

# Ninety-First Regular Session

WEDNESDAY, November 24, 1993

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

## INTRODUCTION OF BILLS

Read first time and referred:

### Senate Bill 570

Relating to juvenile court jurisdiction over a child who is alleged to be in need of protection or services based on abuse or neglect of another child in the home, holding a child in physical custody based on abuse or neglect of another child in the home, the appointment of a guardian ad litem for a child placed in out-of-home care and the duration of the appointment of a guardian ad litem appointed under the children's code, notification to a putative father regarding proceedings to determine whether a child is in need of protection or services, paternity determination proceedings, the release of certain information regarding a foster child to foster parents, membership of permanency plan review panels, grounds for involuntary termination of parental rights, authorizing a county department of human services or social services to license foster homes in other counties, notifying foster parents of supplemental foster care payments, appeals of orders terminating parental rights, a study of out-of-home placements of children, a study of a county-level intensive family education center program and granting rule-making authority.

By Legislative Council.

To committee on Judiciary and Insurance.

### Senate Bill 571

Relating to family preservation services, child welfare systems reform grants, foster care caseload reduction grants, Milwaukee county foster care length-of-stay reduction grants, foster parent training requirements and grants, African American foster parent recruitment grants, foster care reimbursement, granting rule-making authority and making appropriations.

By Legislative Council.

To committee on Health, Human Services and Aging.

### Senate Bill 572

Relating to foster homes and treatment foster homes, granting rule-making authority and making an appropriation.

By Legislative Council.

To committee on Health, Human Services and Aging.

### Senate Bill 573

Relating to the licensure of pharmacies located outside the state and providing a penalty.

By Senators Schultz, Breske, Huelsman, Drzewiecki, Weeden, Farrow, Potter, Decker, Rude, Petak, Clausing and Andrea; cosponsored by Representatives Krusick, Stower, Owens, Carpenter, Duff, Vrakas, Turner, Ladwig, Holperin, Bolle, Urban, Hahn, Freese, Lorge, Ryba, La Fave, Gronemus, Musser, Welch, Lazich,

Harsdorf, Albers, Ainsworth, Seratti, Nass, Ott and Porter.

To committee on Business, Economic Development and Urban Affairs.

### Senate Bill 574

Relating to the availability of medical assistance to children and pregnant women.

By Senators Rosenzweig, Moen, Buettner, Decker, Lorman, Darling, Clausing, Farrow, Rude and Panzer; cosponsored by Representatives Ourada, Meyer, Grobschmidt, Johnsrud, Bock, Krusick, Hanson, Lorge, Robson, Carpenter, Cullen, Wirch, Baldus, R. Young, Plache, Hinkfuss and Roberts.

To select committee on Health Care Reform.

### Senate Bill 575

Relating to increasing a school district's revenue limit if the school district does not increase its revenues by the maximum amount allowed under the limit.

By Senators Lorman, Huelsman, Darling, Rosenzweig, Breske, Adelman and Farrow; cosponsored by Representatives Duff, Ward, Brandmuehl, Nass, Otte, Ziegelbauer, Holperin, Goetsch, Hahn, Owens, Harsdorf, Musser, Green, Krosnicki, Lorge and Urban.

To committee on Education.

### Senate Bill 576

Relating to plastics fabricator's lien.

By Senators Farrow and Darling; cosponsored by Representatives Schneiders, Urban, Plache, Jensen, Silbaugh, Hahn, La Fave, Skindrud, Duff, Grobschmidt, Coleman, Otte and Walker.

To committee on Business, Economic Development and Urban Affairs.

### Senate Bill 577

An act to direct expenditure of \$46,318.53 from the general fund for payment of a claim against the state made by Gilbert Construction Corporation.

By Senators Risser and Wineke, by request of Gilbert Construction Corporation.

To joint committee on Finance.

### Senate Bill 578

Relating to: the availability of the state fair youth building to the department of natural resources; the lease of the Olympic ice training center; auto races at state fair park; alcohol licenses and permits at the state fair park; the penalty for violating laws governing state or county institutions; changing the references to an ice rink operated by the state to the Olympic ice training center; changing references to the state fair police department; and the entities that may head an independent agency (suggested as remedial legislation by the state fair park board).

By Law Revision Committee.

To committee on Transportation, Agriculture, Local and Rural Affairs.

COMMITTEE REPORTS

REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

Appendix to Senate Bill 134

Public Policy Involved

Presently, there are two instances in which WRS participating employees may not have creditable service for employment with a covered employer. In one instance, employees of a participating employer who are not employed on the effective date of the employer's participation cannot receive credit for such prior service. Secondly, when a participating employer elects participation under the WRS, the employer elects recognition of prior service for those employed on the effective date ranging from none to 100%. If all prior service of employees is not recognized by the employer, there is no mechanism for employees to receive or purchase that service credit.

This bill specifies that an employee may purchase service credit of a participating employer which would have normally been covered by the retirement system, if the employee furnishes proof of such employment and if the employee makes a lump sum payment equal to the present value of added benefits resulting from that purchase. This bill would have no effect upon the actuarial balance or normal contribution rates to the WRS.

This additional right is accomplished by amending sections of WRS law that were enacted during the 1991 session relating to the purchase of creditable service for a public employer not participating under the WRS. By so amending, the same conditions and lump sum provisions would apply to both types of purchased credit-out-state public employers and covered employers under the WRS. Hence, for both types of service credit, the employee would be required to pay a lump sum equal to the present value of the additional service credit recognized.

In carrying out this requirement for "out-state public service", the DETF has adopted policies that may be overrestrictive and unintended. The DETF view is that the present value of added benefits cannot really be determined until the time of retirement; and hence, the department restricts application for such service until the application for regular retirement. Therefore, employees would not be able to purchase either the out-state public service or the proposed service credit in this bill during the working career.

Many major public retirement systems across the country do allow public employees to purchase various types of creditable service not regularly recognized under that system. However, nearly every one of those systems determine the "full actuarial cost" as the current normal cost for a year of creditable service which includes both

the employee and employer normal contributions. This approach allows employees to purchase such service during the working career or at the time of retirement, depending on when the employee has funds available for such purchase.

Although the normal cost as calculated by the actuary does represent the average cost during the working career of a year of creditable service, it may not exactly equate the cost of an additional year at the time of retirement. Nevertheless, it is a close approximation, and the adoption of a purchasing requirement based upon actuarial normal cost instead of present value at the time of termination would allow an employee to purchase the service credit at any time during the working career.

If actuarial normal cost is a preferable approach, this could be accomplished by adding an amendment to this legislation to delete s. 40.25(7)(a)5, and substitute a lump sum payment equal to the normal cost as determined by the actuary and provided by s. 40.05(1)(a) and (2)(a), plus 40.05(2m). This substitution might simplify the administrative procedures required to recognize such service and would allow the purchase at any time during the working career. It also would more closely follow other credit purchase provisions relating to pre-1973 probationary periods and also forfeited service.

Recommendation

The Joint Survey Committee on Retirement Systems finds that this legislation reflects good public policy if amended by Senate amendment 1, and the Committee recommends its passage.

Senator Farrow  
Co-chair

Representative Meyer  
Co-chair

Read and referred to committee on State Government Operations and Corrections

PETITIONS AND COMMUNICATIONS

Senate Petition 12

A petition by 809 residents of the State of Wisconsin in opposition to Senate Bill 459, relating to discrimination or denial of employment on the basis of membership in, affiliation with or financial support of a labor organization.

By Senator Zien.

Read and Referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs.

State of Wisconsin  
Department of Revenue

November 4, 1993

To the Honorable the Legislature:

A summary report containing 1992 individual income tax statistics for Wisconsin school districts, which the

Department of Revenue is required by law to provide to you, is enclosed.

Sections 73.03(29) and (30), Wis. Stats., require the Department to collect and analyze information from individual income taxfilers concerning the school district in which they resided during the taxable year, and to notify the presiding officers of both houses of the Legislature and the co-chairs of the Joint Committee on Finance of the results of the analysis.

Space was provided on all individual income tax returns for taxpayers to indicate, using a four-digit code, the school district in which they resided. These codes conform to the codes used by the Department of Public Instruction. School district information was not requested of Homestead credit claimants unless the claimant also filed an individual income tax return. Also, nonresidents filing Wisconsin income tax returns were directed not to enter a school district code.

If you have any questions about the summary report, please let me know.

Sincerely,  
Mark D. Bugher  
Secretary

State of Wisconsin  
Legislative Audit Bureau

November 22, 1993

To the Honorable the Legislature:

We have completed an evaluation of real estate acquisition and sales practices in the Department of Transportation. The Department acquires property to be used in the construction or improvement of highways throughout the state. The Department acquired approximately 12,000 acres of land since fiscal year 1988-89 at a cost of \$115.2 million. In acquiring property, the Department must follow numerous procedures intended to ensure fair treatment of property owners.

Senior department officials and others have questioned whether department staff always follow required procedures. While procedures are generally followed, the process for acquiring land could be improved if the Department set deadlines for completion of appraisals by private consultants, set timeliness standards for central office staff review of district purchase proposals, and developed methods to ensure that district differences in purchase prices are related only to regional differences in property value. Recent management initiatives are expected to ease ongoing tensions between central office and district real estate staff and to improve efficiency.

Selling excess property is a lower priority for department staff because of the pressure to ensure needed land has been purchased when a highway project is ready. Only 145 of the Department's 853 excess parcels are of significant value; these parcels are worth an estimated \$4.9 million, although if they were sold, revenue could be more or less than the estimated value. Selling the excess

parcels could be done more easily if the Department worked with private brokers to sell valuable parcels.

We appreciate the courtesy and cooperation extended to us by staff in the Department of Transportation. A response from the Department is the appendix.

Sincerely,  
Dale Cattnach  
State Auditor

State of Wisconsin  
Department of Natural Resources

November 18, 1993

To the Honorable the Legislature:

1993 Wisconsin Act 16 included a nonstatutory provision in Section 9142 that directed the Department of Natural Resources to submit a report by November 15, 1993 evaluating the general purpose revenue operated water regulation and wetland protection programs. The provision requires that the report include: (a) recommendations to streamline the permit process; (b) a discussion of permit fee levels and exemptions; and (c) recommendations for funding the programs through user fees.

Shortly after the passage of Act 16, Department of Natural Resources staff met with DOA budget staff to develop a strategy for completing the study, given the short amount of time available. We agreed to bifurcate the study into segments, one, to be completed first that would address the permit fee levels and exemptions and the recommendations for funding the programs through user fees, and a second component that would address streamlining the permit process.

We have made good progress on the evaluation of permit fees. At this time, I am circulating a draft of this portion of the report to the Department of Administration and the Legislative Fiscal Bureau for comment. We are also in the process of soliciting reaction and comments from a broader audience of people involved in this issue, before concluding this segment of the study. We plan to have a final version completed by February 15, 1994. This will enable any recommendations calling for budgetary or statutory action to be incorporated in the 1995-97 biennial budget.

We have begun gathering information for the permit streamlining portion of the study. Our intent is to solicit involvement of affected constituent groups to develop an efficient permit system that maintains the intent and integrity of the regulations that are subjects of the activities permitted. To provide for meaningful involvement by these constituent groups, we intend to extend the completion date of this component of the study to June 30, 1994.

While this study was not complete by November 15, 1993, the additional time to complete both components of the study will result in a more comprehensive look at the issues, and still allow for timely adoption of any

recommended changes. If you have any questions about this study, please feel free to contact Bob Roden, Director of the Bureau of Water Regulation and Zoning at (608) 266-8034.

Sincerely,  
George E. Meyer  
Secretary

State of Wisconsin  
Ethics Board

November 16, 1993

To the Honorable the Senate:

At the direction of s. 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.

**American General Finance, Inc.**

Subjects: Consumer finance law, lending insurance, credit card, and other matters pertaining to lending institutions.

Essie, Patrick

**Employer Health Care Alliance Cooperative**

Subjects: Health care reform legislation, including SB 327 (The Wisconsin Health Care Partnership Plan).

Essie, Patrick

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 23, 1993

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

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

**Plumbers Local 75**

Broydrick, Cynthia

**Organization's termination of lobbyists:** Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

**Restaurant Assoc., Wisconsin**

Kalies, Timothy 10/14/93

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 23, 1993

To the Honorable the Senate:

At the direction of s. 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.

**Dog Federation of Wisconsin, Inc.**

Subjects: Any legislation or rules which relate to the keeping and/or breeding of dogs.

Heibler, Donald

**Great Lakes Chapter, American Society of Home Inspectors**

Subjects: Any legislation and/or administrative rules which may affect the home inspection profession or industry.

Swandby, Janet

**Honeywell, Inc., MultiState Associates, Inc. on behalf of**

Subjects: Legislation: regarding the practice of performance based contracting for buildings owned by various government entities. Administrative Rules: Rules governing related issues.

Wimmer, James

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  
Department of Administration  
November 16, 1993

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 July 1, 1993, through September 30, 1993, is attached.

Sincerely,  
James R. Klausner  
Secretary

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
November 15, 1993

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MAYOR MARIKEN CARPENTER of Neenah, as a member of the Land and Water Conservation Board pursuant to the statute governing, to serve for the interim term ending July 1, 1994, and for the full term ending July 1, 1998.

Respectfully,  
Tommy Thompson  
Governor

Read and referred to committee on Transportation, Agriculture, Local and Rural Affairs.

State of Wisconsin  
Office of the Governor  
November 18, 1993

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
276-----	64-----	November 18, 1993
362-----	65-----	November 18, 1993
251-----	67-----	November 18, 1993
249-----	68-----	November 18, 1993
97-----	69-----	November 18, 1993
76-----	70-----	November 18, 1993
221-----	73-----	November 18, 1993
342-----	74-----	November 18, 1993
513partial veto-----	75-----	November 18, 1993

Respectfully,  
TOMMY G. THOMPSON

Governor

State of Wisconsin  
Office of the Governor

November 18, 1993

To the Honorable, the Senate:

I have approved **Senate Bill 513** as 1993 Wisconsin Act 75 and have deposited it in the Office of the Secretary of State. I have exercised by partial veto authority in Sections 1m, 19, 26m, 40m and 43.

**Senate Bill 513** creates a Recycling Market Development Board and on July 1, 1995 transfers to it the existing authority of the Departments of Development (DOD) and Natural Resources (DNR) related to the development of markets for recycled materials. Prior to the transfer, the bill makes numerous changes to the existing market development programs to enable them to more effectively provide funding to encourage public and private sector market development activities. The bill also directs the DOD and DNR, the University of Wisconsin - Extension and the new Recycling Market Development Board to create replacement programs using a Memorandum of Understanding. **Senate Bill 513** further modifies several deadlines related to the application for and provision of municipal and county recycling grants which provide assistance to responsible units in the collection of recyclable materials. I fully support the recycling efforts of the state as well as the efforts of this bill to address areas that have been less successful than we wish and thus to make the program more effective. However, I believe several provisions of the bill actually work counter to these intentions and I have used my partial veto authority to modify those provisions.

Section 1m creates a procedure by which the Governor is to nominate nine of the eleven members of the Recycling Market Development Board. Six of the nominees are to represent responsible units, i.e., county or municipal units of government with responsibility for recycling activities. The bill would require me to nominate persons from a list submitted by responsible units that is made up of elected officials or employees of responsible units or employees of a statewide organization representing responsible units. The nominations are to represent all regions of the state and all sizes of responsible units and at least one must represent a responsible unit with a population of 100,000 or more. The three remaining nominations must be made from a list submitted to me by the Council on Recycling and have expertise in the marketing of recovered materials or the development of those markets. Each of the nine nominations is subject to Senate confirmation. I am partially vetoing these provisions because I object to the policy of reserving, by statute, positions on policy making bodies for members of specific groups and permitting the groups themselves to limit the pool of candidates considered. These appointments are more appropriately made by the Governor from an unrestricted candidate pool in a manner that best represents the interests of the residents of Wisconsin. As a result of this veto I will be required,

with Senate confirmation, to nominate six members of the Recycling Market Development Board to represent responsible units and three members with experience in marketing or developing markets for materials recovered from solid waste. While the responsible units and the Council on Recycling are welcome to submit suggestions, I will not be restricted in the selection process to names provided by these interested parties.

Section 26m reduces the length of time for which the (DOD) may make a commitment to pay a recycling rebate from a flexible period of up to five years to a fixed two-year period. I am vetoing this provision because it is overly restrictive and could work in a fashion counter to the intent of the legislation. In many cases, private investors cannot justify a business creation or expansion without the ability to plan on a recycling rebate for a longer period of time. At the same time, in some circumstances, a recycling rebate may not be justified for a full two-years. A fixed two-year commitment fails to provide the flexibility this program needs and which this legislation generally seeks to provide. This veto retains current law which allows the DOD to tailor recycling rebate commitments to the circumstances of each application with a maximum commitment of 5 years.

Section 19 and section 43 as it relates to s. 159.21(3) and (4) repeal the requirement, effective July 1, 1995, that the (DNR) provide certain information, educational training programs designed to enhance recycling programs. Among others, these programs are to be made available to private scrap brokers, dealers and processors; businesses that do or could use recycled materials or do or could produce products using recycled materials; and businesses who provide support services to them. I am vetoing this provision because, while it is intended to transfer this responsibility to the Recycling Market Development Board for market development issues, it also repeals DNR authority to provide information and education programs to private organizations engaged in the collection and processing of recyclable materials. This veto retains the requirement that the DNR provide information and education programs addressing both market development issues and collection processing issues to various private sector businesses. This veto also eliminates the July 1, 1995 effective date of the provision because it is no longer necessary.

Section 40m(1) and (2) and section 43 as it relates to section 40m(1) and (2) reduce the position complement at DNR by 2.0 FTE, effective July 1, 1995, to reflect termination of market development and technical assistance activities at the agency. I am vetoing these position reductions because the two positions perform duties that will continue after passage of this bill. Further, my partial veto of the information, education and training provisions will retain for DNR the technical assistance functions of one of these positions. This veto also eliminates the July 1, 1995 effective date of the provision because it is no longer necessary.

**Senate Bill 513** will make valuable improvements to an extremely worthwhile and necessary program. An effective waste management program is a critical element of this state's efforts to reduce pollution and protect our natural resources. **Senate Bill 513** will help us meet this objective and at the same time create numerous new businesses and jobs. I am pleased to sign this bill with partial vetoes that will serve to make it even more effective.

Respectfully,  
TOMMY G. THOMPSON  
Governor

#### SENATE CLEARINGHOUSE ORDERS

The committee on State Government Operations and Corrections reports and recommends:

**Senate Clearinghouse Rule 93-163**

Relating to nomination papers and election petitions.  
No action taken.

Gary Drzewiecki  
Chair

The committee on Human Resources, Labor, Tourism, Veterans and Military Affairs reports and recommends:

**Senate Clearinghouse Rule 93-44**

Relating to petroleum environmental cleanup fund.  
No action taken.

David A. Zien  
Chair

**Senate Clearinghouse Rule 93-169**

Relating to settlement and compromise of liabilities.  
Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, November 22, 1993.

Referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs, November 24, 1993.

**Senate Clearinghouse Rule 93-174**

Relating to plan review of public swimming pools.  
Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, November 22, 1993.

Referred to committee on Human Resources, Labor, Tourism, Veterans and Military Affairs, November 24, 1993.

**Senate Clearinghouse Rule 93-193**

Relating to a minority business recycling development grant and loan program.

Submitted by Department of Development.

Report received from agency, November 17, 1993.

Referred to committee on Business, Economic Development and Urban Affairs, November 24, 1993.

**CHIEF CLERK'S REPORT**

The chief clerk records:

- Senate Bill 76.
- Senate Bill 97.
- Senate Bill 249.
- Senate Bill 251.
- Senate Bill 276.
- Senate Bill 362.
- Senate Bill 221.
- Senate Bill 342.
- Senate Bill 513.

Correctly enrolled and presented to the Governor on November 18, 1993.

**CHIEF CLERK'S REPORT**

The chief clerk records:

- Senate Bill 11.
- Senate Bill 147.
- Senate Bill 183.
- Senate Bill 259.
- Senate Bill 509.

**Senate Bill 533.**

Correctly enrolled and presented to the Governor on November 23, 1993.

**CHIEF CLERK'S CORRECTION**

Suggested by Legislative Reference Bureau  
**Assembly Bill 406**

Assembly amendment 1

- 1. page 2, line 3: substitute "(c)" for "(L)".

**Assembly Bill 698**

Assembly amendment 2

In engrossing, the following correction was made:

- 1. Page 1, line 3: substitute "(ag)" for "1m".

**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 134** offered by Senator Farrow.