

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Wednesday, February 6, 1991

The Senate met.

The Senate was called to order by Fred A. Risser, President of the Senate.

The Chair, with unanimous consent, asked that the calling of the roll be dispensed with.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 13

For the purpose of requesting appropriate action by the congress, either acting by consent of two-thirds of both houses, or, upon the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the federal constitution to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

By Senators Roshell and Kreul; cosponsored by Representatives Van Gorden, Porter, Silbaugh, Schneiders, Hahn and Welch.

To committee on Aging, Banking, Communications and Taxation.

Senate Joint Resolution 14

Relating to declaring the English language to be this state's official language (first consideration).

By Senators Roshell, Andrea, Kreul and Huelsman; cosponsored by Representatives Van Gorden, Vergeront, Ladwig, Goetsch, Lehman, Porter, Brancel, Underheim and Zien.

Read first time and referred to committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

Senate Joint Resolution 15

Providing for an advisory referendum on the question of enacting the death penalty in this state.

By Senators Roshell, Andrea, Breske, Huelsman, Lasee and Buettner; cosponsored by Representatives Van Gorden, Coleman, Ladwig, Foti, Lehman, Musser, Porter, Radtke, Silbaugh, Brandemuehl, Underheim and Zien.

To committee on Judiciary and Consumer Affairs.

Senate Joint Resolution 16

For the purpose of requesting appropriate action by the congress to propose an amendment to the U.S. constitution prohibiting the physical desecration of the flag of the United States.

By Senators Roshell, Van Sistine, Breske, Moen, Andrea, Farrow, Kreul, Huelsman, Stitt, Lasee, Petak, Ellis, Weeden and Buettner; cosponsored by

Representatives Musser, Wood, Bolle, Stower, Gronemus, Hamilton, Vanderperren, Vander Loop, Ladwig, Lehman, Van Gorden, Duff, Vergeront, Urban, Porter, Gard, Brancel, Wimmer, Brandemuehl, Schneiders, Radtke, Turba, Kaufert, Nass, Ainsworth, Silbaugh, Klusman, Zien and Lorge.

To committee on Judiciary and Consumer Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 36

Relating to aid for certain 18-year-old high school students.

By Senators Rude, Buettner and Lorman; cosponsored by Representatives Medinger, Schultz, Roberts, Musser, Williams, Stower, Young, Silbaugh, Brandemuehl, Hamilton, Bock, Fortis, Zien and Boyle.

To committee on Agriculture, Corrections, Health and Human Services.

Senate Bill 37

Relating to political contributions to members of the legislature or personal campaign or support committees of members during legislature floorperiods and extraordinary or special sessions.

By Senators Cowles, Buettner and Berndt; cosponsored by Representatives Black, Ainsworth, Vander Loop, Harsdorf, Klusman, Rosenzweig, Duff, Lehman, Ladwig, Underheim, Zien and Vrakas.

To committee on Judiciary and Consumer Affairs.

Senate Bill 38

Relating to submission of state agency budget requests using the principles of zero-based budgeting.

By Senators Roshell, Breske, Kreul, Huelsman, Lasee, Buettner and Rude; cosponsored by Representatives Hamilton, Baldus, Barca, Coleman, Goetsch, Van Gorden, Urban, Musser, Radtke, Brancel, Schneiders, Turba, Klusman and Zien.

To joint committee on Finance.

Senate Bill 39

Relating to stopping payment on checks and providing a penalty.

By Senators Roshell, Andrea, Breske and Kreul; cosponsored by Representatives Baldus, Goetsch, Lehman, Van Gorden, Hahn and Zien.

To committee on Judiciary and Consumer Affairs.

Senate Bill 40

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

By Senators Roshell, Ulichny, Andrea, Breske, Kreul, Huelsman and Lasee; cosponsored by Representatives Vanderperren, Goetsch, Foti, Lehman, Van Gorden, Hasenohrl, Porter, Radtke, Silbaugh, Brancel, Brandemuehl, Schneiders, Turba and Zien.

To committee on Judiciary and Consumer Affairs.

Senate Bill 41

Relating to a sales tax and use tax exemption for bottled water.

By Senators Roshell, Helbach, Kreul and Lasee; cosponsored by Representative Hahn.

To Joint Survey committee on Tax Exemptions.

Senate Bill 42

Relating to proof of financial responsibility by electric cooperatives that own or operate solid or hazardous waste disposal facilities.

By Senators Roshell, Rude, Moen and Kreul; cosponsored by Representatives Medinger, Johnsrud, Roberts and Schultz.

To committee on Transportation and Utilities.

Senate Bill 43

Relating to counties' share of the real estate transfer fee.

By Senators Roshell, Van Sistine, Andrea, Breske, Kreul, Lasee, Lorman and Buettner; cosponsored by Representatives Hamilton, Coleman, Van Gorden, Musser and Porter.

To committee on Aging, Banking, Communications and Taxation.

Senate Bill 44

Relating to providing a penalty of either death or life imprisonment for certain kinds of first-degree intentional homicides, affecting parole eligibility and granting rule-making authority.

By Senators Roshell, Breske, Huelsman and Lasee; cosponsored by Representatives Van Gorden, Coleman, Porter and Zien.

To committee on Judiciary and Consumer Affairs.

Senate Bill 45

Relating to the format for state agency budget requests and information contained in the biennial state budget report.

By Senator Roshell, Kreul and Buettner; cosponsored by Representatives Hamilton, Baldus, Coleman, Van Gorden, Musser, Duff, Schneiders, Turba and Zien.

To joint committee on Finance.

impact of Wisconsin Energy Corporation on its public utility affiliates, Wisconsin Electric Power Company and Wisconsin Natural Gas Company, as well as the nature of the business of each nonutility affiliate.

We have also attached copies of our 1989 and 1990 audit reports on Wisconsin Energy Corporation. The overall purpose of these audits was to review the operations of Wisconsin Energy Corporation and affiliated transactions for compliance with 1985 Wisconsin Act 79.

Finally, we have included as an attachment, a report to the Public Service Commission of Wisconsin on the activities of Wisconsin Energy Corporation. This report submitted by Wisconsin Energy Corporation discusses the activities of its nonutility subsidiaries as well as summarizes how Wisconsin Energy Corporation has met the objective established in the approval of its formation by the Commission.

If you have any questions or would like to meet to discuss the report, please feel free to contact me at (608) 267-7897.

Sincerely,
Charles H. Thompson
Chairman

State of Wisconsin
Legislative Audit Bureau

February 5, 1991

To the Honorable the Legislature:

We have completed a limited review of the University of Wisconsin-Madison's policies and reporting requirements pertaining to faculty and academic staff outside activities and interests, as requested by the Joint Legislative Audit Committee.

To identify and avoid potential conflicts of interest, every faculty member and academic staff person engaged in specific outside activities and outside interests must annually report this information to his or her dean and the Vice Chancellor for Academic Affairs. We found that 924 faculty and academic staff filed outside activities and interest forms for 1989, which is 13 percent of the estimated 6,872 full- and part-time unclassified staff employed by UW-Madison in 1989.

The available data indicate that in 1989 most faculty and academic staff who engaged in outside activities spent two weeks or less on these activities. However, an estimated 195 faculty and academic staff reported at least one source of outside income which paid staff over \$5,000, and an estimated 115 reported spending more than five weeks on outside activities. Our report includes a summary of other information collected on the reporting forms.

We identify several instances in which uniform policies are needed to clarify reporting requirements and address inconsistencies among the schools on the UW-Madison campus, and we note other information the University may want to collect in order to better assess

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Public Service Commission

January 31, 1991

To the Honorable the Legislature:

In accordance with s. 196.795(7)(ar), Wis. Stats., we submit the attached report to the Legislature regarding Wisconsin Energy Corporation. The report discusses the

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whether conflicts may exist. These matters can be addressed in the outside activities and interests reporting guidelines UW-Madison faculty and administrators are developing and expect to issue in the near future.

We appreciate the assistance provided by UW-Madison staff in completing this review.

Sincerely,
Dale Cattanach
State Auditor

State of Wisconsin
Department of Justice

January 15, 1991

To the Honorable the Legislature:

Section 165.90 Statutes requires that you receive an annual report of the progress of county-tribal law enforcement programs which are funded under this section. Please accept this letter as the report for 1990.

The county-tribal law enforcement program was significantly amended in 1989 with the passage of the 1989-91 budget bill. Modifications to the program were: changing application and annual reporting dates to December 1, instead of September 15; removing a funding limit of \$20,000; and establishing criteria to make funding more competitive. Three factors were established for evaluations of grant requests. (1) the population of reservation area to be served; (2) the complexity of law enforcement problems to be met by a proposal; (3) and, the range of services in a proposal.

Requests were received for \$671,752 against \$472,300 of funding resources. In response, we set as a first priority the stability of programs. Therefore, none of the grantees received less in 1990 than in 1989, and funding was approved at levels which can be sustained if not improved for many years. Following is a summary of awards for 1990:

1990 COUNTY-TRIBAL LAW ENFORCEMENT FUNDING

County and Tribe	Tribal Population	Award
Ashland Bad River Band of Chippewa	1500	\$26,000
Bayfield Red Cliff Band of Chippewa	1471	\$50,000
Burnett St. Croix Band of Chippewa		\$28,000
Forest Mole Lake Band of Chippewa Forest County Potawatomi	873	\$46,000
Jackson Wisconsin Winnebago Tribe	489	\$30,000
Juneau Wisconsin Winnebago Tribe		\$20,000
Monroe Wisconsin Winnebago Tribe		\$20,000

Polk St. Croix Band of Chippewa		\$20,000
Sauk Wisconsin Winnebago Tribe		\$20,299
Shawano Stockbridge Munsee Tribe	846	\$45,000
Vilas Lac du Flambeau Band of Chippewa	1100	\$80,000
Wood Wisconsin Winnebago Tribe		\$20,000
Total:		\$405,299

Native American populations in Burnett, Juneau, Monroe, Polk, Sauk and Wood counties are small, running from less than 100 to no more than 300 people.

The funding plan for 1990 included a \$60,000 grant for a program in Sawyer County, but the application was not approved by county and tribal officials.

RANGE OF PROJECTS PROVIDED THROUGH COUNTY-TRIBAL LAW ENFORCEMENT PROGRAM

- Provide additional patrol by sheriff's deputies
- Provide full-time tribal police deputized by sheriffs
- Neighborhood watch programs
- Community workshops
- Provide criminal investigations
- Provide cultural sensitivity training for officers
- Child safety programs
- Safe lighting for public housing area
- Provide compensation for housing of inmates
- Provide special enforcement for domestic abuse problems

The major significance of expanded funding and modified criteria for evaluating grants will be the increased employment of full-time officers in tribal areas. During 1990, officers were employed in Bayfield, Shawano and Vilas counties. In 1991, they will also be employed in Ashland, Forest and Sawyer counties.

Despite problems which linger from the spearfishing and treaty rights controversy, the county-tribal law enforcement program is making good progress. It is moving in the exact direction intended by the legislature when it amended Section 165.90 Stats., to broaden the scope of the program.

Sincerely,
Dennis Hanson, Director
Training and Standards Bureau

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 89-149

Relating to establishing safety requirements for motor bus equipment and operation and providing for annual motor bus safety inspections.

Submitted by Department of Transportation.

Report received from agency, February 5, 1991.

Referred to committee on Transportation and Utilities, February 6, 1991.

Senate Clearinghouse Rule 90-128

Relating to the apportionment method of determining Wisconsin net income for franchise and income tax purposes.

Submitted by Department of Revenue.

Report received from agency, February 5, 1991.

Referred to committee on Aging, Banking, Communications and Taxation, February 6, 1991.

Senate Clearinghouse Rule 90-141

Relating to soil evaluation procedures.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, February 6, 1991.

Referred to committee on Urban Affairs, Environmental Resources and Elections, February 6, 1991.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 7

Assembly Joint Resolution 13

Concurred in:

Senate Joint Resolution 9

Senate Joint Resolution 10

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 7

Relating to housing of primary benefit to persons of low or moderate income (2nd consideration).

By Representatives Gruszynski, Potter, Stower, S. Coggs, Seery, Black, Hamilton, Musser, Lautenschlager, Antaramian, Fortis, Travis, M. Coggs, Young, Carpenter, Medinger, Van Dreel, Vander Loop, Baldus, Roberts, Rohan, Plache, Boyle, Notestein, Wineke, Hauke, Hisrich, Turner, Darling, Moore and Hasenohrl, cosponsored by Senators Feingold, Helbach, Rude, Moen, Barrett, Buettner, Breske and Burke.

Read first time and referred to committee on Housing, Government Operations and Cultural Affairs.

Assembly Joint Resolution 13

Relating to the life and public service of Henry Berquist.

By Representative Holperin, cosponsored by Senator Breske.

Read and referred to committee on Senate Organization.