility to recoup unbudgeted costs associated with traffic control for special events. However, I am fully supportive of the goals of this provision and request that the DOT Secretary provide traffic services to Farm Progress Days 1996 at no charge.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

April 19, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, 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>
Senate Bill 21	Wisconsin Act 239	April 18, 1996
Senate Bill 33	Wisconsin Act 240	April 18, 1996
Senate Bill 204	Wisconsin Act 241	April 18, 1996
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Senate Bill 285	Wisconsin Act 244	April 18, 1996
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Senate Bill 408	Wisconsin Act 246	April 18, 1996
Senate Bill 419	Wisconsin Act 247	April 18, 1996
Senate Bill 562	Wisconsin Act 248	April 18, 1996

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

April 22, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, 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>
Senate Bill 632	Wisconsin Act 255	April 19, 1996 (partial veto)
Senate Bill 478	Wisconsin Act 256	April 20, 1996

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

April 22, 1996

To the Honorable, the Senate:

I have approved **Senate Bill 632** as [1995 Wisconsin Act 255](#) and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in Sections 42, 43 and 52 (in part).

Under current law, all pay received by military personnel below the grade of commissioned officer in a combat zone and for up to \$500 per month of pay received by commissioned officers is exempt from state income taxes. SB 632 expands this state income tax exemption to reservists serving in Operation Balkan Endeavor.

I am vetoing Sections 42, 43 and 52, in part, to remove an inconsistency between federal and state tax law. Instead, through the adoption of recently enacted federal tax law, pay received would be exempted not only for reservists serving in Operation Balkan Endeavor but broadened to include all military personnel. The Department of Revenue has asked the

Legislature to adopt this federal law change by updating its reference to the Internal Revenue Code in Chapter 71, Wis. Stats.

In addition, federal tax law raised the officers pay exemption from \$500 per month to the maximum amount of income that could be excluded by enlisted personnel, which is currently, \$4,100 per month. Through the partial veto, officers will not be limited to \$500 per month but will benefit from the increased pay exclusion under new federal law.

I am a proud supporter of the men and women who serve our country. SB 632 overall provides these men and women with increased opportunities for eligibility for veterans benefits while maintaining proper state tax relief for their service and sacrifice for our country.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

April 23, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, 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>
Senate Bill 362	Wisconsin Act 259	April 22, 1996
Senate Bill 561	Wisconsin Act 260	April 22, 1996
Senate Bill 119	Wisconsin Act 268	April 22, 1996
Senate Bill 325	Wisconsin Act 269	April 22, 1996
Senate Bill 491	Wisconsin Act 270	April 22, 1996
Senate Bill 529	Wisconsin Act 271	April 22, 1996
Senate Bill 440	Wisconsin Act 273	April 22, 1996
Senate Bill 402	Wisconsin Act 274	April 22, 1996 (partial veto)
Senate Bill 501	Wisconsin Act 275	April 22, 1996
Senate Bill 623	Wisconsin Act 276	April 22, 1996

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

April 22, 1996

To the Honorable, the Senate:

I have approved **Senate Bill 402** as [1995 Wisconsin Act 274](#) and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in sections 3m and 30 (3).

Senate Bill 402 increases the legislative oversight of the State Investment Board and creates a more structured management framework. The increased reporting requirements will enable the board to keep fund participants fully informed of the Investment Board's goals, and long-term progress in meeting these goals. An increase in the outside management limit will foster efficiency, and the additional Board member will increase the diversity and experience of the Board.

I am vetoing sections 3m and 30 (3), which pertain to Board officers, because I believe the authority to designate the chairperson and vice chairperson of the Board should reside with the Governor. Under this legislation, the Governor

appoints six of the nine Board members, which means that ultimate responsibility for the Board's actions resides with the appointing authority for these positions. Repealing my authority to designate these officers, including the current officers, contradicts the responsibility which comes with appointing a majority of the Board members. Further, a newly elected Governor should have the prerogative to select the chairperson after taking office, rather than relying on the consensus of board members appointed by his or her predecessor.

I support the other provisions of SB 40, and believe it addresses timely issues surrounding risk management and legislative oversight of the Investment Board.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

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

Senate Clearinghouse Rule 95-187

Relating to requirements for malpractice insurance coverage for advanced practice nurse prescribers.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 22, 1996.

Referred to committee on **Business, Economic Development and Urban Affairs**, April 24, 1996.

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

Senate Clearinghouse Rule 95-198

Relating to grants for prevention of lead poisoning or exposure to lead.

No action taken.

Carol Buettner
Chairperson

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 478

Senate Bill 632

Presented to the Governor on April 19, 1996.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 362

Senate Bill 561

Senate Bill 119

Senate Bill 325

Senate Bill 491

Senate Bill 529

Senate Bill 440

Senate Bill 402

Senate Bill 501

Senate Bill 623

Presented to the Governor on April 22, 1996.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 551

Senate Bill 293

Senate Bill 379

Senate Bill 553

Presented to the Governor on April 24, 1996.