

Ninetieth Regular Session

WEDNESDAY, November 27, 1991

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

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 394

Relating to public access to records of the names of applicants for public offices or employment and the material submitted by such applicants.

By Senator Potter; cosponsored by Representative Baumgart.

To committee on Judiciary and Consumer Affairs.

Senate Bill 395

Relating to exempting certain patient health care records from transfer to the state historical society.

By Senators Moen, Plewa, Breske, Huelsman, Decker, Lorman and Petak; cosponsored by Representatives Hisrich, Reynolds, Stower, Urban, Gronemus, Boyle, Panzer and Moore.

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

Senate Bill 396

Relating to certain information on voluntary physician acceptance of assignment.

By Senators Moen, Huelsman and Lorman; cosponsored by Representatives Bock, Robson, Roberts, Lautenschlager, Hisrich, Gronemus and Holperin.

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

Senate Bill 397

Relating to solicitation of funds for charitable purposes, granting rule-making authority and providing penalties.

By Senators Chvala, Barrett, Breske and Leean; cosponsored by Representatives Young, Loucks, Wineke, Bolle, Moore, Schneiders, Musser and Johnsrud.

To committee on Judiciary and Consumer Affairs.

Senate Bill 398

Relating to stalking and providing penalties.

By Senators Farrow, Rude, Berndt, Lasee and Buettner; cosponsored by Representatives Ourada, Robson, Panzer, Rosenzweig, Rohan, Huber, Medinger, Klusman, Boyle, Van Gorden, Ladwig, Ainsworth, Bolle, Brandemuehl, Freese, Ott, Musser, Lorge, Goetsch, Silbaugh and Radtke.

To committee on Judiciary and Consumer Affairs.

Senate Bill 399

Relating to prohibiting insurers from using data obtained in the course of an auto emission inspection to set auto insurance rates.

By Senators Plewa, Burke, Cowles, Lorman and Farrow; cosponsored by Representatives Notestein,

Grobschmidt, Carpenter, Barca, Moore, Bolle, Gronemus, Krug, Darling, Urban, Goetsch and Lehman.

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

Senate Bill 400

Relating to selection of officers of county political party committees and members of congressional district political party committees.

By Senator Plewa; cosponsored by Representatives Potter, Gronemus and Hahn.

To committee on Urban Affairs, Environmental Resources and Elections.

Senate Bill 401

Relating to duties of the regional transportation authority concerning public transit security.

By Senators Burke, Barrett, Czarnecki, Petak, Plewa and Ulichny; cosponsored by Representatives Moore, Notestein, Darling, S. Coggs, Seery, Krug, Turner, Plache, M. Coggs, Bock, Young and Grobschmidt.

To committee on Transportation and Utilities.

Senate Bill 402

Relating to placing criminal defendants with volunteers in probation programs.

By Senators Buettner, Adelman, Risser and Huelsman; cosponsored by Representatives Young, Goetsch, Stower and Deininger.

To committee on Judiciary and Consumer Affairs.

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Public Instruction

November 21, 1991

To the Honorable the Legislature:

As required by Wis. Stat. 119.23, enclosed for distribution to the appropriate standing committees is the first year report of the Milwaukee Parental Choice Program. Prepared by John Witte, professor with The Robert M. La Follette Institute of Public Affairs and the Department of Political Science, University of Wisconsin-Madison, the report is comprehensive, pointing out both positive and negative aspects of the program. Witte suggests that one year is too short of a period to evaluate this program and recommends that the program be continued for at least several years to provide for a more adequate evaluation. However, he calls for a number of safeguards even with its being continued on the limited bases. He also acknowledges that this one program does not offer the solution to the Milwaukee problem.

Professor Witte's recommendation to provide safeguard within the program are not surprising. They are similar to the concerns I raised about the program from the beginning. More accountability is needed to

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assure that these children are receiving an adequate education.

I continue to oppose this program and believe this report provides evidence that a private choice program is not the answer.

Sincerely,
Herbert J. Grover
State Superintendent

Referred to the committee on Education, Economic Development, Financial Institutions and Fiscal Policies.

State of Wisconsin
Legislative Audit Bureau

November 21, 1991

To the Honorable the Legislature:

We have completed an evaluation of the Department of Health and Social Service's administration of the Maternal and Child Health block grant. We reviewed: 1) the process for providing grant awards to local health care agencies, and 2) the Department's use of the block grant funds it retains. For federal fiscal year 1990-91, Wisconsin received \$10.23 million in block grant funds, of which the Department retained 19.7 percent, or \$2.02 million, to support state and regional level program and administrative activities.

We found that a lack of specific program strategy for addressing maternal and child health needs has resulted in less than effective use of all the funds retained by the State. Block grant funds have been used to fund staff throughout the Division without adequately defining their responsibilities for maternal and child health program goals. The Department's recent plan to reorganize maternal and child health activities with other programs in a Bureau of Public Health and implement the new state health care plan provide an opportunity for more effective use of staff and funds.

Inattention to important fiscal management practices has contributed to the Department's failure to spend federal funds as soon as they become available. Despite increasing demands for services at local health care agencies, unused funds available as of October 1, 1991, are estimated at over \$2 million. Further, the Department's plan to reduce the amount of unused funds is based on inaccurate assumptions. The Department needs to reassess its plan and develop procedures to ensure ongoing monitoring of the amount of unused funds.

Finally, we believe the Department needs to simplify its grant application and project reporting process. Currently, these procedures unnecessarily burden local agencies.

We appreciate the courtesy and cooperation extended to us by the Department and local agencies we visited. The Department's response is the appendix.

Sincerely,

Dale Cattanach
State Auditor

State of Wisconsin
Wisconsin Lottery Board

November 18, 1991

To the Honorable the Legislature:

RE: Quarterly Report of the Wisconsin Lottery Board

On behalf of the Chairman and Members of Lottery Board, I am herewith submitting for your consideration the July 1, 1991 through September 30, 1991 quarterly report of the Board, as required by s. 565.37(3), Wis. Stats.

If there are any questions or comments regarding this report, or additional information is necessary, please do not hesitate to contact me or the members of the Board, directly.

WILLIAM F. FLYNN, JR.
Executive Director

State of Wisconsin
Department of Administration and

November 14, 1991

To the Honorable the Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period April to June 1991 is attached.

Sincerely,
James R. Klauser
Secretary

State of Wisconsin
Legislative Council

November 14, 1991

To the Honorable the Legislature:

I am pleased to transmit to you the following report to the 1991 Legislature on legislation introduced by the Legislative Council:

RL 91-11 -- Legislation on Prenatal Care for Low-Income Women (1991 Assembly Bills 614, 615, 616, 617, 618, 619, 620 and 621)

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, One East Main, Suite 401.

Sincerely,
Dave Stute
Director

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State of Wisconsin
Legislative Council

November 19, 1991

To the Honorable the Legislature:

I am pleased to transmit to you the following report to the 1991 Legislature on legislation introduced by the Legislative Council:

RL 91-15 -- Legislation on Boating Safety (1991 Assembly Bills 724 and 725)

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, One East Main, Suite 401.

Sincerely,
Dave Stute
Director

STATE OF WISCONSIN
ETHICS BOARD

November 19, 1991

To the Honorable the Senate:

At the direction of § 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules. For each organization I have noted the general area of legislative or administrative action which the organization has described as the object of its lobbying activity and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Explorations International, Inc.

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 and welfare.

Brozek, Michael

Wisconsin Psychiatric Association

Subjects: Any matter concerning the organization and its members by any state agency or the legislature including Health Care financing, health, regulation and licensing and insurance.

Blumenfeld, Michael

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,
R. Roth Judd
Executive Director

STATE OF WISCONSIN
ETHICS BOARD

November 19, 1991

To the Honorable the Senate:

At the direction of § 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lo

Organization's authorization of additional lobbyists: The following organizations previously registered with the Ethic's Board as employers of lobbyists have authorized to act on their behalf these

Banc One Wisconsin Corp.

Hurtgen, Robert

Dental Assoc, Wisconsin

Wilusz, Edward

Pewaukee, Town of

Halverson, H. E.

Wausau Service Corporation

Zweck, Brad

Organization's modification or amendment of records: The organizations listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

Scientific Games, Inc. New Address: 1500 Bluegrass Lakes Parkway Alpharetta, GA 30201 404-664-3700

Lobbyists' modification or amendment of records: The lobbyists listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

George Hardy New Address: 44 E. Mifflin St., Suite 104 Madison, WI 53703 608-258-9506

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

R. Roth Judd

Executive Director

Senate Petition 11

A petition by 10 residents of the state of Wisconsin in opposition to riverboat gambling in Wisconsin.

By Senator Rude.

Read and referred to committee on Tourism, Commerce, Labor, Veterans and Military Affairs.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

November 22, 1991

To the Honorable, the Senate:

I am vetoing **Senate Bill 143** in its entirety. **Senate Bill 143** establishes a moratorium on the sale, distribution, possession or use of supplemental bovine somatotropin (BST) by any person in Wisconsin until June 1, 1993. The moratorium includes the use of BST in scientific research, other than research authorized by the University of Wisconsin Board of Regents. In addition, SB 143 exempts Wisconsin retail food establishments from the BST moratorium.

I am vetoing **mSenate Bill 143** because it is a premature piece of legislation. **Senate Bill 143** would ban the use of an agricultural technology, BST, that is still pending final approval for use by the U.S. Food and Drug Administration (FDA).

If BST is approved by the Food and Drug Administration for commercial use prior to June 1, 1993, the Wisconsin moratorium would deny Wisconsin farmers the right to decide for themselves the value of BST in improving the efficiency and profitability of their own operations. A state-imposed moratorium would not protect the economic interest of Wisconsin's dairy industry, but rather would tie the hands of Wisconsin farmers who must compete in national markets. Over 80% of the dairy products produced in Wisconsin are sold out of state in competition with products produced throughout the nation. Farmers from California and the Southern states put added pressure on Wisconsin's dairy industry due to their ever-increasing milk production. Attempting to isolate or protect Wisconsin farmers from a technology that would be available in other milk-producing states would severely disadvantage Wisconsin farmers.

While I certainly recognize the dangers of unstable milk prices, we must be careful not to accept the BST moratorium as a short-term "life preserver" when in fact it could turn out to be a long-term "rock-around-the-neck" of Wisconsin's dairy industry. No industry operating in national and world market economies can long survive by outlawing technologies that make it more efficient. We must place our trust in Wisconsin's dairy farmers to decide whether or not to utilize this technology, and in the marketplace to dictate whether or not products produced with this technology will be accepted by consumers.

In addition, proponents of **mSenate Bill 143** have left somewhat misleading impressions among Wisconsin consumers. The moratorium proposed in SB 143 will provide absolutely no assurance that dairy products purchased by Wisconsin consumers are "BST-free." In fact, many of the dairy products consumed in Wisconsin

are processed and packaged out of state where the BST moratorium would not apply.

At this time, we are aware of no practical test available at this time that a regulatory agency could use to determine if the BST present in a given dairy product was produced by the cow, or through recombinant means. Thus, there is really no way to enforce the BST ban except to place state inspectors at the farm to insure BST is not being used. If farm inspections were not done, a BST moratorium would have no practical plan to enforce it. Since the bill makes no provisions for enforcement of any kind, it misleads the consumers and dairy producers it purports to protect.

The regulation of the use or non-use of new technologies in the dairy industry needs to be decided at the federal level to provide uniformity and consistency among all dairy farmers. The Food and Drug Administration is the appropriate body to review and approve or reject commercial use of BST. National standards need to be applied, not a patchwork of state rules and legislation that put dairy producers and processors in certain states and sections of the country at a disadvantage. If the FDA procedures need revision, then we should revise them and not attempt to deal with regulatory problems at the state level.

Finally, the University of Wisconsin-Madison was founded as a land-grant college, responsible for developing and testing new agricultural technologies and practices for the benefit of Wisconsin's farmers. It is interesting that much of the furor over the development of BST is reminiscent of the controversy surrounding the development of artificial insemination during the late 1930's. In 1937, the U.W. brought Dr. Edward Heizer to Madison to form the Department of Dairy Science, and to carry out research with regard to artificial insemination technologies. Many dairy farmers, livestock dealers and consumers were afraid the result would be two-headed cattle and unsafe dairy products. They tried desperately to suppress the development of this technology. We should all consider where Wisconsin's dairy industry would be today without artificial insemination.

I am always supportive of measures to improve the profitability of Wisconsin's dairy industry. In addition, I am sympathetic to the concerns of Wisconsin consumers, however, the provisions in SB 143 will address neither of these concerns.

Respectfully,
Tommy Thompson
Governor
State of Wisconsin
Office of the Governor

November 25, 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:

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Senate Bill	Act No.	Date Approved
86	86	November 25, 1991
158	87	November 25, 1991
161	88	November 25, 1991
287	89	November 25, 1991

Respectfully,
TOMMY G. THOMPSON
Governor

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 91-45

Relating to general pretreatment requirements.
Submitted by Department of Natural Resources.
Report received from agency, November 22, 1991.
Referred to committee on Urban Affairs,
Environmental Resources and Elections, November 27,
1991.

Senate Clearinghouse Rule 91-129

Relating to licensed establishments and the sharing of
basins between licensed establishments.

Submitted by Department of Regulation and
Licensing.

Report received from agency, November 21, 1991.

Referred to committee on Agriculture, Corrections,
Health and Human Services, November 27, 1991.

The committee on Tourism, Commerce, Labor,
Veterans' and Military Affairs reports and recommends:

Senate Clearinghouse Rule 91-2

Relating to the submission by an applicant for a
certificate to practice public accounting of academic
transcripts for review and evaluation by the board.

No action taken.

Senate Clearinghouse Rule 91-28

Relating to the prohibition against practicing under a
firm name which includes a fictitious name or indicates
specialization and to the registration of certified
accounting firms located in other states which do not
have an office in Wisconsin.

No action taken.

Jerome Van Sistine
Chair

The joint committee for review of Administrative
Rules reports and recommends:

Senate Clearinghouse Rule 91-103

Relating to bluegill, crappie, pumpkinseed and
yellow perch sport fishing daily bag limits on inland and
outlying waters.

Objection:

Ayes, 7 -- Senators Plewa, Cowles and Huelsman;
Representatives: Swoboda, Fortis, Hinkfuss
and Gard;

Noes, 0 -- None.

John R. Plewa
Co-chair

Lary Swoboda
Co-chair

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 143.

Correctly enrolled and presented to the Governor on
November 22, 1991.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 86.

Senate Bill 158.

Senate Bill 161.

Senate Bill 287.

Correctly enrolled and presented to the Governor on
November 25, 1991.

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 74** offered by
Senators Cowles and Stitt.