

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Third Regular Session

---

WEDNESDAY, February 19, 1997

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 11**

Relating to: memorializing Congress to ensure that the federal government will accept civilian spent nuclear fuel on January 31, 1998.

By Senators Cowles, Risser, Schultz, Huelsman, Farrow and Rude; cosponsored by Representatives Duff, F. Lasee, Jensen, Bock, Kedzie, Musser, Hutchison, Harsdorf, Notestein, Dobyns, Ryba, Nass, Vander Loop, Ladwig, Seratti, Gunderson, Lazich, Handrick, Otte and Sykora.

To committee on **Economic Development, Housing and Government Operations.**

**Senate Joint Resolution 12**

Relating to: urging the U.S. Environmental Protection Agency to identify unfunded mandates that derive from changes to ozone standards.

By Senators Welch, A. Lasee, Huelsman, Weeden, Drzewiecki, Farrow, Zien and Buettner; cosponsored by Representatives Ladwig, Albers, F. Lasee, Grothman, Urban, Goetsch, Musser, Lazich, Olsen, Zukowski, Nass, Hahn, Seratti, Kelso, Walker, Gunderson and Otte.

To committee on **Economic Development, Housing and Government Operations.**

**Senate Joint Resolution 13**

Relating to: memorializing Congress to enact legislation to facilitate the development and approval of new drugs, biological products and medical devices.

By Senators Welch, Huelsman and Zien; cosponsored by Representatives Underheim, Jensen, Grothman, Porter, Urban, Handrick, Brandemuehl, Lazich, Schafer, Duff, Olsen, Owens, Hahn and Sykora.

To committee on **Economic Development, Housing and Government Operations.**

**Senate Joint Resolution 14**

Relating to: proclaiming May 16, 17 and 18, 1997, Syttende Mai Weekend.

By Senators Chvala, Moen, Rude, Risser, Grobschmidt, Wineke, Plache, Cowles, Huelsman, Drzewiecki, Schultz and Zien; cosponsored by Representatives Hebl, Baldwin, Krug, Hanson, Travis, Urban, Ward, R. Young, L. Young, Gronemus, Owens, Ryba, Murat, Musser, Hahn, Boyle, Dobyns, Olsen and Sykora.

To committee on **Senate Organization.**

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 78**

Relating to: assignments of earnings, pension benefits, lottery winnings and other benefits for the payment of assessments, fines, restitution and surcharges and making an appropriation.

By Senators C. Potter, Moen and Weeden; cosponsored by Representatives Otte, Notestein, Baumgart, Dobyns, Porter, Lazich, Gronemus and Hahn.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

**Senate Bill 79**

Relating to: review of obscenity prosecutions by the attorney general.

By Senators Buettner, Huelsman, Welch, Schultz, Weeden, Farrow, A. Lasee, Drzewiecki and Zien; cosponsored by Representatives Walker, Otte, Duff, Skindrud, Hahn, Lazich, M. Lehman, Staskunas, Brandemuehl, Goetsch, Powers, Gunderson, Plale, Owens, Grothman, Seratti, Musser, Nass, Ladwig and Ott.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

**Senate Bill 80**

Relating to: obscene sexual conduct.

By Senators Buettner, Weeden, Rosenzweig, Farrow, A. Lasee, Welch, Drzewiecki and Zien; cosponsored by Representatives Ladwig, Otte, Lazich, Gunderson, Handrick, Owens and Grothman.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

**Senate Bill 81**

Relating to: testing for the presence of the human immunodeficiency virus and sexually transmitted diseases in criminal defendants and juveniles alleged to be delinquent or in need of protection or services who are found not competent to proceed or not guilty by reason of mental disease or defect.

By Senators Buettner, Drzewiecki, Cowles, Darling, Schultz, Rosenzweig, Farrow, A. Lasee, Welch, Huelsman, Fitzgerald and Zien; cosponsored by Representatives Green, Otte, Duff, Dobyns, Lazich, Brandemuehl, Goetsch, Kedzie, Gunderson, Ladwig, Ward, F. Lasee, Ziegelbauer, Hoven, Underheim, Handrick, Owens, Grothman, Seratti, Musser, Albers, Ainsworth, Olsen, Wasserman and Kelso.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

**Senate Bill 82**

Relating to: applying cash deposited for bail to restitution payments ordered in criminal cases.

By Senators Buettner, Grobschmidt, Rude, Schultz, Fitzgerald and Darling; cosponsored by Representatives Dobyns, Duff, Schafer, Skindrud, Hahn, Goetsch, Ryba, M. Lehman, F. Lasee, Murat, Wood, Ziegelbauer, Owens, Grothman, Musser, Olsen and Kelso.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

**Senate Bill 83**

Relating to: the number of days on which school districts must hold school each year.

By Senator Buettner; cosponsored by Representatives Duff, Dobyns, Ryba, Ainsworth, Goetsch, Albers, Skindrud and Nass.

To committee on **Education.**

**Senate Bill 84**

Relating to: state payment of the property taxes on certain residences of disabled veterans and making an appropriation.

By Senator Wirch; cosponsored by Representatives Porter, Owens and Powers.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

**Senate Bill 85**

Relating to: mergers, consolidations and acquisitions of electric or gas public utilities, formation of electric or gas public utility holding companies, and electric or gas public utility affiliates in a holding company system.

By Senators Moen, Decker, Schultz, Clausing, Wirch, Chvala and Risser; cosponsored by Representatives Musser, Linton, Ainsworth, Black, Notestein, R. Young, Bock, Gronemus, Plouff, Wood, Baldwin, Turner, La Fave, Baumgart, Robson and R. Potter.

To committee on **Utility Regulation.**

**Senate Bill 86**

Relating to: the development zones environmental remediation credit, increasing the total tax benefits limit under the development zone program and making an appropriation.

By Senators Grobschmidt, Welch, Wirch, Schultz, Buettner and Burke; cosponsored by Representatives Riley, Green, La Fave, Notestein, Plale, Dobyns, Bock, Duff and Grothman.

To committee on **Economic Development, Housing and Government Operations.**

**Senate Bill 87**

Relating to: the imposition of special charges for environmental testing and remediation.

By Senators Grobschmidt, Weeden, Buettner and Farrow; cosponsored by Representatives Riley, R. Young, Ryba, Notestein, Plale, Dobyns, Bock and Wasserman.

To committee on **Agriculture and Environmental Resources.**

**Senate Bill 88**

Relating to: increasing forfeitures for motor vehicle speed restriction violations committed in school zones and providing penalties.

By Senators Drzewiecki, Clausing, Huelsman, Darling, Schultz, A. Lasee and Rosenzweig; cosponsored by Representatives Hanson, Black, Musser, Notestein, Vander

Loop, F. Lasee, Ladwig, Ainsworth, Hahn, Hoven, Sykora, Seratti, Huebsch, Vrakas, Olsen, Jeskewitz and Ryba.

To committee on **Labor, Transportation and Financial Institutions.**

**Senate Bill 89**

Relating to: authorizing the state superintendent of public instruction to award grants for family involvement in education projects and making appropriations.

By Senators Grobschmidt, Clausing and Welch; cosponsored by Representatives Cullen, Bock, Notestein, Kreuser, Hasenohrl, Gronemus, Ryba, Turner, Plale and Morris-Tatum.

To committee on **Education.**

**Senate Bill 90**

Relating to: commencement of the fall semester at public schools.

By Senators Breske, George, Zien, Schultz, A. Lasee and Fitzgerald; cosponsored by Representatives Handrick, Ryba, Vrakas, Seratti and Hahn.

To committee on **Education.**

**Senate Bill 91**

Relating to: qualifications for absentee voting.

By Senators Risser, Welch and Shibilski; cosponsored by Representatives Duff, Murat, Krug, F. Lasee, Morris-Tatum, Baldwin, Handrick, Meyer, Ryba, Dueholm, Olsen, J. Lehman, Hasenohrl, Springer, Boyle and Robson.

To committee on **Economic Development, Housing and Government Operations.**

**REPORT OF COMMITTEES**

The committee on **Agriculture and Environmental Resources** reports and recommends:

**Senate Bill 20**

Relating to: the authority of the department of agriculture, trade and consumer protection to prohibit the use of atrazine in a specified area in the town of North Lancaster, Grant County.

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

**Senate Bill 21**

Relating to: prohibiting the installation of certain devices in wells.

No recommendation pursuant to s. 227.26(2)(h), Wisconsin Statutes.

Alice Clausing  
Chairperson

The committee on **Labor, Transportation and Financial Institutions** reports and recommends:

MAIN, EDWARD D., of Madison, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 6 – Senators Plache, C. Potter, Decker, Zien, Darling and Farrow.

Noes, 0 – None.

MURPHY, DONALD R., of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 2001.

Confirmation.

Ayes, 6 – Senators Plache, C. Potter, Decker, Zien, Darling and Farrow.

Noes, 0 – None.

Kimberly Plache  
Chairperson

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

**Assembly Joint Resolution 24**

Relating to: the life and public service of Martin Eugene Schreiber.

Concurrence.

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

**Assembly Joint Resolution 27**

Relating to: celebrating March 1, 1997, as St. David's Day.

Concurrence.

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

**Assembly Joint Resolution 28**

Relating to: declaring the week of February 24, 1997, African-American Cultural Heritage Week.

Concurrence.

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

**Senate Bill 76**

Relating to: acquisition of certain property by the building commission.

Passage.

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

**Senate Joint Resolution 8**

Relating to: proclaiming May 3, 1997, Trzeciego Maja Day.

Adoption.

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

Charles Chvala  
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>
1997 Senate Joint Resolution 1	Enrolled Joint Resolution, 1	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin**

February 17, 1997

The Honorable, The Senate:

As a result of clerical error, my name mistakenly appears as a cosponsor for **Senate Bill 75**, relating to lowering the prohibited alcohol concentration for certain offenses involving alcohol use.

I ask that my name be stricken from the list of cosponsors of this bill. Thank you for your attention to the matter.

Sincerely,

ALBERTA DARLING  
State Senator

**State of Wisconsin  
Ethics Board**

February 18, 1997

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.

**Atrium Health Plan, Inc**

Subject(s): All aspects of business affecting the health care and insurance industry.

Haffenbredl, Mary

**Citizens for a Better Environment**

Subject(s): Air and water quality, transportation and land use, pollution prevention, product stewardship.

Mudd, Susan

Schaefer, William

**Contractors of Wisconsin Inc, Associated General**

Subject(s): Matters affecting the construction industry, including legislation and regulations.

Cook, Sharon

Mitchell, Brian

**Counties Assn., Wisconsin**

Subject(s): WCA will attempt to influence all legislation and rules which relate to counties including but not limited to 1) county organization and administration, 2) environment and land use, 3) health and human services, 4) judicial and public safety, 5) personnel and labor, 6) taxation and finance, 7) transportation and public works, 8) economic development.

Bussler, Bridget

Diedrick-Kasdorf,

Gormican, Michelle

Hium, Darla

Kujawa, Allison

Markeland, Kathy

O'Connell, Mark

Rogacki, Mark

Thompson, Craig

**Distilled Spirits Council of the United States Inc**

Subject(s): Issues attendant to the sale and distribution of distilled spirits products in Wisconsin, including importation, open wholesaling, etc.

Essie, Patrick

**Emergency Physicians, Wisconsin Chapter of the American College of**

Subject(s): WACEP is interested in securing easy access to emergency care to all in need, with as few as possible hindrances/restrictions imposed upon patients by other entities (e.g. government agencies, third party payors). WACEP supports efforts to insure emergency care is provided by well-trained physicians and support personnel. WACEP

supports public policies to enhance safety, decrease risk of illness/injury in all settings and promote prevention measures.

Hottenroth, Theresa

Teske-Osborne, Karen

**Family and Childrens Agencies, Wisconsin Assn. of**

Subject(s): Our association which includes private agencies who provide counseling and other social services for families and children throughout the state may attempt to influence policy initiatives in the following areas: community aids, youth aids, child welfare, child abuse and neglect prevention, medical assistance (especially managed care), long term support, and education issues related to at-risk children and their families.

Grace, John

Hall, Linda

**Fireworks Assn., Wisconsin**

Subject(s): Any and all legislation or administrative rules affecting fireworks.

O'Connor, Alice

**Firstar Corporation**

Subject(s): The corporation will monitor and review for potential action legislation and administrative rules that would impact the financial services industry and business and commerce in Wisconsin. This would include the areas of banking, savings & loans, savings banks, credit unions, insurance, securities, taxation issues (corporate, personal and property taxes, etc.), environmental issues (PECFA, remediation standards, brownfields, etc.), employment and labor issues and general business and commerce issues.

Klauser, David

Yingling, John

**HLR Service Corporation**

Subject(s): Attempt to influence any legislation that could impact on HLR Service Corp. to provide healthcare services to Wisconsin in the area of pharmaceuticals or diagnostic testing. Provide for a fair market system to conduct business through the legislature, Dept. of Health and/or medical system. Ensure that there is sufficient access to HLR products on all publicly funded programs through the state budget process.

Essie, Patrick

**Military Retirees Assn., Wisconsin**

Subject(s): Any and all matters affecting military service, pensions and benefits.

Mitchell, Brian

**Milwaukee Brewers Baseball Club**

Subject(s): Legislation and administrative rules which may affect the operation of a major league baseball club.

Cook, Sharon

Mitchell, Brian

**New Hope Project Inc**

Subject(s): Welfare reform, Earned Income Credit, child care.

Campbell, Karen

Kerksick, Julie

**Pharmacia & Upjohn Company**

Subject(s): State legislation and administrative rules that impact the discovery, manufacture, marketing and use of human and animal pharmaceuticals, and that impact general business operations.

Bowlby, Judy

**Physicians Plus Insurance Corporation**

Subject(s): We will be concerned with legislation or regulation affecting the delivery and financing of health care. This may include mandated benefits, taxation, administrative requirements or related issues.

Kachelski, Joseph

O'Connor, Alice

**Propane Gas Assn., Wisconsin**

Subject(s): Any legislation or rules that might affect the propane industry and its business operations.

Blume, Edward

**Tecumseh Products Company**

Subject(s): Legislation which the company may attempt to influence relates to environmental issues and, in particular, environmental remediation and liability. Similar administrative rules the company may attempt to influence would involve environmental matters. At this time, it is anticipated that such rules may relate to remediation and water related concerns, but may include other environmental issues.

Thimke, Mark A

**Time Insurance Company**

Subject(s): Time Insurance would be interested in lobbying healthcare legislation and regulation.

Dalton, Debbie

Reddick, David

**Veterinary Medical Assn., Wisconsin**

Subject(s): Animal agriculture; Veterinary Practice Act; small business.

Krajewski, Thomas

Schreiber, Martin

**Wyeth-Ayerst Laboratories**

Subject(s): Areas that effect pharmaceutical sales, marketing and availability in the state.

O'Connor, Alice

**Organization's authorization of additional lobbyists:**

The following organizations previously registered with the Ethics Board have authorized to act on their behalf these additional licensed lobbyists:

**AT&T Corporation**

Kuehn, Ronald W.

**Aurora Health Care, Inc**

Reilly, Thomas

**Bar of Wisconsin, State**

Boese, Jennifer

**Cooperatives, Wisconsin Federation of**

Steinhaus, Jon

**Dental Hygienists Assn., Wisconsin**

Jentz, Robert

**Marathon Oil Co.**

Osborne, Patrick

**Metropolitan Milwaukee Assn. of Commerce**

Courtney, Zakiya

Mitchell, Susan

**Theatre Owners, National Assn. of**

Jentz, Robert

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  
Department of Health and Family Services**

February 13, 1997

The Honorable, The Senate:

Attached is a report recommending changes to the Wisconsin Health Insurance Risk Sharing Plan (HIRSP). This report was prepared jointly by the Department of Health and Family Services and the Office of the Commissioner of Insurance, as required by [1995 Wisconsin Act 463](#).

If you have questions or need additional information, please contact either of our offices.

Sincerely,

JOE LEEAN  
Secretary

JOSEPHINE W. MUSSER  
Commissioner of Insurance

**State of Wisconsin  
Department of Employment Relations**

February 12, 1997

The Honorable, The Legislature:

I am submitting to you the State Employment Options (SEO) Annual Report summarizing the program's progress for Fiscal Year 1996 (FY96).

The SEO program provides statewide informational workshops on "How to Get a State Job" for recipients of Aid to Families with Dependent Children (AFDC) and Food Stamps.

Following your direction for welfare reform, the SEO staff worked diligently to offer state employment information and options to 2471 recipients in 59 counties. We are pleased to report that 41 recipients have become gainfully employed in state civil service jobs. We believe that their employment exemplifies their desire to develop skills that will change their lives and restore their sense of self-esteem. It is also significant that employment of the 41 recipients creates an estimated welfare savings of at least \$580,000 in FY96. There is added value, not only to the program, but to the quality of life of those recipients in Wisconsin who received gainful employment.

You can be confident that we will continue to carry out your vision to assist in reforming welfare in Wisconsin.

The following summary presents the statistical analysis of the program. Please share any concerns, questions or suggestions you have with me or the Department's Executive Assistant, Ray Allen, at 266-5316.

Sincerely,

JON LITSCHER  
Secretary

**State of Wisconsin  
Department of Administration**

February 11, 1997

The Honorable, The Senate:

Under the requirements of s.16.705(8), Wis. Stat., the Department of Administration must report to the Governor, the Joint Committee on Finance, the Joint Legislative Audit Committee, and the Chief Clerk of each house for distribution to the appropriate standing committees under s. [13.172](#)(3), Wis. Stat., a report concerning the number, value and nature of

contractual service procurements authorized for each agency during the preceding fiscal year. The attached "Contractual Services Purchasing Report" for fiscal year 1995-96, follows the format of the 1994-95 Report.

If you have questions concerning the report, please contact Jan Abrahamsen, the Director of the State Bureau of Procurement, at (608)266-0974.

Sincerely,

MARK D. BUGHER  
Secretary

**Referred to the committee on Economic Development,  
Housing and Government Operation  
State of Wisconsin  
Investment Board**

February 12, 1997

The Honorable, The Legislature:

Section [25.17\(14r\)](#) of the Statutes, as created by [1995 Wisconsin Act 274](#), requires that the State of Wisconsin Investment Board (SWIB) submit a report to the Joint Committee on Audit, Joint Committee on Finance, and Chief Clerks of each House summarizing any change in the Board's investment policies, upon adoption of the change.

In [1995 Wisconsin Act 403](#), the Legislature established a college tuition prepayment program which has been named "EdVest Wisconsin." The Department of Administration (DOA) was given responsibility to establish and operate the program. SWIB was given the responsibility to invest assets of the trust fund which will receive revenues from the sale of tuition units.

Act 403 directs that SWIB invest the assets of the trust fund in "investments with maturities and liquidity that are appropriate for the needs of the fund." SWIB will receive a quarterly report from DOA projecting future cashflow needs. An actuary has been retained by DOA to assist in this process.

On February 7, 1997, the Board of Trustees adopted investment guidelines for the trust fund. The assets of the fund will be managed in a structured, fixed income portfolio matched to program liabilities. The guidelines adopted by the Board permit investment in U.S. Treasury and government agency issues, municipal bonds and corporate bonds rated "A" or better. Short-term cash assets of the fund will be managed in the State Investment Fund.

**Tuition Trust Fund  
Criteria Approved for Investment**

The person designated by the Executive Director to manage the Fund may purchase and sell publicly traded fixed income securities, subject to concurrence of the Executive Director or Assistant Executive Director, within the following guidelines:

Quality: Issues rated "A" or better.

Sector: U. S. Treasury and government agencies - No Limit.

Corporate Treasury and government agencies - Overall no limit. Exposure to a particular industry is limited to no more than double that industry's percentage in the M.L. All Corporate Index (COAO).

Municipal treasury and government agencies - Overall No Limit.

Issuer: 5% maximum per corporate or municipal issuer.

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These relatively conservative investment guidelines are consistent with the approach discussed with the Legislature when Act 403 was being developed and with preliminary information which DOA has provided to the public about how program funds will be managed.

Please feel free to contact me at 266-9451 if you have any questions about the investment guidelines. Other questions about the program should be directed to Mr. Marty Olle (264-7886), EdVest Wisconsin Program Manager at DOA.

Sincerely,

PATRICIA LIPTON  
Executive Director

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## EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

February 11, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint POPE, CAROL VOLLMER, of Brookfield, as a member of the Prison Industries Board, to serve for the interim term ending May 1, 1998 and for the full term ending May 1, 2001.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

State of Wisconsin  
Office of the Governor

February 11, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TOMFOHRDE, WAYNE, of Osceola, as a member of the Minnesota–Wisconsin Boundary Area Commission, to serve for the interim term ending September 25, 2000.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Agriculture and Environmental Resources.**

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

The committee on **Judiciary, Campaign Finance Reform and Consumer Affairs** reports and recommends:

**Senate Clearinghouse Rule 96–152**

Relating to reimbursement from parents of juveniles.

No action taken.

**Senate Clearinghouse Rule 96–161**

Relating to partial indigency.

No action taken.

Lynn Adelman  
Chairperson