

Eighty-Ninth Regular Session

WEDNESDAY, March 1, 1989

The chief clerk makes the following entries under the above date.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 19

Relating to the right to keep and bear arms (first consideration).

By Senators Kreul, Roshell, Rude, Moen, Stitt, Andrea, Lasec and Buettner; cosponsored by Representatives Thompson, Tregoning, Bolle, Brandemuehl, Hasenohrl, Schultz, Stower, Welch, Johnsrud, Ladwig, Larson, Vergeront, Ourada, Wimmer, Lepak, Van Gorden, Musser, Lorge, Duff, Gard, Coleman and Zeuske.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Senate Joint Resolution 20

Relating to memorializing congress to make equitable changes in federal dairy policy.

By Senators Kreul, Rude, Moen, Chilsen, Roshell, Lasec, Van Sistine, Lorman and Cowles; cosponsored by Representatives Tregoning, Brandemuehl, Johnsrud, Schultz, Prosser, Hubler, Hasenohrl, Volk, Welch, Panzer, Nelsen, Radtke, Roberts, Turba, Harsdorf, Van Gorden, Brancel, Porter, Ott, Deininger, Lepak, Musser, Gard, Duff, Lahn, Lewis, Ladwig, Ourada, Lehman, Underheim, Klusman, Lorge, Goetsch, Schmidt and Zeuske.

To committee on Agriculture, Health and Human Services.

Senate Joint Resolution 21

Relating to inviting President George Bush to Wisconsin to present him with a Wisconsin fishing license.

By Senator Andrea; cosponsored by Representatives Porter, Barca and Antaramian, by request of Clayton Diskerud of Kenosha.

To committee on Transportation, Conservation and Mining.

Senate Joint Resolution 22

Relating to urging all people to resist any attempts to suppress free speech.

By Senators Adelman, Feingold, Chilsen, Lee, Andrea, Van Sistine and Risser; cosponsored by Representatives Boyle, Medinger, Plache, Zien, Carpenter, Zeuske, Young, Bock, Duff, Klusman, Musser, Loucks and Barca.

To committee on Judiciary and Consumer Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 74

Relating to a management and efficiency study of the departments of health and social services and natural resources and making an appropriation.

By Senators Andrea, Roshell, Van Sistine, Shoemaker, Te Winkle, Burke, Kincaid, Lorman, Weeden, Stitt, Lasec, Leean, Buettner, Kreul, Chilsen and Rude; cosponsored by Representatives Hauke, Antaramian, Barca, Nelsen, Hasenohrl, Vanderperren, Linton, Zeuske, Plache, Gronemus, Boyle, Musser, Ladwig, Hamilton, Van Gorden, Holschbach, Lepak, Underheim, Brancel, Volk, Gard, Lautenschlager, Panzer, Harsdorf, Lorge, Schultz, Porter, Fortis, Klusman, Robson, Grobschmidt, Duff, Goetsch, Welch, Brandemuehl, Van Dreef, Zien and Bolle.

To committee on Housing, Government Operations and Cultural Affairs.

Senate Bill 75

Relating to distribution of controlled substances to minors and providing a penalty.

By Senators Kreul, Roshell, Andrea, Ellis, Leean, Van Sistine, Lasec and Lorman; cosponsored by Representatives Tregoning, Brandemuehl, Bolle, Welch, Johnsrud, Panzer, Musser, Turba, Brancel, Goetsch, Van Gorden, Harsdorf, Lehman, Lorge and Zien.

To committee on Judiciary and Consumer Affairs.

Senate Bill 76

Relating to distribution of controlled substances and providing a penalty.

By Senators Kreul, Roshell, Andrea, Ellis, Leean, Van Sistine, Lorman and Lasec; cosponsored by Representatives Welch, Bolle, Brandemuehl, Johnsrud, Schneiders, Musser, Turba, Goetsch, Vergeront, Radtke and Harsdorf.

To committee on Judiciary and Consumer Affairs.

Senate Bill 77

Relating to the eligibility of a homemaker for an occupational license.

By Senators Kreul, Kincaid, Andrea and Lorman; cosponsored by Representatives Vanderperren, Holperin, Barca, Tregoning, Panzer, Welch, Vergeront, Schneiders, Musser, Lewis, Underheim and Lorge.

To committee on Transportation, Conservation and Mining.

Senate Bill 78

Relating to the requirement that licensed physical therapists have certain written referrals prior to practice.

By Senators Strohl, Chvala, Rude, Andrea, Czarnecki and Chilsen; cosponsored by Representatives Gruszynski, Black, Notestein, Carpenter, Zweck, Roberts, Nelsen, Ourada, Volk, Boyle, Huelsman.

Hauke, Musser, Zien, Gard, Ladwig, Fortis, Plache, Tregoning, Schmidt, Robson, Schneiders, Holperin, Bock, Stower, Brancel, Prosser and Vergeront.

To committee on Agriculture, Health and Human Services.

Senate Bill 79

Relating to limitations of actions regarding professional accounting services.

By Senators Te Winkle, Shoemaker, Chilsen, Lorman, Moen, Buechner, Weeden and Cowles; cosponsored by Representatives Roberts, Van Dreel, Wimmer, Loucks, Porter, Duff, Schultz, Bolle, Huelsman, Deininger, Schneiders, Goetsch, Baldus, Zweck, Barca, Volk, Lewis, Rohan, Radtke, Farrow, Nelsen and Klusman.

To committee on Judiciary and Consumer Affairs.

Senate Bill 80

Relating to the civil liability of certified public accountants for acts or omissions in rendering professional services.

By Senators Te Winkle, Shoemaker, Chilsen, Lorman, Moen, Buechner, Weeden and Cowles; cosponsored by Representatives Roberts, Van Dreel, Loucks, Porter, Duff, Schultz, Wood, Bolle, Huelsman, Deininger, Schmidt, Schneiders, Goetsch, Baldus, Zweck, Barca, Volk, Lewis, Rohan, Radtke, Farrow, Nelsen and Klusman.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Education, Economic Development, Financial Institutions and Fiscal Policies reports and recommends:

VALERIO, MARTHA M., of Milwaukee, as a member of the Wisconsin Housing and Economic Development Board, to serve for the interim term ending January 1, 1991.

Confirmation:

Ayes, 8 -- Senators Ulichny, Shoemaker, Adelman, Czarnecki, Helbach, Jauch, Chilsen and Lorman;
Noes, 0 -- None.

Barbara Ulichny
Chair

The committee on Educational Financing, Higher Education and Tourism reports and recommends:

EGAN, GREGORY J., of La Crosse, as a member of the Minnesota-Wisconsin Boundary Area Commission, to serve for the interim term ending September 25, 1989.

Confirmation:

Ayes, 6 -- Senators Jauch, Shoemaker, Lee, Moen, Weeden and Cowles;
Noes, 0 -- None.

HOWE, WILLIAM H., of Prairie du Chien, as a member of the Minnesota-Wisconsin Boundary Area Commission, to serve for the term ending September 25, 1993.

Confirmation:

Ayes, 6 -- Senators Jauch, Shoemaker, Lee, Moen, Weeden and Cowles;

Noes, 0 -- None.

Robert Jauch
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Health and Social Services

February 16, 1989

To the Honorable the Legislature:

The Department of Health and Social Services submits this report as required under 1987 Wisconsin Act 366. Section 36 of that act required the Department to study the implementation and continuing operation of crisis intervention services by county departments. That section further required the Department to submit a report regarding the findings of the study to the chief clerk of each house of the Legislature for distribution to the members of the appropriate standing committees in each house.

Sincerely,
PATRICIA A. GOODRICH
Secretary

Referred to the committee Agriculture, Health and Human Services.

State of Wisconsin
Legislative Audit Bureau

February 22, 1989

To the Honorable the Legislature:

We have completed a management audit of the Office of the Commissioner of Insurance to review the Office's progress in improving its market regulation activities since our last audit and to further evaluate the Office's complaint handling process, as requested by the Joint Audit Committee.

While the Office has made progress in improving its market regulation activities, it still needs to increase oversight to ensure quality and consistency in its market regulation activities. We found that consumer complaints were not always processed consistently among staff and that documentation did not always clearly indicate the amount of follow-up performed on the complaints and the justification for decisions reached by staff. To increase consumer awareness of the Office's complaint process, the Legislature could expand current statutory insurance contract provisions to require insurance companies to include such information on insurance contracts, renewal notices, and cancellation notices.

We also reviewed proposals presented by consumer interest groups to redefine the office's regulatory role and responsibilities by placing more emphasis on being responsive to individual consumers. The proposals call for increased responsibility to mediate complaints and provide relief for individual consumers. In addition, consumer groups believe that mechanisms independent of the Office are needed to ensure adequate representation of consumer interests.

While these proposals may help to achieve the goals of the consumer groups to place more emphasis on individual consumers, their potential effects on other aspects of insurance regulation also need to be considered. Before deciding whether the Office's regulatory role and responsibilities should be changed, it may be useful to wait until the Office can assess and report on the results of recent initiatives it has taken to improve protection and education of consumers and the effects of the proposed changes in responsibilities on its workload and staff resources.

We appreciate the courtesy and cooperation extended to us by the Office of the Commissioner of Insurance. The Office's response to the report is the Appendix.

Sincerely,
DALE CATTANACH
State Auditor

State of Wisconsin
Legislative Audit Bureau

February 23, 1989

To the Honorable the Legislature:

We have completed an audit of the Office of the Commissioner of Banking to satisfy our responsibilities under s. 13.94, Wis. Stats. The major focuses of our audit were to assess the effectiveness of the Office in regulating state-chartered banks and consumer credit agencies, review the Office's fiscal operations, and determine its compliance with statutory requirements.

Overall, the Office appears to be effective in regulating the banking and consumer credit industries. However, we found the Office has not complied with several statutory requirements. In its regulation activities, the Office has not met the required annual bank examination schedule and has not provided statutorily required information on its regulation of consumer credit. The Office also has not consistently complied with state purchasing guidelines. As a result, the Office spent \$4,379 more than necessary in the purchase of computer software and made an unauthorized purchase of over \$13,000 in computers and software.

In addition, the Office needs to modify and monitor its fee setting process to ensure examination fees cover direct examination costs, as required by the statutes, and large cash balances, such as the fiscal year 1987-88 year-end balance of \$1.1 million, are considered in the establishment of bank assessment rates.

We appreciate the courtesy and cooperation extended to us by the Office of the Commissioner of Banking. The Office's response to the report is the Appendix.

Sincerely,
DALE CATTANACH
State Auditor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

January 27, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAMES JOHNSON of Middleton, as a member of the Prison Industries Board pursuant to the statute governing, to serve for the interim term ending May 1, 1991.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor

February 20, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OTTO C. JUNKERMAN of Green Bay, as a member of the Prison Industries Board pursuant to the statute governing, to serve for the term ending May 1, 1992.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Agriculture, Health and Human Services.

State of Wisconsin
Office of the Governor

February 20, 1989

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCOTT K. ALEXANDER of West Baraboo, as a member of the Prison Industries Board pursuant to the statute governing, to serve for the term ending May 1, 1992.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Agriculture, Health and Human Services.

SENATE CLEARINGHOUSE ORDERS

JOURNAL OF THE SENATE [March 1, 1989]

State of Wisconsin
Revisor of Statutes Bureau

March 1, 1989

To the Honorable the Legislature:

The following rules have been published and are effective:

- Clearinghouse Rule 87- 80 effective March 1, 1989.
- Clearinghouse Rule 87-158 effective March 1, 1989.
- Clearinghouse Rule 87-174 effective March 1, 1989.
- Clearinghouse Rule 88- 1 effective March 1, 1989.
- Clearinghouse Rule 88- 15 effective March 1, 1989.
- Clearinghouse Rule 88- 30 effective March 1, 1989.
- Clearinghouse Rule 88- 83 effective March 1, 1989.
- Clearinghouse Rule 88-104 effective March 1, 1989.
- Clearinghouse Rule 88-112 effective March 1, 1989.
- Clearinghouse Rule 88-118 effective March 1, 1989.
- Clearinghouse Rule 88-126 effective March 1, 1989.
- Clearinghouse Rule 88-127 effective September 1, 1989.
- Clearinghouse Rule 88-128 effective March 1, 1989.
- Clearinghouse Rule 88-138 effective March 1, 1989.
- Clearinghouse Rule 88-143 effective March 1, 1989.
- Clearinghouse Rule 88-155 effective March 1, 1989.
- Clearinghouse Rule 88-156 effective March 1, 1989.

The following rules were omitted from previous reports:

- Clearinghouse Rule 85- 66 effective October 1, 1985.
- Clearinghouse Rule 85-183 effective August 1, 1986.
- Clearinghouse Rule 85-197 effective May 1, 1986.
- Clearinghouse Rule 86- 84 effective October 1, 1986.
- Clearinghouse Rule 86- 85 effective October 1, 1986.

Sincerely,
GARY L. POULSON
Assistant Revisor

Senate Clearinghouse Rule 88-8

Relating to training of juvenile court intake workers.
Submitted by Department of Health and Social Services.

Report received from agency, February 27, 1989.
Referred to committee on Judiciary and Consumer Affairs, March 1, 1989.

Senate Clearinghouse Rule 88-92

Relating to regulating critical use facilities in a 500-year floodplain.

Submitted by Department of Natural Resources.
Report received from agency, February 28, 1989.
Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, March 1, 1989.

Senate Clearinghouse Rule 88-93

Relating to sport fishing in inland waters.
Submitted by Department of Natural Resources.
Report received from agency, February 28, 1989.
Referred to committee on Transportation, Conservation and Mining, March 1, 1989.

Senate Clearinghouse Rule 88-105

Relating to the declaration of species of fish as detrimental in order to remove them or cause them to be removed.

Submitted by Department of Natural Resources.
Report received from agency, February 28, 1989.

Referred to committee on Transportation, Conservation and Mining, March 1, 1989.

Senate Clearinghouse Rule 88-115

Relating to safe drinking water.
Submitted by Department of Natural Resources.
Report received from agency, February 28, 1989.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, March 1, 1989.

Senate Clearinghouse Rule 89-2

Relating to premiums and rate zoning for the health insurance risk sharing plan.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, February 24, 1989.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, March 1, 1989.

The committee on Labor, Business, Insurance, Veterans' and Military Affairs reports and recommends:

Senate Clearinghouse Rule 88-202

Relating to the Wisconsin job opportunity business subsidy program (WisJOBS).

No action taken.

Jerome Van Sistine
Chair

The committee on Education, Economic Development, Financial Institutions and Fiscal Policies reports and recommends:

Senate Clearinghouse Rule 88-138

Relating to the Wisconsin development zone program.

No action taken.

Senate Clearinghouse Rule 88-156

Relating to pilot export development loans.

No action taken.

Barbara Ulichny
Chair

The committee on Aging, Banking, Commercial Credit and Taxation reports and recommends:

Senate Clearinghouse Rule 88-180

Relating to occasional sales.

No action taken.

Russell D. Feingold
Chair

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 73

1. Page 2, line 9: delete "50.35 APPLICATION AND APPROVAL." and substitute "50.35". text.