

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

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WEDNESDAY, December 22, 1999

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

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

Read and referred:

**Senate Joint Resolution 31**

Relating to: commending and congratulating Ron Dayne on his Heisman Trophy win and outstanding 1999 season.

By Senators Risser, Chvala, George, Moen, Ellis, Rude, Breske, Burke, Clausing, Drzewiecki, Erpenbach, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moore, Plache, Robson, Roessler, Rosenzweig, Schultz, Darling and Wirch; cosponsored by Representatives Pocan, Freese, Ladwig, Krug, Schneider, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Colon, Duff, Goetsch, Gronemus, Gunderson, Hahn, Handrick, Hasenohrl, Hebl, Huber, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kelso, Klusman, Kreibich, Kreuser, J. Lehman, M. Lehman, Meyerhofer, Miller, Morris–Tatum, Musser, Nass, Olsen, Ott, Plouff, Porter, Rhoades, Ryba, Schooff, Sherman, Sinicki, Staskunas, Stone, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Williams, Young and Hutchison.

To committee on **Senate Organization**.

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

Read first time and referred:

**Senate Bill 308**

Relating to: health insurance coverage of nervous and mental disorders, alcoholism and other drug abuse problems.

By Senators Panzer, Robson, Rosenzweig, Risser, Darling, Wirch, Rude, Erpenbach, Grobschmidt, Roessler, Plache, Huelsman, Baumgart, Moore, Clausing and Burke; cosponsored by Representatives Bock, Klusman, Wasserman, Kaufert, Kelso, Riley, Handrick, Berceau, Suder, Young, Ott, Black, Musser, Gronemus, Hasenohrl, Waukau, La Fave, Miller, Leibham, Richards, J. Lehman, Williams, Turner, Ryba, Kestell and Schneider.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 309**

Relating to: the number of school districts to which a pupil may apply under the open enrollment program.

By Senators Darling, Grobschmidt and Panzer; cosponsored by Representatives La Fave, Duff, Montgomery,

M. Lehman, Bock, Sinicki, Staskunas, J. Lehman, Nass, Gunderson, Goetsch, Walker, Gronemus, Musser and Ryba.

To committee on **Education**.

**Senate Bill 310**

Relating to: considering vehicles used in the operation of greenhouses and other similar structures as “farm trucks”.

By Senator Darling; cosponsored by Representatives Sykora, Staskunas, Owens, Spillner, Underheim, Plouff and Plale.

To committee on **Insurance, Tourism, Transportation and Corrections**.

**Senate Bill 311**

Relating to: instructing persons to use weapons or techniques to cause civil disorders and providing a penalty.

By Senators Burke, Huelsman and Rosenzweig; cosponsored by Representatives Bock, Berceau, La Fave, Morris–Tatum, Richards, Riley and Wasserman.

To committee on **Judiciary and Consumer Affairs**.

**Senate Bill 312**

Relating to: eliminating the school levy tax credit, and guaranteed aid for primary costs and weighting children at risk for equalization aid purposes.

By Senators Burke, Clausing, Erpenbach, Moen, Moore, Plache and Schultz; cosponsored by Representatives Plouff, Musser, Bock, Gronemus, Hasenohrl, Krug, Lassa, J. Lehman, Miller, Reynolds, Richards, Riley, Ryba and Sykora.

To committee on **Education**.

**Senate Bill 313**

Relating to: state agent status for certain psychiatrists who provide services under certain county contracts.

By Senators Risser, Burke, Erpenbach and Rosenzweig; cosponsored by Representatives Musser, Plouff, Miller, Boyle, Petrowski, Wasserman, Berceau and Bock.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**REPORT OF COMMITTEES**

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Assembly Bill 521**

Relating to: certification of first responders.

Concurrence.

Ayes, 6 – Senators Moen, Breske, Robson, Erpenbach, Rude and Drzewiecki.

Noes, 1 – Senator Welch.

Rodney Moen  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**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>
<b>Senate Bill 255</b>	Wisconsin Act 15	December 30, 1999

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Health and Family Services**

December 14, 1999

The Honorable, The Senate:

Section 46.03 (26) of the statutes requires the Department of Health and Family Services to report annually on information systems projects under development. The attached report is a summary of the departmental systems currently under development.

Sincerely,  
JOE LEEAN  
Secretary

**State of Wisconsin  
Council on Recycling**

December 17, 1999

The Honorable, The Legislature:

On behalf of the Council on Recycling, I am pleased to send you our report and recommendations regarding the recycling of used oil filters in Wisconsin. After receiving our charge in 1997 Act 243, the Council formed a subcommittee made up of stakeholders and interested parties to do research and prepare alternatives. The subcommittee delivered its' report to the Council in October, 1999. The Council reviewed their findings and the following report is the culmination of over a year of involvement with this issue.

I would like to offer the Council's assistance in fulfilling the mission of the proposed Task Force by submitting the names of individuals and organizations to participate. Several private sector organizations, for example, have indicated support for the partnership and have expressed a willingness to serve. The Council would also like to share their expertise by having members take part in the Task Force and serving as a sounding board for Task Force ideas.

Thank you for this opportunity to contribute to the health of recycling in Wisconsin. We look forward to continuing to be a part of this important issue.

Sincerely,  
DANIEL P. MEYER  
Chair

**State of Wisconsin  
Public Services Commission**

December 16, 1999

The Honorable, The Legislature:

1997 Wisconsin Act 218 (1997 Senate Bill 351), hereafter Act 218, created Wis. Stat. § 196.199 entitled "Interconnection agreements." This statute sets forth the Public Service Commission's powers "to approve and enforce interconnection agreements and...do all things necessary and convenient to its

jurisdiction." Wis. Stat. § 196.199(2). Enforcement procedures and penalties for failure to comply with interconnection agreements are found at Wis. Stat. §§ 196.199(3) and (4), respectively.

By definition, "interconnection agreement" does not include an interconnection agreement to which a commercial mobile radio service (CMRS) provider is a party. Wis. Stat. § 196.199(1). Section 50, Nonstatutory provisions, (2m) of Act 218 reads as follows:

The public service commission shall study the feasibility and desirability of enforcing interconnection agreements, that are subject to the approval of the public service commission under 47 USC 252(e), to which a commercial mobile radio service provider, as defined in section 196.01(2g) of the statutes, as created by this act, is a party in the same manner as interconnection agreements to which such a provider is not a party. The commission shall submit a report on the results of the study and any recommended proposals for legislation to the legislature in a manner provided in section 13.172(2) of the statutes no later than January 1, 2000.

Accordingly, the Commission submits this report to the Legislature for its consideration.

Act 218 became effective on January 1, 1999. To date, no complaints have been filed under Wis. Stat. § 196.199 wherein noncompliance of an existing interconnection agreement has been alleged. Consequently, the Commission does not have any actual experience by which to make comparisons as anticipated and directed in the study charge and reporting requirement of the Legislature. Nevertheless, the Commission has approved several new or revised interconnection agreements pursuant to 47 U.S.C. § 252(e) involving CMRS providers. On a few occasions, the Commission, by its staff, has mediated disputes over new agreements pursuant to 47 U.S.C. § 252(a)(2). All of these disputes resulted in voluntary interconnection agreements. None were arbitrated pursuant to 47 U.S.C. § 252(b).

Although the Commission has federal law authority to mediate, arbitrate and approve new or revised interconnection agreements involving CMRS providers, it does not have state law authority to assess CMRS providers for costs associated with those proceedings. Ordinarily, the Commission assesses both parties to an interconnection dispute, whether that is a dispute over new or revised terms and conditions of an agreement, or a dispute over the interpretation and application of an existing agreement.

At this time, the Commission does not see an immediate need for legislation to apply Wis. Stat. § 196.199 to interconnection agreements to which a CMRS provider is a party. If such legislation is initiated, however, CMRS provider assessment of direct costs associated with Commission proceedings involving interconnection disputes of any description should be addressed.

If you have any questions regarding this report, please contact Nick Linden of the Commission staff at (608) 266-8950.

Sincerely,  
LYNDA L. DORR  
Secretary to the Commission

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

December 17, 1999

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>
<b>Senate Bill 255</b>	<b>Wisconsin Act 15</b>	December 16, 1999

Sincerely,

TOMMY G. THOMPSON  
Governor

**State of Wisconsin  
Office of the Governor**

December 20, 1999

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>
<b>Senate Bill 92</b>	<b>Wisconsin Act 24</b>	December 20, 1999

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**Senate Clearinghouse Rule 99-066**

Relating to the definition of physical therapy aide, the tests of English, written English and spoken English, general supervision of physical therapist assistants and direct supervision of physical therapist assistants and physical therapy aides.

Submitted by Department of Regulation and Licensing.

Report received from Agency, December 20, 1999.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, December 22, 1999.

**Senate Clearinghouse Rule 99-086**

Relating to credentials and fire sprinkler systems.

Submitted by Department of Commerce.

Report received from Agency, December 22, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, December 22, 1999.

**Senate Clearinghouse Rule 99-122**

Relating to the design and construction of public swimming pools.

Submitted by Department of Commerce.

Report received from Agency, December 22, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, December 22, 1999.

**Senate Clearinghouse Rule 99-139**

Relating to public employe safety and health.

Submitted by Department of Commerce.

Report received from Agency, December 20, 1999.

Referred to committee on **Labor**, December 22, 1999.

**Senate Clearinghouse Rule 99-148**

Relating to practice while suspended.

Submitted by Department of Regulation and Licensing.

Report received from Agency, December 20, 1999.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, December 22, 1999.

**Senate Clearinghouse Rule 99-150**

Relating to express advocacy.

Submitted by Elections Board.

Report received from Agency, December 21, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, December 22, 1999.

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 99-064**

Relating to boilers and pressure vessels.

No action taken.

**Senate Clearinghouse Rule 99-105**

Relating to service enterprises.

No action taken.

**Senate Clearinghouse Rule 99-120**

Relating to fire safety requirements in the commercial building code.

No action taken.

Robert Wirch  
Chairperson

**State of Wisconsin  
Revisor of Statutes Bureau**

January 1, 2000

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>98-158</b>	January 1, 2000
<b>98-162</b>	July 1, 2000
<b>98-168</b>	January 1, 2000
<b>98-187</b>	January 1, 2000
<b>99- 1</b>	January 1, 2000
<b>99- 23 (part)</b>	January 1, 2000
<b>99- 23 (part)</b>	April 1, 2000
<b>99- 47</b>	January 1, 2000
<b>99- 78</b>	January 1, 2000
<b>99- 81</b>	January 1, 2000
<b>99- 82</b>	January 1, 2000
<b>99- 83</b>	January 1, 2000
<b>99- 88</b>	January 1, 2000
<b>99- 91</b>	January 1, 2000
<b>99- 93</b>	January 1, 2000
<b>99- 97</b>	January 1, 2000
<b>99- 98</b>	January 1, 2000
<b>99-107</b>	January 1, 2000
<b>99-110</b>	January 1, 2000

**99-111** January 1, 2000  
**99-112** January 1, 2000  
**99-116** January 1, 2000  
**99-119** January 1, 2000  
**99-121** January 1, 2000

Sincerely,  
GARY L. POULSON  
Deputy Revisor

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Assembly Bill 444** offered by Senator Breske.

Senate substitute amendment 1 to **Senate Bill 171** offered by Senators Robson and Grobschmidt.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 255**

Presented to the Governor on December 15, 1999.

**Senate Bill 92**

Presented to the Governor on December 16, 1999.