

Eighty-Ninth Regular Session

WEDNESDAY, January 17, 1990

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 409

Relating to interrupting telecommunications service in a crisis situation.

By Senators Te Winkle, Burke, Ulichny, Moen, Plewa, Van Sistine, Lecan and Kreul; cosponsored by Representatives Grobschmidt, Carpenter, Notestein, Baldus, Lorge, Lehman, Wimmer, Radtke, Huelsman, Musser, Turba, Lahn and Huber.

To committee on Science, Technology, Communications and Energy.

Senate Bill 410

Relating to making criminal complaints using facsimile machines.

By Senators Andrea, Burke, Buettner, Cowles, Roshell, Kreul, Ulichny and Plewa; cosponsored by Representatives Porter, Boyle, Ladwig, Lorge, Musser, Schneiders, Brandemuehl, Lehman, Van Dreel, Schmidt, Wood, Huelsman, R. Potter, Bolle, Goetsch, Fortis and Underheim.

To committee on Judiciary and Consumer Affairs.

Senate Bill 411

Relating to sale or possession of armor piercing ammunition and providing a penalty.

By Senators Andrea, Barrett, Burke, Roshell, Cowles, Czarnecki, Kreul, Ulichny, Plewa and Lorman; cosponsored by Representatives Krusick, Robson, Underheim, Goetsch, Fortis, R. Potter, Antaramian, Huelsman, Wood, Lehman, Hamilton, Krug, Ladwig, Stower, Carpenter, Notestein, Bock, Young, Tregoning, Schmidt and Boyle.

To committee on Judiciary and Consumer Affairs.

Senate Bill 412

Relating to escape from home detention.

By Senators Te Winkle, Burke, Ulichny, Plewa, Moen, Andrea, Lecan, Lorman, Buettner, Kreul and Roshell; cosponsored by Representatives Lautenschlager, Holperin, Grobschmidt, Huber, Holschbach, Lorge, Lehman, Wimmer, Radtke, Huelsman, Rosenzweig, Musser, Turba, Underheim, Goetsch, Zeuske, Brandemuehl, Schneiders and Rohan.

To committee on Judiciary and Consumer Affairs.

Senate Bill 413

Relating to various changes in procedures used by cities, villages and certain other local governmental units for immediate condemnation or razing of certain buildings, granting variances to the building code applicable in certain cities, payment and use of certain property insurance settlements on property located in a city, village or town, and granting rule-making authority.

By Senators Burke, Plewa, Ulichny, Van Sistine, Barrett, Czarnecki, George, Andrea, Chvala, Strohl, Te Winkle and Feingold; cosponsored by Representatives R. Potter, Bock, Fergus, Fortis, Kunicki, Notestein, Seery, Loftus, Hauke and Schneiders; by request of City of Milwaukee and the Mid-Town Neighborhood Association.

To committee on Housing, Government Operations and Cultural Affairs.

Senate Bill 414

Relating to publication of a comparison of certain insurance rates and notice of the publication.

By Senators Chvala, Strohl, Burke, Czarnecki, Lecan, Barrett, Ulichny and Jauch; cosponsored by Representatives Fortis, Barca, Van Dreel, Volk, Robson, Boyle, Notestein, Young, Holschbach, M. Coggs and Musser.

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

Senate Bill 415

Relating to attempted battery as a lesser included crime of sexual assault crimes.

By Senators Ulichny, Burke, Te Winkle, Lasee and Lorman; cosponsored by Representatives Lautenschlager, Huber, Young, Moore, Van Dreel, Hauke, Stower, Zeuske, Rohan, R. Potter, Lahn, Goetsch, Huelsman, Schmidt, Walling, Rosenzweig, Musser and Schneiders.

To committee on Judiciary and Consumer Affairs.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
January 16, 1990

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:

Frank Burdick January 12, 1990, 2645 W. Harlem St., Eau Claire WI 54701; (715)835-1131.

1) WI Education Assn. Council

Subjects:

2) WI Education Assn. Council Richard Collins, Pres.; 33 Nob Hill Dr., Madison WI 53713; (608)276-7711.

Subjects: Educational issues.

Thomas H. Coenen January 11, 1990, PO Box 6, McFarland WI 53558; (608)283-2588.

1) WI Advertising Assn. Thomas A. Derse; PO Box 826, Brookfield WI 53008; (414) 797-9006.
Subjects: Taxation, sign regulation, electrical codes, business development and tourism.

Gary T. Dilweg January 12, 1990, 4104 Lime Kiln Rd., Green Bay WI 54311; (414) 226-5982.

1) J. C. Meng Debra Van Dyke; 425 Pine St., PO Box 19010, Green Bay WI 54307-9010; (414)437-7601.
Subjects: BST labeling (SB146) and recycling (SB 300).

Tracy Ellingson January 8, 1990, 5209 Greenbriar Ln., Madison WI 53714; (608) 222-5450.

1) WI Grocers Assn. John H. Ellingson, Pres.; 802 W. Broadway, Ste. 203, Madison WI 53713; (608)222-4515.

Subjects: Issues affecting the retail grocery industry, i.e., packaging, labeling, wages, taxation, etc.

Thomas W. Harnisch January 12, 1990, 44 E. Mifflin St., #205, Madison WI 53703; (608)256-3986.

1) WI Utility Tax Assn. Thomas W. Harnisch; 44 E. Mifflin St., #205, Madison WI 53703; (608)256-3986.
Subjects: State budget and Public Service Commission issues.

Sybil H. Letzing January 8, 1990, 2 E. Mifflin St., Ste. 600, Madison WI 53703; (608)255-8891.

1) WI State Cranberry Growers Assn. Thomas Lochner; Wood County Bank, 181 2nd St., S., Wisconsin Rapids WI 54494; (715)423-2070.

Subjects: Any function or activity of any branch, department or phase of federal, state or local government; agriculture, outdoors or environment; taxation; regulation of business, finance or insurance; or other topics pertaining to the general public health or welfare.

Carl Otte January 10, 1990, 22 N. Carroll St., Madison WI 53703; (608) 251-5997.

1) Badger State Cemetery Assn. Tim Tysver; 3054 Hwy. BB, Madison WI 53704; (608)222-4335.

Subjects: Regulation and licensing, health and social services.

2) WI Fireworks Assn. Larry Cornellier; 105 Dearborn St., Beloit WI 53511; (815)389-2966.

Subjects: All matters relating to fireworks.

3) WI Urban Transit Assn. Paul Larrousse; 1101 E. Washington Ave., Madison WI 53703; (608)267-8780.

Subjects: Transportation.

Todd J. Rongstad January 12, 1990, %WI Farm Bureau Federation, 7010 Mineral Point Rd., Madison WI 53717; (608)833-8070.

1) WI Farm Bureau Federation Donald Haldeman, Pres.; 7010 Mineral Point Rd., Madison WI 53717; (608)833-8070.

Subjects: Agricultural related.

Betty M. Steve January 9, 1990, %WI State Council of Carpenters, 115 W. Main St., Madison WI 53703; (608)256-1206.

1) WI State Council of Carpenters Marshall Kuhnly, Pres.; 115 W. Main St., Madison WI 53703; (608)256-1206.

Subjects: Banking, consumer affairs, education, health, human rights, industry, insurance, regulation and licensing, social services, state government, trade and commerce, taxation, transportation, veterans, Board on Aging, Consumer Credit Review Board, Dept. of Employee Trust Funds, Employee Trust Funds Board, Group Insurance Board, Dept. of Employment Relations

Janet R. Swandby January 11, 1990, 1007 S. Layton Blvd., Milwaukee WI 53215; (414)672-0123.

1) WI Advertising Assn. Thomas A. Derse; PO Box 826, Brookfield WI 53008; (414) 797-9006.

Subjects: Taxation, sign regulation, electrical codes, business development and tourism.

2) WI Innkeepers Assn. Tom Coenen; 509 W. Wisconsin Ave., Milwaukee WI 53203; (414)271-2851.

Subjects: Taxation, tourism, commerce and consumer affairs, department of health and social services, state affairs.

George Williams January 12, 1990, 4620 W. North St., Milwaukee WI 53208; (414) 449-1146.

1) WI Education Assn. Council Richard Collins; 33 Nob Hill Dr., Madison WI 53713; (608)276-7711.

Subjects: Educational issues.

TERMINATION OF LOBBYIST LICENSES:

Bill Broydrick terminated as of January 9, 1990 for Miller Brewing Co.

Cynthia K. Broydrick terminated as of January 9, 1990 for Miller Brewing Co.

M. William Gerrard terminated as of January 12, 1990 for First Bank System.

Barry McNulty terminated as of January 9, 1990 for Miller Brewing Co.

JoAnna Richard terminated as of January 9, 1990 for Miller Brewing Co.

Burton A. Wagner terminated as of January 12, 1990 for We Care Nursing Services, Inc.

James W. Wahner terminated as of January 8, 1990 for WI Council of Administrators of Special Education.

TERMINATION OF PRINCIPALS:

First Bank System, Inc. terminated as of January 12, 1990.

International Franchise Assn. terminated as of January 8, 1990 .

We Care Nursing Services, Inc. terminated as of January 12, 1990.

JOURNAL OF THE SENATE [January 17, 1990]

PRINCIPALS STRICKEN FROM RECORD:

PRINCIPAL: Distilled Spirits Council of the United States, Inc.

DATE: January 5, 1990

PRINCIPAL: City of Franklin

DATE: January 5, 1990

PRINCIPAL: Rubidell Recreation, Inc.

DATE: January 5, 1990

PRINCIPAL: Madison National Life Insurance Co., Inc.

DATE: January 11, 1990

PRINCIPAL: Motion Picture Assn. of America

DATE: January 9, 1990

PRINCIPAL: WI Driver & Traffic Safety Education Assn.

DATE: January 5, 1990

PRINCIPAL: WI Independent Pharmacists Assn.,

SC

DATE: January 5, 1990

PRINCIPAL: WI Recreational Properties

DATE: January 5, 1990

Sincerely,

DOUGLAS LAFOLLETTE

Secretary of State

State of Wisconsin

Department of Health and Social Services

December 31, 1989

To the Honorable the Legislature:

Section 89 of the Wisconsin Act 413 of 1988 directs the Department of Health and Social Services, upon consultation with the Council on Pilot Projects for the Uninsured, to submit a progress report on the State Health Insurance Program pilots for distribution to the appropriate standing committees of each house of the Legislature.

The attached report describes the progress the Department has made in planning and implementing the State Health Insurance Program pilot projects. It briefly summarizes previous and current legislation, lists the Department's responsibilities for reporting, enumerates pilot implementation activities, and provides an update on the emergency and permanent rule processes.

There are three pilots to be implemented under the legislation. The "Non-Insuring Firm" pilot started in Outagamie County in February, 1989, the "Insuring Firm" pilot started in Portage County in October, 1989 and Rock County in November, 1989, and the "Health Care Coverage Pilot" is scheduled for start-up in Milwaukee in January, 1990.

On January 1, 1991 the Department will submit a final report. This final report will evaluate the pilots and provide guidance to the Legislature on a program to be implemented statewide.

Sincerely,

PATRICIA A. GOODRICH

Secretary

Referred to committee on Agriculture, Corrections, Health and Human Services.

State of Wisconsin

Department of Health and Social Services

January 12, 1990

To the Honorable the Legislature:

Pursuant to the requirements of sections 153.10(1), Wis. Stats., I am pleased to submit to the Senate this second quarterly *Health Care Data Report*. Like the initial quarterly report, this report includes data based on hospital inpatient discharges reported to the Office of Health Care Information by all operating general medical-surgical and specialty hospitals in Wisconsin for the second quarter of 1989 (*April-June 1989*).

This report fulfills the statutory requirement to report "in a manner that permits comparisons among hospitals ... the charges for up to 100 health care services or diagnostic-related groups selected by the office." The report goes beyond the statutory requirements by presenting several analyses of the Wisconsin hospital picture by distributions of patient discharges based on age, sex, source of hospital reimbursement and length of stay. The average charges per patient discharged by diagnostic-related groups are also compared by health service area and by hospital volume group.

In accordance with section 153.05(11), Wis. Stats., the Office conducted public hearings on the first quarterly *Health Care Data Report* on November 30, 1989 in Appleton, December 1, 1989 in Eau Claire, and December 4, 1989 in Madison. I am pleased to report that comments were highly positive. Several suggestions have already been incorporated in this edition.

I am pleased to inform you that I have accepted an appointment by Patricia A. Goodrich, Secretary of the Department of Health and Social Services, as Administrator of the department's newly created Division of Youth Services effective January 16. Secretary Goodrich recently announced her appointment of R. Nicholas Trane II to succeed me on that date. I hope that you will extend the same courtesies to Mr. Trane as have been extended to me. I wish to express my sincere appreciation to Senator Rod Moen, the Senate Committee on Agriculture, Corrections, Health and Social Services, and to all Wisconsin hospitals for the cooperation that has been extended to me these past 18 months.

Printed copies of this report are available from the office. Please contact our office should you, any members of the Senate or staff have any questions. Our office stands ready to assist you in any way possible.

Sincerely,

DAVID L. F. DUAX

Director

Office of Health Care
Information

State of Wisconsin
Office of the Commissioner of Insurance
January 2, 1990

To the Honorable the Legislature:

RE: Underground Petroleum Storage Tank Study

Enclosed is the "Underground Petroleum Storage Tank System Insurance Study", required by SECTION 3029 nonstatutory provisions; Insurance (2p), 1989 Wisconsin Act 31.

Please contact me if you wish to comment on the report or further discuss the issue.

Sincerely,
ROBERT D. HAASE
Commissioner

State of Wisconsin
Legislative Audit Bureau
January 10, 1990

To the Honorable the Legislature:

We have completed a fiscal and compliance audit of the Office of the State Public Defender to satisfy our responsibilities under s. 13.94, Wis. Stats. We reviewed the Office's fiscal operations and administrative activities. We also reviewed the Office's automated case management system, which the Office established in 1985 as required by statute.

The Office has taken steps in recent years to improve its operations. However, we believe the Office has not adequately ensured the reliability and usefulness of the case management system as a management tool. Due to difficulties in maintaining the original case management system, the Office needed to modify the system, which it completed in October, 1989. While the modified system is an improvement over the original one, the Office needs to adequately oversee and promote its effective use.

The Office also needs to improve its procedures to ensure private attorneys are properly certified and assigned to cases. We also identified and recommended several minor improvements in the Office's fiscal operations, which we further discuss in a management letter to the State Public Defender.

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

Sincerely,
DALE CATTANACH
State Auditor

State of Wisconsin
Legislative Audit Bureau
January 10, 1990

To the Honorable the Legislature:

Chapter 314, Laws of 1979, established a preference for American-made materials, supplies and equipment in

state purchasing. Section 13.94(1)(1), Wis. Stats., requires the Legislative Audit Bureau to biennially monitor and review state purchasing procedures established to implement the American preference, and also to report to the Joint Legislative Audit Committee concerning the extent to which state departments, boards, commissions and independent agencies are purchasing materials, supplies or equipment manufactured outside of the United States.

In prior reviews we reported on the difficulties encountered in applying the law, in part because the criteria for exercising a preference are relatively narrow. It now appears little is done to comply with the law because the bid packages prepared by state agencies do not routinely indicate that preference should be given to American products. During the 1987-89 biennium, we were able to identify that only one preference was exercised in a contract award for road salt amounting to \$23,000. We suggest the Department of Administration either improve the administration of the program by disclosing in bid packages that a preference will be given to American products, or initiate legislation to have it repealed.

As in our previous reviews, we were unable to determine the amount of foreign purchasing due to incomplete data concerning the origin of products purchased.

We appreciate the courtesy and cooperation we received from the Department of Administration and other state agencies. The Department's response is the Appendix.

Sincerely,
DALE CATTANACH
State Auditor

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
January 2, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CHARLES KUEHN of Green Bay, as Chairman of the Wisconsin Parole Commission pursuant to the statute governing, to serve for the term ending March 1, 1991.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Judiciary and Consumer Affairs.

State of Wisconsin
Office of the Governor
January 4, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ERVIN CONRADT

of Shiocton, as Commissioner, Office of the Commissioner of Transportation pursuant to the statute governing, to serve for the term ending March 1, 1995.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Transportation, Conservation and Mining.

State of Wisconsin
Office of the Governor

January 8, 1990

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILL JR. HUDSON of Wauwatosa, as a member of the Optometry Examining Board pursuant to the statute governing, to serve for the interim term ending July 1, 1992.

Respectfully,
TOMMY THOMPSON
Governor

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

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 89-185

Relating to science, mathematics and technology education grants.

Submitted by Department of Public Instruction.

Report received from agency, January 16, 1990.

Referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies, January 17, 1990.

Senate Clearinghouse Rule 88-201

Relating to smoke detectors.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, January 16, 1990.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, January 17, 1990.

Senate Clearinghouse Rule 89-167

Relating to life-safety requirements for schools constructed between January 1, 1930 and January 1, 1950.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, January 16, 1990.

Referred to committee on Labor, Business, Insurance, Veterans' and Military Affairs, January 17, 1990.

Senate Clearinghouse Rule 89-64

Relating to Wisconsin pollutant discharge elimination system regulations.

Submitted by Department of Natural Resources.

Report received from agency, January 11, 1990.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, January 17, 1990.

Senate Clearinghouse Rule 89-65

Relating to effluent limitations and pretreatment standards for the pharmaceutical manufacturing industry.

Submitted by Department of Natural Resources.

Report received from agency, January 11, 1990.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, January 17, 1990.

Senate Clearinghouse Rule 89-66

Relating to effluent limitations and pretreatment standards for the electrical and electronic components industry.

Submitted by Department of Natural Resources.

Report received from agency, January 11, 1990.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, January 17, 1990.

Senate Clearinghouse Rule 89-67

Relating to effluent limitations and pretreatment standards for the inorganic chemicals manufacturing industry.

Submitted by Department of Natural Resources.

Report received from agency, January 11, 1990.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, January 17, 1990.

Senate Clearinghouse Rule 89-68

Relating to effluent limitations and pretreatment standards for the nonferrous metals forming and metal powders industry.

Submitted by Department of Natural Resources.

Report received from agency, January 11, 1990.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, January 17, 1990.

Senate Clearinghouse Rule 89-69

Relating to effluent limitations and pretreatment standards for the nonferrous metals manufacturing industry.

Submitted by Department of Natural Resources.

Report received from agency, January 11, 1990.

Referred to committee on Urban Affairs, Environmental Resources, Utilities and Elections, January 17, 1990.

Senate Clearinghouse Rule 89-138

Relating to schools constructed prior to 1930.

Submitted by Department of Industry, Labor and Human Relations.

Withdrawn by agency, January 16, 1990.

The committee on Transportation, Conservation and Mining reports and recommends:

Senate Clearinghouse Rule 88-175

Relating to fish, fur and game seals and exemption from permit and marking of endangered species.
No action taken.

Senate Clearinghouse Rule 89-137

Relating to Chippewa Indian treaty hunting, trapping and gathering rights.
No action taken.

Senate Clearinghouse Rule 89-74

Relating to point values for speeding violations, reducing a driver's point totals and suspensions and revocations based on accumulated points in a given period.
No action taken.

Senate Clearinghouse Rule 89-166

Relating to the transportation facilities economic assistance and development program.
No action taken.

Lloyd Kincaid
Chair

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

Senate Clearinghouse Rule 89-153

Relating to the grants to schools for preschool through grade 5 programs.
No action taken.

Barbara Ulichny
Chair

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

Senate Clearinghouse Rule 89-160

Relating to animal racing, pari-mutuel wagering, licensing, humane treatment of animals and appeals of decisions of the Wisconsin racing board.

Review period waived:

Ayes, 7 -- Senators Van Sistine, Roshell, Kincaid, Plewa, Te Winkle, Rude and Farrow;
Noes, 0 -- None.

Jerome Van Sistine
Chair

The committee on Urban Affairs, Environmental Resources, Utilities and Elections reports and recommends:

Senate Clearinghouse Rule 89-76

Relating to the establishment of a general permit program for certain water regulation activities.
No action taken.

Senate Clearinghouse Rule 89-131

Relating to the possession and consumption of intoxicating liquor or fermented malt beverages on Department of Natural Resources public access site to waters.

No action taken.

Fred A. Risser
Chair

AMENDMENTS OFFERED

Senate amendments 1 and 2 to **Senate Bill 317** offered by Senator Ellis.