

STATE OF WISCONSIN

Senate Journal

Eighty-Ninth Regular Session

WEDNESDAY, September 27, 1989

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 53

Relating to proclaiming the week of October 15 to 21, 1989, as 'Wisconsin Business Women's Week' in conjunction with National Business Women's Week.

By Senators Farrow, Leca, Ulichny, Chilsen, Davis, Moen, Kincaid, Stitt, Rude and Buettner; cosponsored by Representatives Vergeront, Loucks, Turba, Panzer, Travis, Lehman, Moore, Ladwig, Tregoning, Loftus, Huelsman, Robson, Rohan, Barca, Porter, Carpenter, Plache, Grobschmidt, Brandemuehl, Rosenzweig, Schneiders, Lahn, Van Gorden, Baldus, Hamilton, Hinkfuss, Musser, Radtke, Fortis, Zeuske, Schmidt, Underheim, Brancel, Van Dreel, Rutkowski, Walling, Klusman, Williams, Thompson and Lewis.

To committee on Labor, Business, Insurance, Veterans' and Military Affairs.

Senate Joint Resolution 54

Relating to the housing fund.

By Senators Strohl, Plewa, Feingold and Van Sistine; cosponsored by Representatives Hinkfuss, Fergus, Seery and Young.

To committee on Housing, Government Operations and Cultural Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 287

Relating to informing defendants about firearm possession prohibitions.

By Senator Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

Senate Bill 288

Relating to wild turkey hunting in state parks and granting rule-making authority.

By Senators Rude, Burke, Kreul, Van Sistine, Stitt and Farrow; cosponsored by Representatives Gronemus, Johnsrud, Schultz, Bock, Lahn, Baldus, Radtke, Van Gorden, Tregoning, Brandemuehl and Schneiders.

To committee on Transportation, Conservation and Mining.

Senate Bill 289

Relating to reports concerning creation or abolition of positions by the board of regents of the university of

Wisconsin system (suggested as remedial legislation by the university of Wisconsin system).

By Law Revision Committee.

To committee on Educational Financing, Higher Education and Tourism.

Senate Bill 290

Relating to the funding and provision of social, mental health, developmental disability and alcohol and other drug abuse services, granting rule-making authority and making appropriations.

By Legislative Council.

To committee on Agriculture, Health and Human Services.

Senate Bill 291

Relating to treatment of resources of certain individuals under the medical assistance program.

By Senators Feingold, Helbach, Moen, Burke, Chvala, Czarnecki, Roshell, Buettner and Kincaid; cosponsored by Representatives Black, Holperin, Boyle, Stower, Baldus, Medinger, Grobschmidt, Carpenter, Huber, Young, Lautenschlager, Bock, Hinkfuss, Notestein, Rohan, Moore and Plache.

To committee on Aging, Banking, Commercial Credit and Taxation.

Senate Bill 292

Relating to review of applications for approval of certain additional beds or of certain activities by a nursing home under the resource allocation program of the department of health and social services; reporting information concerning cancer to the department of health and social services; applying certain insurance laws to federally regulated self-insured health and disability plans; the telecommunications assistance program; medical assistance eligibility of children in certain adoption placements; assignment by medical assistance recipients of rights to payment of medical expenses; treatment of income in determining eligibility for medical assistance; recovery of public assistance overpayments; and verification of eligibility for certain public assistance benefits (suggested as remedial legislation by the department of health and social services).

By Law Revision Committee.

To committee on Agriculture, Health and Human Services.

COMMITTEE REPORTS

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

Senate Bill 293

Relating to various changes in the unemployment compensation law, granting rule-making authority, providing a penalty and making an appropriation.

By request of Unemployment Compensation Advisory Council.

Introduction:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Rude and Farrow;

Noes, 0 -- None.

Read first time and referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs.

HANSON, RUSSELL L. of Westby, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 8 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker, Rude and Farrow;

Noes, 0 -- None.

POTTER, KEVIN C., of Madison, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 1995.

Confirmation:

Ayes, 8 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker, Rude and Farrow;

Noes, 0 -- None.

MOE, JAMES H. of Cable, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 8 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker, Rude and Farrow;

Noes, 0 -- None.

RITTER, DANIEL J., of De Pere, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 8 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker, Rude and Farrow;

Noes, 0 -- None.

Assembly Joint Resolution 21

Relating to requesting the governor and the Wisconsin job council to target veterans in the governor's coordination and special service plan under the job training partnership act.

Concurrence:

Ayes, 8 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker, Rude and Farrow;

Noes, 0 -- None.

Assembly Bill 227

Relating to adding land acquisition to the costs eligible for a veterans memorial grant.

Concurrence:

Ayes, 8 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Shoemaker, Rude and Farrow;

Noes, 0 -- None.

Jerome Van Sistine
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 239

Relating to increasing the number of circuit court judges.

Passage:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Stitt and Buettner;

Noes, 0 -- None.

Lynn S. Adelman
Chair

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

CRAIG, HAROLD E., of West Salem, as a member of the Minnesota-Wisconsin Boundary Area Commission, to serve for the term ending September 25, 1994.

Confirmation:

Ayes, 5 -- Senators Jauch, Shoemaker, Moen, Weeden and Cowles;

Noes, 0 -- None.

CERNY, MIKE, of Sharon, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Jauch, Shoemaker, Moen, Weeden and Cowles;

Noes, 0 -- None.

DAVIS, ROGER L., of Woodruff, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Jauch, Shoemaker, Moen, Weeden and Cowles;

Noes, 0 -- None.

HILLIARD, SUSAN of Briggsville, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Jauch, Shoemaker, Moen, Weeden and Cowles;

Noes, 0 -- None.

MASSON, THOMAS E., of Oconomowoc, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Jauch, Shoemaker, Moen, Weeden and Cowles;

Noes, 0 -- None.

NELSON, ERNEST 'JACK' C., of Iron River, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Jauch, Shoemaker, Moen, Weeden and Cowles;

Noes, 0 -- None.

RUEHLOW, DONALD, of Prairie du Chien, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 1992.

Confirmation:

Ayes, 5 -- Senators Jauch, Shoemaker, Moen, Weeden and Cowles;

Noes, 0 -- None.

Assembly Bill 11

Relating to tuition remissions for graduate students employed as faculty or instructional academic staff members in the university of Wisconsin system.

Concurrence:

Ayes, 5 -- Senators Jauch, Shoemaker, Moen, Weeden and Cowles;

Noes, 0 -- None.

Robert Jauch
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
September 25, 1989

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(7).

If you have any questions concerning this transmittal, please contact Teresa Walker, Lobbyist Specialist, at (608) 266-5503.

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

Bill Broydrick September 22, 1989, 600 E. Mason, Milwaukee WI 53202; (414) 224-9393.

1) Starlight Kennel Club Steve Marcus; N81 W12920 Leon Rd., Menomonee Falls WI 53051; (414)274-0530.

Subjects: Any matter affecting pari-mutuel racing.

Peter C. Christianson Sept. 20, 1989, 411 E. Wisconsin Ave., Ste. 2500, Milwaukee WI 53202-4497; (414)277-5745.

1) Eli Lilly & Co. Gary M. Bolick; Lilly Corporate Ctr., Indianapolis IN 46285; (317)276-2000.

Subjects: Legislation/regulations affecting the pharmaceutical, medical device, diagnostics, animal health and agricultural chemical industry, including biotechnology.

Kathryn Kuhn September 19, 1989, 102 N. Franklin, Apt. 201, Madison WI 53703; (608)251-6606.

1) WI Counties Assn. Marcia Traska; 802 W. Broadway, Ste. 308, Madison WI 53713; (608)266-6480.
Subjects: All issues impacting county government.

Barry McNulty September 19, 1989, 16 N. Carroll St., Ste. 420, Madison WI 53703 ; (608)255-0566.

1) Ameritech Mobile Communications John Cusack; 1515 Woodfield Rd., Schaumburg IL 60173; (312)706-7626.

Subjects: Regulation of cellular telephone.

2) Concerned Auto Recyclers of WI Ed Segersin; %WI MI Auto Parts, 1749 S. Broadway, Green Bay WI 54303; (414)437-4877.

Subjects: Auto recycling, transportation.

Barry McNulty September 19, 1989, 16 N. Carroll, Ste. 420, Madison WI 53703; (608)255-0566.

1) Miller Brewing Co. Mike Jones; 3939 W. Highland, Milwaukee WI 53208; (414) 931-2000.

Subjects: Tort reform.

2) Milwaukee Area Technical College Dr. Rus Slicker; 700 W. State, Milwaukee WI 53233; (414)278-6320.

Subjects: Legislation affecting post secondary education.

Peter J. Theo September 20, 1989, 1 S. Pinckney St., Ste. 600, Madison WI 53703; (608)251-5000.

1) Eli Lilly & Co. Gary M. Bolick; Lilly Corporate Ctr., Indianapolis IN 46285; (317)276-2000.

Subjects: Legislation/regulations affecting the pharmaceutical, medical device, diagnostics, animal health and agricultural chemical industry, including biotechnology.

TERMINATION OF LOBBYIST LICENSES:

Joseph M. Chnelich terminated as of September 22, 1989 for WI Amateur Sports Corp.

Scott C. Dacey terminated as of September 21, 1989 for Ameritech Mobile Communications.

Scott C. Dacey terminated as of September 21, 1989 for Aurora Health Care.

Scott C. Dacey terminated as of September 18, 1989 for Bank One WI Corp.

Scott C. Dacey terminated as of September 21, 1989 for Blood Center of Southeastern WI.

Scott C. Dacey terminated as of September 20, 1989 for Children's Hospital Health Systems of WI.

Scott C. Dacey terminated as of September 21, 1989 for Concerned Auto Recyclers of WI.

Scott C. Dacey terminated as of September 19, 1989 for Miller Brewing Co.

Scott C. Dacey terminated as of September 20, 1989 for Milwaukee Area Technical College.

Scott C. Dacey terminated as of September 19, 1989 for Milwaukee County Deputy Sheriff's Assn.

Scott C. Dacey terminated as of September 20, 1989 for Milwaukee Metropolitan Sewerage Dist.

Scott C. Dacey terminated as of September 21, 1989 for Motorecycle Industry Council.

Scott C. Dacey terminated as of September 21, 1989 for Village of Pewaukee.

Scott C. Dacey terminated as of September 18, 1989 for Plumbers Local #75.

Scott C. Dacey terminated as of September 20, 1989 for Skipper Marine Corp..

Scott C. Dacey terminated as of September 21, 1989 for St. Mary's Hospital.

Scott C. Dacey terminated as of September 19, 1989 for Waste Management of WI, Inc..

Scott C. Dacey terminated as of September 20, 1989 for WI Academy of Ophthalmology.

Scott C. Dacey terminated as of September 20, 1989 for WI Assn. of Rehabilitation Agencies.

Scott C. Dacey terminated as of September 19, 1989 for WI Hospital Assn..

Scott C. Dacey terminated as of September 19, 1989 for WI Speech, Language, Hearing Assn..

Troy E. Gates terminated as of September 21, 1989 for WI Student Assn..

James E. Hough terminated as of September 22, 1989 for WI Amateur Sports Corp..

Sincerely,
DOUGLAS LAFOLLETTE
Secretary of State

State of Wisconsin
Legislative Council

September 22, 1989

To the Honorable the Legislature:

I am pleased to transmit to you the following report to the 1989 Legislature on legislation introduced by the Legislative Council:

RL 89-11 -- Legislation on Juvenile Justice Issues (1989 Assembly Bills 501, 502, 503, 504, 505 and 538)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,
BONNIE REESE
Executive Secretary

State of Wisconsin
Department of Health and Social Services

September 15, 1989

To the Honorable the Legislature:

With enactment of the 1989-91 State Biennial Budget Bill in August, the Department began implementing provisions of the Medicare Catastrophic Coverage Act which requires states to pay Medicare premiums (both Part A and Part B) AND Medicare cost-sharing amounts (deductibles and co-insurance) for certain elderly and

permanently disabled persons with limited income and assets. Those who qualify for this state "buy-in" of Medicare premiums are called "QMB's"--Qualified Medicare Beneficiaries.

Wisconsin residents who are covered under both Medicare and Medical Assistance (Medicaid/Title 19) received a letter from the State in July advising them of the QMB program. The Federal Health Care Financing Administration (HCFA) also mailed notices to all elderly (65 and over) and permanently disabled Medicare recipients.

Sincerely,
PATRICIA A. GOODRICH
Secretary

State of Wisconsin
Department of Health and Social Services

September 20, 1989

To the Honorable the Legislature:

As required in Sections 227.485(9) and 814.245(10) of the Wisconsin Statutes, I am submitting the report concerning decisions and resulting payments of costs and attorney fees. Costs and Attorney fees are to be paid whenever the other party to an agency's chapter 227 hearing or appeal thereof prevails and it's determined the agency's position was not substantially justified.

Attachment #1, provided by the Department of Justice, is a partial listing of claim activities against the Department of Health and Social Services for the fiscal year ending June 30, 1989. Attachment #2 list additional DHSS payments pertaining to sections 814.245 and 227.485 of Wisconsin Statutes.

Should the hearing examiner determine that the motion of the other party in any chapter 227 contested case is frivolous, the examiner may award the state agency all reasonable costs in responding to the motion. The Department of Health and Social Services did not recover any costs during the fiscal year ending June 30, 1989.

Sincerely,
PATRICIA A. GOODRICH
Secretary

RULING OF THE CHAIR

On April 26, 1989, the Senator from the 20th, Senator Stitt, raised the point of order that in accordance with Article IV, Section 26, of the Wisconsin State Constitution, Senate Bill 148 required a three-fourths majority of all members elected (25) to pass. The President of the Senate, Senator Fred A. Risser ruled that the point of order was not well taken. The Senator from the 20th with unanimous consent requested that the President publish a written decision in the Journal.

The Senator from the 20th raised 3 points:

1. 500 million dollars is transferred from the transaction amortization account which is to be credited to the employer, employe and annuity accounts on a proportional basis. This transfer is to take place on the last day of the first full month after the effective of this act.

2. The amount of the above noted transfer to be credited to the Fixed Annuity Reserve is 34.6% of the 500 million or 173 million dollars. The Senator from the 20th indicated that this transfer would not take place if this bill was not enacted into law.

3. The amount noted in item #2, the 173 million dollars would be distributed as dividends to current annuitants in 1990 without further action by any governing body.

The Chair refers the membership to two earlier rulings on this subject, the first appears in the Journal of the Senate dated June 18, 1987 on pages 241 and 242. At that time a similar point was raised by the Senator from the 11th, Senator Davis in relation to the effective date of a transfer of funds. The Chair ruled that the effective date of the transfer of funds does not have an impact on the benefits of current annuitants, that logic prevails in this situation and therefore the point raised by the Senator in item #1 does not give reason to invoke the provisions of Article IV, Section 26 of the Constitution.

On October 21, 1987, Journal of the Senate Page 422 is published a written ruling of the Chair in which Senator from the 19th, Senator Ellis raised a point of order that AB 462 in accordance with Section 26, Article IV of the Constitution required a three-fourths majority vote for concurrence.

Points were raised in this case that are similar to those raised by the Senator from the 20th in items #2 and #3 above. Although the amounts are different, the issues involved in the transfer of funds are the same. As stated in this ruling, the Chair points out that these changes alone do not provide for an increase in benefits to current annuitants, although current law provides a vehicle for dividends to be paid to current annuitants. Without the current language in the statutes no dividend would be paid. Senate Bill 148 does not amend the current language providing for dividends to be paid to current annuitants.

The Chair is of the opinion that Senate Bill 148 in and of itself does not increase benefits for current annuitants or participants of the retirement fund who are no longer employed. Therefore, the Chair rules the point of order not well taken.

FRED A. RISSER
President

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 89-47

Relating to coverage by medical assistance of alcohol or other drug abuse day treatment services.

Submitted by Department of Health and Social Services.

Report received from agency, September 21, 1989.

Referred to committee on Agriculture, Health and Human Services, September 27, 1989.

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

Senate Clearinghouse Rule 89-100

Relating to nonprofit organization retailers.

No action taken.

Senate Clearinghouse Rule 89-49

Relating to the licensing of on track pari-mutuel wagering in Wisconsin.

No action taken.

Jerome Van Sistine
Chair

State of Wisconsin
Revisor of Statutes Bureau

October 1, 1989

To the Honorable the Legislature:

The following rules have been published and are effective:

Clearinghouse Rule 88- 69 effective October 1, 1989.
Clearinghouse Rule 88-190 effective October 1, 1989.
Clearinghouse Rule 88-203 effective October 1, 1989.
Clearinghouse Rule 88-208 effective October 1, 1989.
Clearinghouse Rule 89- 7 effective October 1, 1989.
Clearinghouse Rule 89- 21 effective October 1, 1989.
Clearinghouse Rule 89- 28 effective October 1, 1989.
Clearinghouse Rule 89- 34 effective October 1, 1989.
Clearinghouse Rule 89- 48 effective October 1, 1989.
Clearinghouse Rule 89- 59 effective October 1, 1989.

Sincerely,
GARY L. POULSON
Assistant Revisor

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

ENGROSSED 1989 Assembly Bill 146

1. Page 18, line 14: after "is" insert "required".