

STATE OF WISCONSIN
Senate Journal
Ninety–Third Regular Session

WEDNESDAY, June 10, 1998

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin

June 4, 1998

The Honorable, The Senate:

As you know, State Superintendent of Public Instruction John Benson has appointed me Assistant State Superintendent, division of Libraries and Community Learning. Therefore, I hereby submit my resignation as State Senator from the 9th District effective June 8, 1998.

Sincerely,

CALVIN POTTER
State Senator
9th Senate District

State of Wisconsin

June 8, 1998

The Honorable, The Senate:

Pursuant to Senate Rule 20, I have made the following appointment to a Senate committee:

To the committee on **Education and Financial Institutions**: Senator Moore.

With regards to the members of the minority party, the appointments reflect the recommendations of that caucus.

Sincerely,

MICHAEL ELLIS, Chair
Committee on Senate Organization

State of Wisconsin

Wisconsin Technical college System Board

June 3, 1998

The Honorable, The Senate:

I am please to share with you the following report in compliance with section 38.04(21) of the statutes.

The 1997–99 state budget bill (1997 Wisconsin Act 27) included a provision which requires the Wisconsin Technical College System (WTCS) to submit a report regarding high school pupils attending technical colleges. The report is to be submitted annually to the Legislature and to three state agencies (Department of Administration, Public Instruction and Workforce Development).

If you have any questions regarding this report, please contact Dan Clancy, Assistant State Director, at (608) 266–7983.

Sincerely,

EDWARD CHIN
State Director

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 357	Wisconsin Act 240	June 17, 1998
Senate Bill 462	Wisconsin Act 245	June 17, 1998
Senate Bill 40	Wisconsin Act 246	June 17, 1998
Senate Bill 38	Wisconsin Act 247	June 17, 1998

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Legislative Audit Bureau**

June 9, 1998

The Honorable, The Legislature:

As required by s. 13.94(1)(de), Wis. Stats., we have completed a financial audit of the Patients Compensation Fund, which provides medical malpractice insurance coverage in excess of statutory minimums to Wisconsin's health care providers. The Fund is governed by the Board of Governors of the Patients Compensation Fund/Health Care Liability Insurance Plan and administered by the Office of the Commissioner of Insurance. We were able to provide an unqualified auditor's report on the Fund's financial statements for the fiscal years ending June 30, 1997, 1996, and 1995.

Prior audit reports discussed concerns regarding the Fund's accounting deficit. Actions by the governing board and the Legislature, as well as recent favorable claims loss experience, have caused the deficit to decrease from \$67.8 million as of June 30, 1994, to \$44.1 million as of June 30, 1997. At the same time, assets of the Fund increased from \$271 million to \$377 million. Although the deficit appears to be a less-serious concern than it had been in earlier years, the Board will need to continue to monitor the Fund's financial status to ensure it addresses any concerns that might arise in the future. For example, the Legislature recently passed 1997 Wisconsin Act 89, which increases the cap on damages for wrongful death from \$150,000 to \$350,000 for adults and \$500,000 for children and allows minor siblings to be plaintiffs. According to the Fund's actuaries, the change in law is not expected to have a material effect on the Fund because only future claims will be affected, and it appears the new provisions would not significantly increase the amounts paid for individual claims.

The Fund has complied with our prior audit recommendation to resolve a potential conflict of interest regarding the purchasing of claim settlement annuities. In addition, we found the Fund's internal controls to be adequate overall. However, we are issuing a management letter to the Office of the Commissioner

of Insurance to suggest improvement in controlling access to the Fund's computer system and in technical accounting matters.

We appreciate the courtesy and cooperation extended to us by the staff of the Office of the Commissioner of Insurance and the contractors who help administer the Patients Compensation Fund program.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Joint Committee for Review of Administrative Rules**

May 28, 1998

The Honorable, The Legislature:

As you may know, the governor has signed **1997 Assembly Bill 254** in law as Wisconsin Act 185. In addition to giving the Joint Committee for Review of Administrative Rules expanded powers related to the extension of emergency rules, the legislation also imposes additional reporting requirements upon the co-chairs once an emergency rule has been extended.

According to Section 4 of the act, the Joint Committee is required, upon extending an emergency rule or part of an emergency rule, to file a statement of its action with the "presiding officer of each house of the legislature, (and) the appropriate committees of each house of the legislature, as determined by the presiding officer of each house of the legislature . . ." We have discussed with Ron Sklansky, counsel to the Joint Committee, the compliance issues related specifically to sending notification to the standing committees as designated by the presiding officers, to wit: How do we send notification to those committees when the presiding officers have not yet designated them? Attorney Sklansky suggested that we forward the standing committee notification letters to your offices, and that you then forward them to the standing committee chair in your house after you have chosen the committee to receive the notice.

If you have any questions or concerns, please feel free to contact either of us at our offices, or Attorney Ron Sklansky at the Joint Legislative Council. Thank you for your attention.

Sincerely,

ROBERT T. WELCH
Senate Co-Chair

GLENN GROTHMAN
Assembly Co-Chair

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

June 3, 1998

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 357	Wisconsin Act 240	June 3, 1998

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

June 4, 1998

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 462	Wisconsin Act 245	June 3, 1998
Senate Bill 40	Wisconsin Act 246	June 3, 1998
Senate Bill 38	Wisconsin Act 247	June 3, 1998

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

June 8, 1998

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 521	Wisconsin Act 256	June 8, 1998
Senate Bill 483	Wisconsin Act 258	June 8, 1998
Senate Bill 527	Wisconsin Act 260	June 8, 1998
Senate Bill 337	Wisconsin Act 261	June 8, 1998
Senate Bill 371	Wisconsin Act 263	June 8, 1998

Sincerely,

TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

June 1, 1998

The Honorable, The Senate:

I am pleased to transmit my Stripper XVIII 1998 Oil Overcharge Plan for consideration by the Joint Committee on Finance (JCF) at the next 13.10, Wis. Stats., meeting. As required by s. 14.065 Wis. Stats., I am also forwarding a copy to the Chief Clerk of the Assembly.

This Plan allocates \$1,590,426 (\$745,244 of new Stripper monies and \$845,182 of reallocated monies); helps low income citizens stay warm; develops Wisconsin's renewable energy resource base; makes our buildings and homes more energy efficient; protects the environment; and, educates our children regarding the wise use of energy. This plan also modifies the Stripper XIV Small Business Energy Efficiency Program to make it accessible to more small businesses.

In addition to the JCF's action, the U.S. Department of Energy must also conduct a review to determine if Wisconsin's Plan conforms with Federal requirements and established definitions of restitution. The Department of Administration staff will be available to provide additional information that may be required. I appreciate your usual support.

Sincerely,

TOMMY G. THOMPSON
Governor

Referred to joint committee on **Finance**.

**State of Wisconsin
Office of the Governor**

June 4, 1998

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint METTNER, JOSEPH P., of Madison, as a member of the Public Service Commission, to serve for the interim term as commissioner ending March 1, 2003, and for the interim term as chair ending March 1, 1999.

Sincerely,

TOMMY G. THOMPSON
Governor

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

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

Senate Clearinghouse Rule 97-119

Relating to examination requirements and procedures, academic programs equivalent to master's and doctorate degrees in professional counseling, and temporary certificates for professional counselors.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 4, 1998.

Referred to committee on **Business, Economic Development and Urban Affairs**, June 10, 1998.

Senate Clearinghouse Rule 98-021

Relating to the clean fuel fleet program to reduce volatile organic compound and oxides of nitrogen emissions from fleet vehicles.

Submitted by Department of Natural Resources.

Report received from Agency, June 9, 1998.

Referred to committee on **Environment and Energy**, June 10, 1998.

Senate Clearinghouse Rule 98-022

Relating to wildlife management housekeeping changes.

Submitted by Department of Natural Resources.

Report received from Agency, June 9, 1998.

Referred to committee on **Environment and Energy**, June 10, 1998.

Senate Clearinghouse Rule 98-023

Relating to recreational and commercial fishing regulations and fish refuges.

Submitted by Department of Natural Resources.

Report received from Agency, June 9, 1998.

Referred to committee on **Environment and Energy**, June 10, 1998.

Senate Clearinghouse Rule 98-024

Relating to the 1998 spring fish and game hearing.

Submitted by Department of Natural Resources.

Report received from Agency, June 9, 1998.

Referred to committee on **Environment and Energy**, June 10, 1998.

Senate Clearinghouse Rule 98-018

Relating to solid and hazardous waste management activities.

Submitted by Department of Natural Resources.

Report received from Agency, June 9, 1998.

Referred to committee on **Environment and Energy**, June 10, 1998.

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

Senate Clearinghouse Rule 97-098

Relating to qualifications of public health professionals employed by local health departments.

No action taken.

Senate Clearinghouse Rule 97-135

Relating to regulation of tattooists and tattoo establishment and regulation of body piercers and body-piercing establishments.

No action taken.

Senate Clearinghouse Rule 98-046

Relating to the vendor authorization expiration and reauthorization dates under the special supplemental nutrition program for women, infants and children (WIC).

No action taken.

Carol Roessler
Chairperson

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

Senate Clearinghouse Rule 98-037

Relating to the health care aid grant, retraining grant, primary mortgage loan, economic assistance loan, consumer loan and veterans assistance programs.

No action taken.

David Zien
Chairperson

**State of Wisconsin
Revisor of Statutes Bureau**

June 1, 1998

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
96-113	June 1, 1998
97-30	June 1, 1998
97-57	June 1, 1998
97-87	June 1, 1998
97-114	June 1, 1998
97-118	June 1, 1998
97-125	June 1, 1998
97-130	June 1, 1998
97-137	June 1, 1998
97-150	June 1, 1998
97-153	June 1, 1998
98-5	June 1, 1998

Sincerely,
GARY L. POULSON
Deputy Revisor

CHIEF CLERK'S REPORT

The Chief Clerk records:

- Senate Bill 337**
- Senate Bill 371**
- Senate Bill 483**
- Senate Bill 521**
- Senate Bill 527**

Presented to the Governor on June 8, 1998.