

STATE OF WISCONSIN

Senate Journal

Ninetieth Regular Session

10:00 A.M.

Wednesday, March 4, 1992

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 84

Relating to a statement of the reasons for recall of a state, county, congressional, judicial or legislative officer (first consideration).

By Senators Andrea, Breske, Burke, Farrow and Leean; cosponsored by Representatives Bock, Hahn, Hamilton, Hasenohrl, Holperin, Moore, Rohan and Schneiders.

Read first time and referred to committee on Urban Affairs, Environmental Resources and Elections.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 540

Relating to storm shelters for occupants of mobile home parks, granting rule-making authority and providing a penalty.

By Senator Rude; cosponsored by Representatives Roberts and Johnsrud, by request of James Saxton of West Salem.

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

Senate Bill 541

Relating to requiring children 14 years of age or older to pay costs in proceedings in a court assigned to exercise jurisdiction under the children's code.

By Senators Huelsman and Lorman; cosponsored by Representatives Jensen, Lautenschlager and Schneiders.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Transportation and Utilities reports and recommends:

THOMPSON, CHARLES H., of Wisconsin Dells, as a Secretary of the Department of Transportation, to serve for the term ending at the pleasure of the Governor.

Confirmation:

Ayes, 8 -- Senators Barrett, Roshell, Moen, Andrea, Ulichny, Breske, Lasee and Farrow;
Noes, 0 -- None.

Thomas Barrett
Chair

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

Senate Bill 542

Relating to the educational assessment program; management restructuring programs; grants for collaborative service programs; grants for mathematics and science programs; grants for staff development; state aid for additional school days; state aid incentives for school district consolidation; state aid for professional development activities; a uniform pupil transcript; advanced placement examinations; the postsecondary enrollment options program; community service activities; the issuance of promissory notes by school districts; authorizing the Milwaukee school board to contract with other governmental units; the annual meeting of the Milwaukee school board; the pupil minimum competency testing program; school board contracts for children-at-risk programs; pupil suspensions; creating an assessment committee and a student readiness study committee; providing for a study; granting rule-making authority; and making appropriations.

Introduction:

Ayes, 6 -- Senators Ulichny, Czarnecki, Jauch, Barrett, Huelsman and Petak;

Noes, 0 -- None.

Read first time and referred to joint committee on Finance.

Assembly Bill 551

Relating to the requirements for preschool to grade 5 programs.

Concurrence:

Ayes, 6 -- Senators Ulichny, Czarnecki, Jauch, Barrett, Huelsman and Petak;

Noes, 0 -- None.

Assembly Bill 461

Relating to the licensure of teachers of the visually impaired, instruction in braille and granting rule-making authority.

Concurrence:

Ayes, 6 -- Senators Ulichny, Czarnecki, Jauch, Barrett, Huelsman and Petak;

Noes, 0 -- None.

Assembly Bill 403

Relating to historical society programs to assist schools and teachers and making an appropriation.

Concurrence:

Ayes, 6 -- Senators Ulichny, Czarnezki, Jauch, Barrett, Huelsman and Petak;

Noes, 0 -- None.

Assembly Bill 313

Relating to establishing priorities for funding environmental education grants.

Concurrence:

Ayes, 5 -- Senators Ulichny, Czarnezki, Jauch, Barrett and Petak;

Noes, 1 -- Senator Huelsman.

Senate Bill 406

Relating to multitype library systems and making an appropriation.

Passage:

Ayes, 4 -- Senators Ulichny, Czarnezki, Jauch and Barrett;

Noes, 2 -- Senators Huelsman and Petak.

Senate Bill 418

Relating to the determination of necessity for condemnation by a school district.

Passage:

Ayes, 6 -- Senators Ulichny, Czarnezki, Jauch, Barrett, Huelsman and Petak;

Noes, 0 -- None.

Assembly Bill 743

Relating to job shifting requirements for industrial development revenue bond projects.

Concurrence:

Ayes, 6 -- Senators Ulichny, Czarnezki, Jauch, Barrett, Huelsman and Petak;

Noes, 0 -- None.

Barbara Ulichny
Chair

The committee on Agriculture, Corrections, Health and Human Services reports and recommends:

MURPHY, NELLE, of Madison, as a member of the Physical Therapist Examining Board, to serve for the interim term ending July 1, 1992.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

MURPHY, NELLE, of Madison, as a member of the Physical Therapist Examining Council, to serve for the term ending July 1, 1996.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

ROBINSON, BOB, of Milwaukee, as a member of the Optometry Examining Board to serve for the term ending July 1, 1996.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

SCHMOLLER, GEORGE C., of Marshfield, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 1999.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

WILLIAMS, JOHN T. of Mequon, as a member of the Psychology Examining Board, to serve for the term ending July 1, 1996.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

RUSSELL, MARCELLA, of Schullsburg, as a member of the State Fair Parks Board, to serve for the term ending May 1, 1997.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

MAXSON, PAMELA, of Hartland, as a member of the Board of Nursing, to serve for the term ending July 1, 1996.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

GREEN, CYNTHIA J., of Eau Claire, as a member of the Chiropractic Examining Board to serve for the term ending July 1, 1996.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

CONNELLY, DR. SHEILA E., of Racine, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1993.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

WEDDLE, MCARTHUR, of Milwaukee, as a member of the Nursing Examining Board, to serve for the term ending July 1, 1995.

Confirmation:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

Senate Bill 231

Relating to changes in the law governing farmland preservation agreements, agricultural preservation planning and exclusive agricultural zoning and granting rule-making authority.

Passage:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

Senate Bill 457

Relating to recovery of medical assistance benefits.

Passage:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

Senate Bill 496

Relating to the regulation of barbers or cosmetologists, aestheticians, electrologists and manicurists and schools of barbering or cosmetology, aesthetics, electrology and manicuring and granting rule-making authority.

Passage:

Ayes, 8 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt and Lorman;

Noes, 1 -- Senator Schultz.

Senate Bill 499

Relating to the deadline for the rendering of a disciplinary decision by the medical examining board.

Passage:

Ayes, 9 -- Senators Moen, Decker, Feingold, Jauch, Barrett, Breske, Berndt, Lorman and Schultz;

Noes, 0 -- None.

Rodney C. Moen
Chair

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

Senate Bill 517

Relating to replacement of adversely affected wetlands and granting rule-making authority.

Passage:

Ayes, 5 -- Senators Burke, Chvala, Adelman, Decker and Cowles;

Noes, 1 -- Senator Stitt.

Brian Burke
Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Health and Social Services

February 29, 1992

To the Honorable the Legislature:

1989 Wisconsin Act 31 authorized the Department of Health and Social Services to seek federal approval to establish a rural primary health care demonstration project in a medically underserved community in the state. The project was to be staffed by nurse practitioners. Congressional action mandating that state Medical Assistance Programs reimburse services provided by nurse practitioners, however, obviated the need for the rural demonstration. Accordingly, the Department began certifying and reimbursing nurse practitioners under Medical Assistance beginning July 1, 1990.

Due to legislative and Department interest in the effect of the new nurse practitioner provision, the Department agreed to conduct a review of the reimbursement changes and report its findings to the chief clerk of each house by March 1, 1992. The attached report describes the findings of the review.

Sincerely,
Gerald Whitburn
Secretary

State of Wisconsin
Department of Health and Social Services

March 2, 1992

To the Honorable the Legislature:

Attached is the evaluation required under section 3023(6c) in Wisconsin 1989 Act 122. This evaluation meets the requirements of this legislation and provides you with some insight on the effect of the Alcohol and Other Drug Abuse funds appropriated in this legislation.

If you have any questions on the report, please feel free to contact Paul Minkus, Division of Community Services, at 266-8420.

Sincerely,
Gerald Whitburn
Secretary

State of Wisconsin
Legislative Audit Bureau

March 3, 1992

To the Honorable the Legislature:

We have completed an evaluation of the University of Wisconsin - Milwaukee's enforcement of affirmative action and equal opportunity policies, as requested by the Joint Audit Committee. UW-Milwaukee is subject to a variety of federal, state and university regulations and policies prohibiting harassment and discrimination in the workplace.

UW-Milwaukee has been unsuccessful in establishing and managing effective procedures to investigate and resolve complaints of harassment and discrimination on campus. Inadequate internal communication, unclear distribution of responsibility and authority, and lack of management oversight are among the problems that limit the University's ability to enforce its policies.

In recruiting and retaining women and minority faculty, UW-Milwaukee has had mixed success. While its hiring rates for protected groups in recent years have been above rates for other UW campuses, female and minority faculty have also left at relatively high rates, thereby limiting UW-Milwaukee's progress in diversifying its faculty.

To address these issues, we include recommendations that the Chancellor initiate a comprehensive revision of the University's complaint-handling procedures. We also include recommendations for UW System Administration to more actively monitor campus compliance with the UW Board of Regents' affirmative action and equal opportunity policies.

We appreciate the courtesy and cooperation extended to us by the UW-Milwaukee staff and faculty. The University of Wisconsin - Milwaukee's response is the appendix.

Sincerely,
Dale Cattanach
State Auditor

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 91-147

Relating to definitions, professional conduct, application and examination, experience, education and continuing education of licensed appraisers.

Submitted by Department of Regulation and Licensing.

Report received from agency, March 3, 1992.

Referred to committee on Housing, Government Operations and Cultural Affairs, March 4, 1992.

Senate Clearinghouse Rule 91-193

Relating to specific information signs and tourist-oriented directional signs.

Submitted by Department of Transportation.

Report received from agency, March 3, 1992.

Referred to committee on Transportation and Utilities, March 4, 1992.

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 107

Assembly Joint Resolution 126

Passed and asks concurrence in:

Assembly Bill 263
Assembly Bill 457
Assembly Bill 517
Assembly Bill 641
Assembly Bill 699
Assembly Bill 710
Assembly Bill 715
Assembly Bill 729
Assembly Bill 746
Assembly Bill 832
Assembly Bill 852
Assembly Bill 867
Assembly Bill 870
Assembly Bill 886
Assembly Bill 899
Assembly Bill 919
Assembly Bill 930
Assembly Bill 938
Assembly Bill 942
Assembly Bill 958

Concurred in:

Senate Joint Resolution 12
Senate Joint Resolution 71

Amended and concurred in as amended:

Senate Bill 90, Assembly amendments 1 and 2

Nonconcurred in:

Assembly Bill 655, Senate substitute amendment 1 as amended by Senate amendments 2, 3, 5, 6, 10, 13 and 14

The Assembly has requested a committee of conference on **Assembly Bill 655** and appoints **Representatives Kunicki, Clarenbach and Underheim** as conferees on its part.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 107

Relating to calling upon the U.S. Congress to provide for federal establishment of benefit levels for aid to families with dependent children.

By Representatives Barca, Robson, Grobschmidt, Krusick, Hough, Radtke, Porter, Wineke, Plache, Duff, Wood, Young, Black, Lautenschlager, Baldus, Holschbach, Hisrich, Rohan, Stower, Urban, Van Dreef, Vergeront, Carpenter, Rosenzweig, Loucks, Brandemuehl, Krug, Hamilton, Gronemus, Zien, Freese, Fortis, Potter, Darling and Lorge, cosponsored by Senators Barrett, Moen, Chvala, Potter, Huelsman, Rude, Breske, Leean and Schultz.

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

Assembly Joint Resolution 126

Relating to saluting Gaiashkibos upon his election as president of the National Congress of American Indians.

By Representatives Linton, Boyle, Wineke, Potter, Krug, Johnsrud, Lautenschlager, Young, Lorge, Notestein, Barca, Hisrich, Jensen, Ourada, Schwartz, Roberts, Wood, Van Gorden, Urban, Hahn, Musser, Seery, Stower, Zien, Darling, Underheim, Schneider, Van Dreel, Robson, Travis, Clarenbach, Loucks, Holperin, Turner, Fortis, Huber, Brancel, Porter, Ott, Goetsch, Hubler, Baldus, Rohan and Hamilton, cosponsored by Senators Jauch, Burke, Chvala, Feingold, Rude, Moen, Risser, Farrow and Lorman.

Read and referred to committee on Senate Organization.

Assembly Bill 263

Relating to the regulation of personal watercraft and the reckless use of boats, water skis and aquaplanes and providing a penalty.

By Representatives Holperin, Gruszynski, Grobschmidt, Boyle, Roberts, Medinger, Panzer, Schneiders, Wimmer, Porter and Hahn, cosponsored by Senators Weeden, Leean, Cowles, Jauch, Berndt, Farrow, Rude and Lorman.

Read first time and referred to committee on Urban Affairs, Environmental Resources and Elections.

Assembly Bill 457

Relating to access to certain public records maintained by the department of transportation and granting rule-making authority.

By Representatives Urban, Holschbach, Brandemuehl, Bock, Loucks, Bolle, Freese, Hamilton, Van Gorden, Fortis, Porter, Lehman, Silbaugh, Hisrich, Duff, Rosenzweig, Klusman, Ladwig, Turba, Underheim, Harsdorf, Vrakas, Ourada, Musser, Ainsworth, Hahn and Lorge, cosponsored by Senators Barrett, Farrow, Breske, Huelsman and Burke.

Read first time and referred to committee on Transportation and Utilities.

Assembly Bill 517

Relating to permitting participation in a community integration program for a person with mental retardation through services of a family consortium.

By Representatives Schneiders, Rohan, Goetsch, Grobschmidt, Klusman, Bolle and Darling, cosponsored by Senators Farrow, Lorman, Huelsman and Buettner.

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

Assembly Bill 641

Relating to visitation rights in actions affecting the family, creating a mediation council, mediator certification of mediation agreements and increasing certain court fees.

By Representatives Bell, Lautenschlager, Baumgart, Seery, Boyle, Klusman, Underheim and Schneiders, cosponsored by Senators Adelman and Buettner.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 699

Relating to maximum monthly charges for '911' emergency service systems.

By Representatives Musser, Fortis, Freese, Hisrich, Vergeront, Goetsch, Boyle, Ainsworth, Darling and Lehman, cosponsored by Senators Breske and Farrow.

Read first time and referred to committee on Transportation and Utilities.

Assembly Bill 710

Relating to referral of proposed tax exemptions contained in executive budget bills.

By Representative Wineke.

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

Assembly Bill 715

Relating to the date on which a county treasurer is required to report to the state treasurer regarding probate fees collected by a county treasurer.

By Representatives Antaramian, Stower, Panzer, Prosser and Gard, cosponsored by Senators Ulichny and Rude.

Read first time and referred to committee on Urban Affairs, Environmental Resources and Elections.

Assembly Bill 729

Relating to requiring provision of educational services to certain adult residents of the state centers for the developmentally disabled.

By Representatives Hamilton, Holschbach, Lautenschlager, Notestein and Boyle, cosponsored by Senator Breske.

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

Assembly Bill 746

Relating to requiring insurers to provide claims experience information to policyholders.

By Representatives Hubler, Notestein, Silbaugh, Zien, Hisrich, Schwartz, Bolle and Boyle, cosponsored by Senator Roshell.

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

Assembly Bill 832

Relating to hospital lien filing date and the notice of filing of a hospital lien.

By Representatives Bock, Krusick and Rosenzweig, cosponsored by Senators Plewa and Barrett.

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

Assembly Bill 852

Relating to creating a bicycle commuting and bike routes council.

By Representatives Black, Robson, Young, Gruszynski, Plache, Lautenschlager, Rohan, Krusick, S. Coggs, Baumgart, Carpenter, Moore, Darling and Hinkfuss, cosponsored by Senators Risser and Burke.

Read first time and referred to committee on Transportation and Utilities.

Assembly Bill 867

Relating to siting standards for mound private sewage systems and granting rule-making authority.

By Representative Linton, cosponsored by Senators Jauch and Roshell.

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

Assembly Bill 870

Relating to forfeitures for violations of local ordinances on vehicle size, weight or load.

By Representative Hough, cosponsored by Senator Adelman.

Read first time and referred to committee on Transportation and Utilities.

Assembly Bill 886

Relating to antique aircraft registration transfers.

By Representatives Robson, Wood, Underheim, Bolle, Loucks, Baldus, Lorge, Lautenschlager, Radtke, Stower and Musser, cosponsored by Senators Potter, Schultz and Lorman.

Read first time and referred to committee on Transportation and Utilities.

Assembly Bill 899

Relating to exceptions from competitive bidding for the construction, repair or maintenance of harbors or harbor facilities.

By Representatives Moore, S. Coggs, Krug, Bock and Urban, cosponsored by Senators Burke, George and Plewa.

Read first time and referred to committee on Urban Affairs, Environmental Resources and Elections.

Assembly Bill 919

Relating to tax rate disparity payment distribution dates.

By Representatives Huber, Lorge, Gronemus and Albers, cosponsored by Senators Decker, Lekan, Schultz, Moen and Risser.

Read first time and referred to committee on Aging, Banking, Communications and Taxation.

Assembly Bill 930

Relating to privacy of personally identifiable information in state and local government records, disclosure of patient health care records, granting rule-making authority and providing a penalty.

By Legislative Council.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Assembly Bill 938

Relating to environmental impact reports.

By Representatives Black, Hough, Robson, Stower and Seery, cosponsored by Senators Helbach and Burke.

Read first time and referred to committee on Urban Affairs, Environmental Resources and Elections.

Assembly Bill 942

Relating to employment relations for attorneys employed in the office of the state public defender.

By Representatives Fortis, Clarenbach, Hamilton, Gruszynski, Notestein, Van Dreel, Rohan, Hisrich, Boyle, Barca and Young, cosponsored by Senators Feingold, Chvala, Andrea and Burke.

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

Assembly Bill 958

Relating to motorized wheelchair warranties.

By Representatives Holschbach, Potter, Carpenter, Clarenbach, Antaramian, Bell, Boyle, M. Coggs, Fortis, Holperin, Huber, Krug, Ladwig, Lehman, Medinger, Musser, Radtke, Roberts, Rohan, Reynolds, Schneider, Stower, Urban, Van Gorden, Young, Robson, Wineke, Notestein, Bolle, Porter, Hubler, Jensen, Lorge, Zien, Johnsrud, Goetsch, Hahn, Ott, Kaufert, Harsdorf, Albers, Darling, Rosenzweig, Ourada, Ainsworth, Brancel, Lautenschlager, Kunicki, Swoboda, Gronemus, Baldus, Moore, Van Dreel, Hough, Grobschmidt, Bock, Cullen, Hisrich, S. Coggs, Travis, Schwartz, Springer, Hamilton, Brandemuehl, Barca, Silbaugh, Prosser and Hinkfuss, cosponsored by Senators Adelman, Andrea, Berndt, Breske, Chvala, Czarnezki, Huelsman, Lasee, Moen, Roshell, Schultz, Van Sistine, Plewa, Barrett, Burke, Decker, Risser, Cowles, Potter, Ulichny and Feingold.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Senator Risser, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, March 5.

10:19 A.M.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 144** offered by Senator Potter.

Senate substitute amendment 1 to **Senate Bill 144** offered by Senator Potter.