

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Tuesday, April 23, 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 BILLS

Read first time and referred:

**Senate Bill 167**

Relating to accommodating a student's religious beliefs and granting rule-making authority.

By Senators Chvala, Barrett, Jauch, Ulichny, Potter and Lorman; cosponsored by Representatives Barca, Fortis, Notestein, Prosser, Bock, Gruszynski, Black, Carpenter, Vergeront, Stower, Hasenohrl, Huber, S. Coggs, Robson, Lautenschlager, Hisrich, Baldus and Underheim.

To committee on Higher Education.

**Senate Bill 168**

Relating to alternative compliance with various school district requirements and granting rule-making authority.

By Senators Ulichny, Roshell, Llean, Weeden, Huelsman, Czarnecki and Berndt; cosponsored by Representatives Rohan, Duff, Fortis, Stower, Loucks, Holperin, Darling, Gruszynski, Wood, Welch, Ourada, Schwartz, Hamilton, Urban, Turba, Prosser and Moore.

To committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

**Senate Bill 169**

Relating to membership of the board of regents of the university of Wisconsin system and the board of vocational, technical and adult education.

By Senator Potter; cosponsored by Representative Gruszynski.

To committee on Higher Education.

**Senate Bill 170**

Relating to allowing the department of industry, labor and human relations to certify sign electricians, allowing municipalities to issue sign electrician licenses and granting rule-making authority.

By Senators Roshell, Rude, Huelsman, Llean and Cowles; cosponsored by Representatives Medinger, Hauke, Gard, Ourada, Coleman, Urban, Roberts, Brancel, Porter, Clarenbach, Travis and Swoboda.

To committee on Tourism, Commerce, Labor, Veterans' and Military Affairs.

**Senate Bill 171**

Relating to preference categories for special deer hunting permits.

By Senators Lorman and Lasee; cosponsored by Representatives Lehman, Hahn and Silbaugh.

To committee on Urban Affairs, Environmental Resources and Elections.

**Senate Bill 172**

Relating to requiring children to be enrolled in school before they may be issued an operator's license or instruction permit and revoking the motor vehicle operating privilege of school dropouts.

By Senators Lorman and Farrow; cosponsored by Representatives Schneiders, Hahn, Duff, Vergeront, Loucks, Urban, Radtke, Zien, Ainsworth, Ott and Klusman.

To committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

**Senate Bill 173**

Relating to basic local exchange service offered by telecommunications utilities.

By Senators Chvala, Barrett, Jauch, Risser, Ulichny and Burke; cosponsored by Representatives Barca, Harsdorf, Seery, Travis, Hinkfuss, Potter, Hisrich, Robson, Cullen, Fortis, Vander Loop, Gruszynski, Antaramian, S. Coggs, Carpenter, Lautenschlager, Van Dreel, Black, Reynolds and Turner.

To committee on Aging, Banking, Communications and Taxation.

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor

April 19, 1991

To the Honorable, the Senate:

I am vetoing **Senate Bill 14** in its entirety. This bill would prohibit the Department of Natural Resources from issuing air pollution control permits or licenses for the construction of most medical waste incinerators anywhere in the state until after July 1, 1995.

While attempting to address the concerns of some citizens, the proposed moratorium would compound an already long and thorough permitting process and delay the implementation of improved methods of disposing of medical waste. The experience of the incinerator Boiler Corporation of America (IBCA) is illustrative in this regard.

In May of 1989 IBCA applied for and received a conditional use permit from Jefferson County for the construction of a medical waste incinerator in Ixonia, Wisconsin. The company also applied to DNR for an air pollution control permit. In accordance with rules and procedures established to safeguard the health of Wisconsin residents. DNR held a public hearing on the request in July 1989. After reviewing the results of the permit application and public hearing, DNR determined that an environmental assessment was not required and issued a permit in August 1989. The permit was challenged on procedural grounds.

In November 1989 IBCA voluntarily agreed to go through the entire process once again, this time incorporating an environmental assessment to address concerns expressed by residents in the area. Another public hearing was held in January 1990, followed by another public comment period. In response to public input during this time period, DNR chose to supplement the environmental assessment with a health risk assessment conducted by an outside contractor, PACE Laboratories, Inc. In June 1990, as part of the health risk assessment, the contractor requested further public input. After completion and evaluation of the health risk assessment study, a public information session was held in December 1990 to explain the results. Since the conclusion of the second evaluation process, DNR has been evaluating the research done and the results of the environmental and health risk assessments.

In sum, it took the company nearly two years after the first permit application to obtain a permit for a medical waste incinerator that meets all established environmental criteria and presents no known health or environmental hazard. In the meantime, numerous Wisconsin hospitals have signed contracts with IBCA and are depending on the Ixonia facility to handle their medical waste. This delay and uncertainty is a major disincentive for firms to do business in Wisconsin.

Wisconsin is already a leader in safeguarding the air we breathe and those safeguards are being strengthened even now. Wisconsin Administrative Rule NR 445 requires substantial technical improvements designed to reduce air toxics emissions from existing medical waste incinerators. These regulations, which require compliance by April 1, 1992, affect approximately 160 existing incinerators in the state. DNR estimates that one-half of the affected operators will comply by terminating their incineration operations. As incinerators are shut down, hospitals and other medical care providers will be forced to seek alternative means of disposal, typically at higher costs - both financially and environmentally. A moratorium would contribute to a long-term shortage of medical waste disposal capacity in Wisconsin, pushing costs even higher. In all likelihood, these cost increases will be passed on to health care consumers in the form of higher rates, compounding health care cost increases already faced by Wisconsin workers and businesses. This is unacceptable.

If the proposed facility in Ixonia is prevented from operating, the resulting capacity shortage will intensify pressure to expand operations at existing incinerators, including the Medigen facility in Kenosha. This will only serve to compound community concerns over the size of those facilities.

SB 14 created a serious inconsistency by discouraging the very firms which the state depends upon to help meet our strengthened air toxics emission standards. We cannot expect private firms to bear the financial risk of designing and building advanced disposal facilities if those plans are to be frustrated even after they have complied with the most stringent of environmental standards. In general, the legislature should not act to shut down businesses which have not only met existing environmental standards but are also essential to meeting future environmental regulations.

I understand and share the legitimate concern of Wisconsin citizens over the growing amount of medical waste being generated in the state. In an effort to permit those concerns to be fully addressed, IBCA, at my request, has agreed to delay medical waste incineration at the proposed Ixonia site until April 1, 1993. During this voluntary waiting period, I urge citizens, along with members of the Legislature to work with DNR staff to conduct a comprehensive review of all regulations and procedures related to medical waste disposal in Wisconsin. Should this process determine that changes to current regulations and procedures are desirable, those changes will be considered after this review. In the meantime, the state must abide by established rules and procedures.

Respectfully,  
TOMMY G. THOMPSON  
Governor  
State of Wisconsin  
Office of the Governor

April 23, 1991

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
121-----	10-----	April 22, 1991

Respectfully,  
TOMMY G. THOMPSON  
Governor  
State of Wisconsin  
Office of the Governor

April 8, 1991

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHN R. HOFMANN of Green Bay, as a member of the

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Pharmacy Examining Board pursuant to the statute governing, to serve for the term ending July 1, 1995.

Respectfully,  
Tommy Thompson  
Governor

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

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SENATE CLEARINGHOUSE ORDERS

**Senate Clearinghouse Rule 90-138**

Relating to registration of warehouses in the city of Superior.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency, April 22, 1991.

Referred to committee on Agriculture, Corrections, Health and Human Services, April 23, 1991.

**Senate Clearinghouse Rule 90-187**

Relating to subfields and granting limited plumbing permits.

Submitted by Department of Regulation and Licensing.

Report received from agency, April 18, 1991.

Referred to committee on Housing, Government Operations and Cultural Affairs, April 23, 1991.

**Senate Clearinghouse Rule 90-258**

Relating to overtime exemptions for state and local governments.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, April 22, 1991.

Referred to committee on Tourism, Commerce, Labor, Veterans' and Military Affairs, April 23, 1991.

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CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 14.**

**Senate Bill 121.**

Correctly enrolled and presented to the Governor on April 19, 1991.

Senator Risser, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, April 25.  
10:02 A.M.