

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

10:00 A.M.

THURSDAY, January 28, 1993

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 proper entries be made.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 5

Relating to naming Fond du Lac County the World Capital of Aerobatics.

By Senator Buettner; cosponsored by Representative Dobyms.

To committee on Housing, Commerce, Government Operations and Cultural Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 20

Relating to requiring that newly constructed removable prosthetic devices be marked with the patient's name or social security number.

By Senators Moen, Farrow, Breske, Jauch, Rude, Potter, Plewa, Chvala and Adelman; cosponsored by Representatives Robson, Turner, Coggs, Dobyms, Urban, Underheim and Klusman, by request of Wisconsin Dental Association.

To committee on Health Care, Human Services and Corrections.

Senate Bill 21

Relating to the disclosure of child abuse reports and records.

By Senators Moen, Breske, Lorman, Huelsman and Buettner; cosponsored by Representatives Musser, Brancel, Baldus, Gronemus, Ryba, Roberts, Turner and Cullen.

To committee on Health Care, Human Services and Corrections.

Senate Bill 22

Relating to approval for the adoption of voting machines or electronic voting systems by county clerks or boards of election commissioners.

By Senators Lasee, Drzewiecki and Farrow; cosponsored by Representatives Ott, Hahn and Dobyms.

To committee on Urban Affairs, Financial Institutions and Environmental Resources.

Senate Bill 23

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

By Senators Lasee, Huelsman, Drzewiecki and Farrow; cosponsored by Representatives Brandemuehl, Dobyms and Silbaugh.

To committee on Judiciary and Consumer Affairs.

Senate Bill 24

Relating to requiring identification to be provided to locksmiths and providing a penalty.

By Senators Lasee, Breske, Lorman and Farrow; cosponsored by Representatives Ott, Porter, Brandemuehl, Dobyms, Silbaugh, Krosnicki and Ryba.

To committee on Judiciary and Consumer Affairs.

Senate Bill 25

Relating to permitting persons designated by school boards to take truants into custody.

By Senator Potter; cosponsored by Representatives Krusick, Grobschmidt, Baumgart, Ziegelbauer, Huber and Schneider.

To committee on Education.

Senate Bill 26

Relating to various changes to the compulsory school attendance and truancy laws.

By Senators Potter, Decker, Buettner, Rude, Lorman, Leraan, Farrow and Huelsman; cosponsored by Representatives Krusick, Grobschmidt, Lorge, Deininger, Rosenzweig, Schneiders, Lehman, Bolle, Musser, Robson, Barca and Duff.

To committee on Education.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Wisconsin State Senate

January 26, 1993

To the Honorable, the Senate:

Pursuant to section 13.15 of the Wisconsin Statutes and Senate Rule 5, I hereby appoint Donna J. Doyle as Assistant Chief Clerk of the Senate, giving her all powers as are derived from and inherent in said position and to perform the duties and functions of the office in the absence of the Chief Clerk.

Sincerely,
Donald J. Schneider
Senate Chief Clerk

State of Wisconsin
Legislative Audit Bureau

January 26, 1993

To the Honorable the Legislature:

We have completed a review of staffing needs at the Centers for the Developmentally Disabled, requested as a result of a January 1992 emergency appropriations request to the Joint Finance Committee. At that time, the Department of Health and Social Services requested funding and authorization for 65 additional staff for Central Wisconsin Center, one of the State's three centers for the care and treatment of developmentally disabled residents.

Although the Department was aware during the preparation of its 1991-93 biennial budget request that staffing ratios at the centers might not be adequate to maintain federal approval for reimbursement under the Medical Assistance program, the Department delayed requesting any positions until its Bureau of Quality Compliance's independent review, conducted under the direction of the federal Health Care Financing Administration, confirmed the need for additional staff.

This review appeared inconsistent with earlier reviews and with findings at the other two centers in 1991, which were approved although they had staffing ratios similar to that at Central. We found that the inconsistency with the previous annual reviews was a direct result of federal instructions implemented in 1991, which affected the conduct of the Bureau's reviews. The inconsistent results among the centers reflected the needs of Central Wisconsin Center's population, which is more physically disabled and has more serious medical problems than that of the other two centers. Although staff turnover rates and overtime usage have been higher at Central Wisconsin Center than at the other two centers, management actions at that center have reduced these problems.

The Department has proposed reducing the centers' population by approximately one-quarter in the 1993-95 biennium through increased community placements, which would allow the Department to increase staffing ratios. However, achievement of such an unprecedented number of community placements is uncertain, since it will depend upon counties' cooperation and successful implementation of new, untested departmental activities.

We appreciate the courtesy extended to us by the staff of the Department of Health and Social Services. A response from the Department is the appendix.

Sincerely,

Dale Cattanach

State Auditor

State of Wisconsin
Legislative Audit Bureau

January 27, 1993

To the Honorable the Legislature:

We have completed a review of the Wisconsin Lottery's assessment and use of fees collected from retailers for their participation in the Lottery's on-line retailer network. We also reviewed the Board's encumbrance process, which has allowed it to carry over funds from one year to the next.

From fiscal year (FY) 1989-90 through FY 1991-92, the Lottery Board collected \$2.6 million from retailers participating in the network and applied these funds to the costs of developing, maintaining, and operating the network. Although the decision to assess the fees was neither reviewed nor approved by the Legislature, it appears reasonable that the Board required retailers to share in the network's costs.

However, by applying the fees to network costs for which the Legislature had already appropriated funds, the Board was able to use funds appropriated for the network for other purposes, to spend the funds without the benefit of legislative oversight, and to exceed greatly its expenditure authority for limited-term employees and capital equipment.

Reasonable explanations have been provided for the expenditures made, and we found no evidence of fraud nor any evidence that any private benefit was derived from the expenditures made. Nevertheless, the Board should have received proper authorization to assess the fee, accounted properly for its expenditures, and budgeted more accurately for its funding needs.

We also found that the Board manipulated the encumbrance process by using encumbered funds for current, rather than prior year, expenditures. By using carry-over funds for current year expenditures, the Board was able to exceed its legislatively established budget for advertising by over \$1.3 million in FY 1990-91.

We appreciate the courtesy and cooperation extended to us by staff of the Wisconsin Gaming Commission and the Department of Administration.

Sincerely,
Dale Cattanach
State Auditor

STATE OF WISCONSIN
ETHICS BOARD

January 26, 1993

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.

AFSCME District Council 48

Subjects: Any area that impacts wages, hours and conditions of employment affecting local units of government, schools and special districts.

Parr, John

Amusement and Music Operators, Wisconsin

Subjects: Constitutional and advisory referenda questions relating to gambling; the legalization of video poker and tax issues relating to the coin-op amusement industry.

Coenen, Thomas

Swandby, Janet

Aurora Health Care, Inc.

Subjects: Any matter affecting the company in any way by any state agency, or the legislature. Any matter affecting any aspect of health care.

Broydrick, Bill

Broydrick, Cindi

Richard, JoAnna

Fitzgerald, Moira

Builders Association, Wisconsin

Subjects: All areas affecting the home building industry and housing affordability; small business issues.

Diemer, Gerald

Fanshaw, Lee

Cook, Sharon

Mitchell, Brian

Chicago and North Western Transportation Co.

Subjects: All areas relating to railroading, regulation of business, taxation and environment.

Gerrard, M. William

Gratz, Samuel

Concerned Auto Recyclers of Wisconsin

Subjects: Any matter affecting the organization in any way by any state agency or the legislature.

Hurtgen, Robert

Counties Association, Wisconsin

Subjects: County organization and administration, environment and land use, health and human services, judicial and public safety, personnel and labor, taxation and finance, transportation and public works and any related administrative rules.

Rogacki, Mark

Hium, Darla

O'Connell, Mark

Diedrick, Sarah

Hochkammer, Jon

Thompson, Craig

Strohl, Joseph

Behrens, Ken

Croixland Properties Limited Partnership

Subjects: All areas pertaining to the pari-mutuel industry; gaming; lottery; taxation; environment, employment advertising, and any other issues applicable.

Brozek, Michael

Curative Rehabilitation Center

Subjects: All matters concerning health care and rehabilitation agencies.

Broydrick, Bill

Richard, JoAnna

Dairyland Power Cooperative

Subjects: All areas in any manner related to or affecting utilities and electric cooperatives, to include rural development, economic and rural development, energy and environmental matters, highways, and natural resources.

Steele, Thomas

Distributors, Inc., Wis. Assoc. of

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.

Wimmer, James

Peshek, Peter

EDS Electronic Data Systems Corp.

Subjects: Any matter affecting the company in any way by any state agency or the legislature. Any matter relating to health and insurance policies.

Broydrick, Bill

Richard, JoAnna

Fair Aid Coalition

Subjects: Funding and distribution of minimum aids to education and supplementary aids to school districts

Schreiber, Martin

Krajewski, Thomas

Family Health Systems

Subjects: Legislation and regulation relating to health care, health insurance, business management.

Dougherty, Philip

Foster Forbes Glass Division

Subjects: Energy and Commerce committee, environmental resources, Natural Resources, Rules committee, Joint Finance Committee.

Malboeuf, Richard

General Electric Co.

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

Willsey, Charles

Zebell, Suzanne

Deutsch, Marylee

Golden Rule Insurance Company

Subjects: Life and health insurance and related matters.

Hopkins, Sherry

Becker, Dismas

Grand Avenue Corporation, The

Subjects: Biennial budget bill, Capital budget

Mueller, H. Carl

Remsik, Jeffrey

Green Bay Metropolitan Sewerage District

Subjects: Environmental matters and other areas that may affect the District, its users or other constituents in any way by any state agency or legislature.

Fassbender, Robert

Thormodsgard, Paul

Dally, Kurt

Kennedy, John A.

H.A.H. Enterprises, Inc.

Subjects: All areas pertaining to the pari-mutuel industry; gaming; lottery; taxation, environment; employment; advertising; and other applicable issues.

Brozek, Michael

McNulty, Barry

Horse Council, Wisconsin State

Subjects: Recreation trails for horse use, land use, natural resources, animal health and welfare, insurance and zoning issues that relate to horse trails, pari-mutuel betting.

Hephner, Gervase

Innkeepers Association, Wisconsin

Subjects: All legislative matters that could affect the lodging industry.

Coenen, Thomas

Swandby, Janet

Journal Communications, Inc.

Subjects: All matters pertaining to our organization including newsprint content, clean air act.

Mueller, H. Carl

Remsik, Jeffrey

Land Reclamation Company

Subjects: Wisconsin Department of Natural Resources

Mueller, Carl

Remsik, Jeffrey

Landscape Federation, Wisconsin

Subjects: Environmental and regulatory issues relating to horticulture.

Christianson, Peter

Phillips, Joe

Lazard Freres and Company

Subjects: Regulation of business, finance, taxation, insurance, employment, any other issues pertaining to public finance and investment banking.

Brozek, Michael

Liquid Waste Carriers Assoc., Wisconsin

Subjects: Any legislation that pertains to the hauling and spreading of septage.

Coenen, Thomas

Milwaukee Area Technical College

Subjects: Areas of interest to Milwaukee Area Technical College and to Vocational, technical, and Adult Education.

Busalacchi, Richard Milwaukee Police Supervisor's Organization

Subjects: All areas of law enforcement and any areas that may be of interest to the City of Milwaukee.

Forjan, Dennis

Knoblauch, Harry

Milwaukee Symphony Orchestra

Subjects: Any matter affecting the company in any way by any state agency, or the legislature. All legislation pertaining to Arts Board budget.

Broydrick, Cynthia

Northern Natural Gas Co.

Subjects: Energy, utility and general business matters

Vaughan, Michael

Northern States Power Co. (WI)

Subjects: Legislation and rules affecting electric and natural gas public utilities.

Hanson, Richard

Optometric Association, Wisconsin

Subjects: Primarily areas of health and health insurance as well as regulation and licensing of optometrists.

Brownlow, Charles

Diessen, Anthony

Theo, Peter

Pfizer Pharmaceuticals

Subjects: Matters affecting the pharmaceutical and health care industries.

Coryell, Kristine
Harnisch, Thomas

Physicians Service Insurance Corporation, Wisconsin (WPS)

Subjects: consumer affairs, counties and municipalities, health industry, insurance, social services, state government, trade and commerce and taxation.

Wood, Robert
Kachelski, Joseph
Gerlach, Chet

Potato and Vegetable Growers Association

Subjects: Agriculture, taxes, natural resources and transportation.

Zuleger, Dean
Vaughan, Michael
Lewandowski, Richard
Kuehn, Ronald

PrimeCare Health Plan

Subjects: Medicaid funding; any matter concerning the organization in any way by any state agency or the legislature.

Broydrick, Bill
Richard, JoAnna

Procter & Gamble Distributing Co., The

Subjects: Environmental issues, including solid waste, recycling, taxes and health care issues.

Earl, Anthony
Theo, Peter
Spellmeyer, Grant

Prosecutors, Assoc. of State

Subjects: Any matter affecting criminal law legislation or agency action affecting assistant District Attorneys in Wisconsin; legislation affecting criminal law or procedure.

Broydrick, Bill
Richard, JoAnna

Ready Mixed Concrete Association, WI (WRMCA)

Subjects: Promote the use of ready-mixed concrete and works to provide a strong business climate for its members.

Wesener, Barbara

Retired Educators Assoc., Wisconsin

Subjects: Retirement, aging, health, education, taxation, general

Elmer, Jane

Road Builders Association, Wisconsin

Subjects: Transportation, construction and labor issues.

Lindberg, Harry
Wimmer, James
Willder, R.B.

Schneider Communications

Subjects: All areas that may affect the telecommunications industry in Wisconsin.

Schreiber, Martin
Krajewski, Thomas

Screen Printing Association International

Subjects: Environmental regulations impacting the screen printing industry. Any type of business legislation/regulation impacting the screen printing industry.

Kinter, Marcia

Social Workers - WI Chapter, Natl. Assn. of

Subjects: Health and services departments, child neglect, regulation and licensing of amendments and waivers.

Herstand, Marc D.

St. Croix Chippewa Indians of Wisconsin

Subjects: Indian gaming

Jablonski, Ann

State Bar of Wisconsin

Subjects: Actions pertaining to administration of justice, practice of law, and purpose set forth in SCR 10.02(2)

Barth, Linda
Brown, George

Superior Environmental Services, Inc.

Subjects: Solid, medical and hazardous waste disposal and landfill regulation.

Christianson, Peter

Tavern Hosts of Wisconsin

Subjects: All administrative rules and legislative bills pertaining to the tavern industry.

Hephner, Gervase

Tavern League of Wisconsin

Subjects: Legislation regarding taverns, BAC, tax increases on liquor, gambling legislation, drinking age legislation.

Brist, Steven

Stenger, Scott Textile Services, Wisconsin Association of

Subjects: Environmental issues, taxation, public sector competition.

Goyke, Gary

Troopers Association, Wisconsin

Subjects: Labor law, solicitation law, police authority,
any other law that will affect the association

Schreiber, Martin

Winnebago Business Committee, Wisconsin

Subjects: Any matter affecting the Wisconsin
Winnebago Business Committee, its enterprises or
members of the Wisconsin Winnebago Nation.

Schreiber, Martin

Krajewski, Tom

Wisconsin Central, Ltd.

Subjects: Transportation, taxes, environment, budget
bill

Gerrard, William

Gratz, Samuel

Soucie, Kevin

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 CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 92-157

Relating to sales and use taxes.

Submitted by Department of Revenue.

Report received from agency, January 26, 1993.

Referred to committee on Labor, Revenue and
Economic Development, January 28, 1993.

Senate Clearinghouse Rule 92-158

Relating to sales and use taxes.

Submitted by Department of Revenue.

Report received from agency, January 26, 1993.

Referred to committee on Labor, Revenue and
Economic Development, January 28, 1993.

Senate Clearinghouse Rule 92-169

Relating to reciprocity and credit for taxes paid to
other states.

Submitted by Department of Revenue.

Report received from agency, January 26, 1993.

Referred to committee on Labor, Revenue and
Economic Development, January 28, 1993.

Senate Clearinghouse Rule 92-181

Relating to automatic fire sprinkler systems.

Submitted by Department of Industry, Labor and
Human Relations.

Report received from agency, January 26, 1993.

Referred to committee on Labor, Revenue and
Economic Development, January 28, 1993.

The Chair, with unanimous consent, asked that the
Senate adjourn until 10:00 A.M. Tuesday, February 2.

10:01 A.M.