

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Second Regular Session

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WEDNESDAY, January 11, 1995

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

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**INTRODUCTION, FIRST READING AND  
REFERENCE OF BILLS**

Read first time and referred:

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**REPORT OF COMMITTEES**

**State of Wisconsin  
Senator Michael G. Ellis**

January 11, 1995

To the Honorable, The Senate:

Pursuant to Senate Rule 20, I have made the following change in Senate committee assignments:

**Joint Audit**, Senator Weeden to replace Senator Cowles.

Sincerely,  
SENATOR MICHAEL ELLIS, CHAIR  
Committee on Senate Organization

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Health and Social Services**

January 3, 1995

The Honorable, The Legislature:

1993 Wisconsin Act 251, Section 19(2)(a)(1), requires the Department of Health and Social Services to submit to the chief clerk of each house of the Legislature a report that describes how emergency medical services can be organized on a regional basis. Attached is the Department's report.

Departmental staff are available if you have any questions or desire any additional information.

Sincerely,  
RICHARD W. LORANG  
Acting Secretary

**State of Wisconsin  
Department of Health and Social Services**

January 1, 1995

The Honorable, The Senate:

Attached, pursuant to 1993 Wisconsin Act 98, is the final report of the Task Force on Improving Services to Children and Families. This report was developed by the Task Force in consultation with a local advisory group. The report:

1) describes barriers to collaboration between schools and social services agencies;

2) provides an analysis of state law revisions and federal waivers of law revisions needed to enhance collaboration; and

3) provides an inventory of state and federal programs and funding sources that serve children and families.

Although this report, along with the recommendations submitted to Governor Thompson on October 1, 1994, fulfill the mandate to the Task Force, the Department of Health and Social Services and the Department of Public Instruction will continue to work together to improve collaboration and to enhance the delivery of services to children and families in Wisconsin.

Sincerely,  
RICHARD W. LORANG  
Acting Secretary

**State of Wisconsin  
Department of Health and Social Services**

January 5, 1995

The Honorable, The Legislature:

Section 46.03(26) of the statutes requires the Department of Health and Social Services to report annually on information system projects under development. The attached report is a summary of the departmental systems currently under development.

Sincerely,  
RICHARD W. LORANG  
Acting Secretary

**State of Wisconsin  
Southwest Wisconsin Technical College**

January 4, 1995

The Honorable, The Senate:

RE: SEXUAL ASSAULT AND SEXUAL HARASSMENT INFORMATION

In compliance with Section 38.12(11)(c), I am submitting this report and a copy of the brochure that we use in informing our students about sexual assault and sexual harassment. This brochure is given out at the orientation sessions and is available for students throughout the year.

Sincerely,  
ROBERT J. HANSEN  
Dean of Student Services

Referred to committee on **Education, and Financial Institutions.**

**State of Wisconsin  
Department of Public Instruction**

January 6, 1995

The Honorable, The Senate:

As required by s.119.23, Wis. Stats. enclosed for distribution to the appropriate standing committees is the

fourth-year report on the Milwaukee Parental Choice Program. Authored by John Witte, professor with The Robert M. LaFollette Institute of Public Affairs and the Department of Political Science of the University of Wisconsin-Madison, the report is comprehensive and balanced in its independent review of the program.

Among the findings of the report are the following:

\* The vast majority of evidence presented in the report is consistent with and confirms the evidence contained in the three previous reports.

\* The program accomplishes its intent of making alternative school choices available to low-income families in Milwaukee.

\* The number of students participating has increased each year, from 341 in fall 1990, to 521 in fall 1991, to 608 in fall 1992, to 742 in fall 1993, to 830 in fall 1994. Eligible number of students is 1,450 in 1994-95, or 1.5 percent of the Milwaukee Public Schools (MPS) enrollment.

\* The number of participating schools was seven in 1990-91, six in 1991-92, 11 in 1992-93, and 12 in 1993-94 and in the current school year. Approximately 11 other nonsectarian schools in Milwaukee could participate in the choice program.

\* The attrition rate, which was very high, is declining. Excluding graduates and non-alternative schools, the attrition rate from school choice schools was 44 percent between the first and second years, The second-year attrition rate was 32 percent; third year, 28 percent; and fourth year, 23 percent. Attrition rates are higher with alternative schools included: 46 percent in the first year, 35 percent in the second, 31 percent in the third, and 27 percent in the fourth year.

\* Pupil attendance in the choice schools is high but only slightly higher than MPS. Attendance by choice students in the non-alternative schools (thus excluding Exito and Learning Enterprises for 1993-94) averaged 94 percent in 1990-91, 92 percent in 1991-92, 92.5 percent in 1992-93 and 93 percent in 1993-94. Average attendance in MPS elementary schools in the last three years has been 92 percent each year.

\* The researchers found no systematic evidence that choice students do either better or worse than MPS students on achievement tests, once test scores are controlled for gender, race, income, grade, and prior achievement. Choice students' reading scores increased the first year, fell substantially in the second year, and have remained approximately the same in the third and fourth years. In math, choice students were essentially the same in the first two years but recorded a significant increase in the third, followed by a significant decline this last year.

\* Parental attitudes toward choice schools and the education of their children were much more positive than their evaluations of their prior public schools. Similarly, parental involvement, more frequent than for the average MPS parent in prior schools, was even greater for most activities in the choice schools.

\* The choice students come from poor, often single-parent households. Similar to MPS parents, approximately 60 percent are receiving AFDC or public assistance. The parents also expressed considerable dissatisfaction with prior public schools, and based on prior test scores, there is clear evidence that their children were not doing well in those schools (both in relative and absolute terms).

\* Parents reported high satisfaction with information and assistance received from choice schools and the Department of Public Instruction.

\* Staff turnover was up slightly in 1994-95, from 18 percent to 24 percent. Four of 12 schools had new principals or head administrators.

\* Teaching staff in Milwaukee choice schools are generally positive about the small class sizes, the autonomy in the classroom, the usually congenial atmosphere in the schools, and the administrative support they received in disciplinary matters. They expressed dissatisfaction with low pay and benefits. Sixty-four percent of the teachers were Wisconsin certified.

\* Choice schools received an estimated \$3,209 per pupil in 1994-95. When the choice program began in 1990, four of the original seven schools were in serious financial difficulty. With the exception of one school which closed, all are in better financial condition today, and their facilities have improved. A new facility for one of the schools opened in 1993.

\* The recommendations in the report are similar to those in the first-, second-, and -third year reports and highlight needed changes in governance, financial reporting, program accountability, information and selection procedures, transportation, and the exclusion of children with exceptional education needs, among others. Most of the recommendations were included in both the governor's budget and the budget of the Department of Public Instruction in 1993 but were not acted upon by the Legislature.

I believe this report provides continuing evidence that while the Milwaukee Parental Choice Program provides an option for low-income parents who have been dissatisfied with the educational alternatives available for their children, it has not provided the dramatic academic improvements in students achievement that would label it a success. The experiment should continue only on a limited basis, but we must realize that it does not deal directly or substantially with the challenges the Milwaukee Public Schools face.

The Department of Public Instruction's biennial budget included a request to reallocate department funds to support recommendations from the Urban Initiative Task Force. Those recommendations, while offered to schools throughout the state with a high incidence of poverty, are targeted to assist 110 schools in Milwaukee. The Urban Initiative recommendations are founded on research that demonstrates improved academic achievement and call for an achievement guarantee contract that includes local solutions to address:

\* smaller class sizes in the elementary grades and in academic subjects in the middle school so teachers and students can form more caring relationships;

\* a rigorous curriculum that respects diversity;

\* schools as centers for coordinated health, recreational, and social service programs; and

\* a system of training and accountability for school staff members.

For additional information about Milwaukee Parental Choice Program, please contact Susan Freeze at (608) 266-1647.

Sincerely,  
JOHN T. BENSON  
State Superintendent

Referred to committee on **Education and Financial Institutions.**

**State of Wisconsin  
Department of Transportation**

January 3, 1994

The Honorable, The Senate:

The attached report entitled "Public Safety Radio Systems Maintenance And Repair Study" has been completed in response to a mandate that was included in the 1993-95 Biennial Budget (1993 SB 44) The mandate is included in Section 9154 (3) of that bill.

The report includes five sections. "Section I – Background" provides a brief description of the purpose and format of the report. "Section II – State Agency Mobile Radio Repair And Maintenance Facilities" includes an inventory of those state agencies that utilize mobile or portable radios, and the state facilities or contractual arrangements with private vendors that are used for the repair and maintenance of those radios. Mobile radios are normally installed in vehicles, and portable radios are typically worn by individuals. The majority of the mobile and portable radios are used by law enforcement personnel. However, these radios are also used by certain civilian employees assigned to institutions or the field.

"Section III – Program Consolidation Criteria" describes those factors that were used in the evaluation of existing radio maintenance and repair programs, in order to determine whether these facilities could be consolidated or shared by more than one agency. The ultimate purpose of this study is the identification of ways in which these services can be provided more efficiently.

"Section IV – Evaluation of Potential Agency Radio Maintenance & Repair Program Consolidations" includes a review of inter-agency agreements and shared programs that are already in place, and an evaluation of additional program consolidations that could be implemented. The report concludes with "Section V – Recommendations".

This report was prepared by the Division of State Patrol/Bureau of Support Services. If you have any questions or comments, please contact Dan McGuire at 267-7305.

Sincerely,

CHARLES H. THOMPSON  
Secretary

**State of Wisconsin  
Department of Natural Resources**

December 29, 1994

The Honorable, The Senate:

I am writing to provide an update on the audit which was specified in [1993 Wisconsin Act 16](#) Section [9142 \(3x\)](#). Under this section, this Department was to provide an audit report of the pilot project to control wind erosion and provide landowner compensation as specified under Section [92.103](#) Wis. Stats. This Department of Agriculture Trade and Consumer Protection project was to end by June 30, 1994 and the audit report submitted by January 1, 1995. As the pilot project was subsequently extended statutorily until June 30, 1995, it is premature to audit this project. Instead it seems appropriate that this letter serve as an interim status report and that an audit as specified in Section [9142 \(3x\)](#) be conducted following the pilot completion. The report would then be submitted by January 1, 1996. I trust that this will be satisfactory. Thank you.

Sincerely,

GEORGE MEYER  
Secretary

**State of Wisconsin  
Wisconsin Employment Relations Commission**

January 3, 1995

The Honorable, The Legislature:

On behalf of the Council on Municipal Collective Bargaining, pursuant to the nonstatutory provision of Sec. [9120\(2z\)](#), [1993 Wis. Act 16](#), I have the honor of transmitting the interim Special Report of the Council's Analysis and Assessment of each of the Changes Proposed by the Governor to Section [111.70\(4\)\(cm\)](#) of the Statutes in 1993 Senate Bill 44.

The Report was adopted by a 10-0 vote of the Council at its meeting on December 13, 1994

Sincerely,

A. HENRY HEMPE  
Chairperson

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**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

January 10, 1995

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of LAURIE R. MCCALLUM, dated July 11, 1994, for appointment to the Personnel Commission.

Sincerely,

TOMMY G. THOMPSON  
Governor

**State of Wisconsin  
Office of the Governor**

January 11, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LAURIE R. MCCALLUM, of Madison, as a member of the Personnel Commission, to serve for the term, ending March 1, 1999.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**ADRIAN**, Linda S., of Platteville, as a member of the Rural Health Development Council, to serve for the term ending July 1, 1999.

Referred to committee on **Health, Human Services and Aging**

**BENNING**, Cynthia A., of Fox Point, as a member of the Pharmacy Examining Board, to serve for the interim term ending July 1, 1998.

Referred to committee on **Health, Human Services and Aging.**

**BRISTOL**, Pauline M., of Phillips, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 1998.

Referred to committee on **Business, Economic Development and Urban Affairs.**

**CROOKS**, Judge N. Patrick, of Green Bay, as a member of the Study Committee on Juvenile Justice Issues, to serve for the term ending at the pleasure of the Governor

Referred to committee on **Judiciary.**

**GROSSMAN**, Dr. Ronald E., of River Hills, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 1996.

Referred to committee on **Health, Human Services and Aging**

**HUELSMAN**, Joanne B., of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1997.

Referred to committee on **Health, Human Services and Aging.**

**JOHNSTON**, Dr. Robert H., of Stoughton, as a member of the Veterinary Examining Board, to serve for the interim term ending July 1, 1997.

Referred to committee on **Transportation, Agriculture and Local Affairs**.

**KELL**, Susan A., of Madison, as a member of the Examining Board of Social Workers, Marriage and Family Therapists, and Professional Counselors, to serve for the term ending July 1, 1998.

Referred to committee on **Health, Human Services and Aging**.

**NUERNBERG**, Christine, of Mequon, as a member of the Real Estate Examining Board, to serve for the interim term ending July 1, 1997.

Referred to committee on **Business, Economic Development and Urban Affairs**.

**OSTBY**, Byron C., of Madison, as Commissioner of Railroads, to serve for an interim term.

Referred to committee on **Transportation, Agriculture and Local Affairs**.

**ROSLANSKY**, Roger D., of La Crosse, as a member of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 1997.

Referred to committee on **Business, Economic Development and Urban Affairs**.

**SCHWARTZ**, W. R., of Wauwatosa, as a member of the Medical Examining Board, to serve for the term ending July 1, 1998.

Referred to committee on **Health, Human Services and Aging**.

**STOLPMAN**, Kathleen F., of Milwaukee, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1997

Referred to committee on **Health, Human Services and Aging**.

**WALL**, Scot, of Cashton, as a member of the Rural Health Development Council, to serve for the interim term ending July 1, 1995.

Referred to committee on **Health, Human Services and Aging**.

**WILLOUGHBY**, E. Ray, of Eau Claire, as a member of the Rural Health Development Council, to serve for the term ending July 1, 1999.

Referred to committee on **Health, Human Services and Aging**.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 94-030**

Relating to uniform requirements for the design and construction of multifamily dwellings..

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, January 5, 1995.

Referred to committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**, January 11, 1995.

**Senate Clearinghouse Rule 94-044**

Relating to compliance deadline extensions for early reductions of hazardous air pollutants.

Submitted by Department of Natural Resources.

Withdrawn by Agency, January 4, 1995.

**Senate Clearinghouse Rule 94-065**

Relating to the control of acid rain emissions.

Report received from agency, January 10, 1995.

Submitted by Department of Natural Resources.

Referred to committee on **Environment and Energy**, January 11, 1995.

**Senate Clearinghouse Rule 94-066**

Relating to small cities community development block grants for housing..

Submitted by Department of Administration.

Report received from agency, January 5, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, January 11, 1995.

**Senate Clearinghouse Rule 94-083**

Relating to prevention of significant deterioration and associated particulate matter increments..

Submitted by Department of Natural Resources.

Report received from agency, January 10, 1995.

Referred to committee on **Environment and Energy**, January 11, 1995.

**Senate Clearinghouse Rule 94-089**

Relating to reimbursement of legal fees for juvenile representation where the parents are found to be nonindigent.

Submitted by State Public Defender Board.

Report received from agency, January 5, 1995.

To committee on **Judiciary**, January 11, 1995.

**Senate Clearinghouse Rule 94-100**

Relating to the well compensation program..

Submitted by Department of Natural Resources.

Report received from agency, January 10, 1995.

Referred to committee on **Environment and Energy**, January 11, 1995.

**Senate Clearinghouse Rule 94-111**

Relating to intervenor compensation..

Submitted by Public Service Commission.

Report received from agency, January 5, 1995.

Referred to committee on **Environment and Energy**, January 11, 1995.

**Senate Clearinghouse Rule 94-142**

Relating to sport fishing for trout and salmon on Lake Michigan and Green Bay..

Submitted by Department of Natural Resources.

Report received from agency, January 10, 1995.

To committee on **Environment and Energy**, January 11, 1995.

**Senate Clearinghouse Rule 94-152**

Relating to forms required of corporations, information returns and wage statements, forms required of persons other than corporations and federal forms required to be attached to Wisconsin returns of persons other than corporations..

Submitted by Department of Revenue.

Report received from agency, January 6, 1995.

Referred to committee on **State Government Operations and Corrections**, January 11, 1995.

**Senate Clearinghouse Rule 94–156**

Relating to atrazine use restrictions..

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from agency,

Report received from agency, January 5, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, January 11, 1995.

**Senate Clearinghouse Rule 94–191**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways..

Submitted by Department of Transportation.

Report received from agency, January 5, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, January 11, 1995.

**Senate Clearinghouse Rule 94–198**

Relating to transportation of explosives by motor vehicle.

Submitted by Department of Transportation.

Report received from agency, January 5, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, January 11, 1995.

The following Clearinghouse Rules were continued from the 1993 session pursuant to section 227.19 (4)(b), Wisconsin Statutes:

**Senate Clearinghouse Rule 93–158**

Relating to fire department health and safety standards.

Submitted by Department of Industry, Labor and Human Relations

To committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**.

Referred on January 11, 1995.

**Senate Clearinghouse Rule 94–31**

Relating to the investigation and remediation of environmental contamination at sites or facilities subject to the environmental repair statute, the hazardous substance spills statute or the abandoned container statute, and to the remediation of soil contamination at certain solid waste facilities, hazardous waste facilities and wastewater sludge storage facilities, lagoons and storage and treatment structures.

Submitted by Department of Natural Resources.

To committee on **Environment and Energy**.

Referred on January 11, 1995.

**Senate Clearinghouse Rule 94–76**

Relating to PCB's and solid and hazardous waste management.

Submitted by Department of Natural Resources.

To committee on **Environment and Energy**,

Referred on January 11, 1995.

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**MESSAGES FROM THE ASSEMBLY**

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has: Organized and and is ready to procede to the business of the 1995–96 session.

Adopted and asks concurrence in:

**Assembly Joint Resolution 1**

**Assembly Joint Resolution 2**

**Assembly Joint Resolution 3**

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**MESSAGE FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 1**

Relating to: the life and public service of Cletus Vanderperren.

By Representatives Ryba, Coleman, Ainsworth, Baldus, Baldwin, Bell, Bock, Boyle, Brandemuehl, Carpenter, Cullen, Dobyns, Dueholm, Foti, Freese, Gard, Goetsch, Green, Grobschmidt, Gronemus, Grothman, Hahn, Hanson, Harsdorf, Hasenohrl, Huber, Hubler, Hutchison, Jensen, Kaufert, Kelso, Kreuser, Krug, Kunicki, Ladwig, Lehman, Linton, Meyer, Nass, Notestein, Ott, Otte, Ourada, Plache, Plombon, Porter, R. Potter, Prosser, Riley, Robson, Schneider, Schneiders, Seratti, Silbaugh, Springer, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Wirch, Wood and R. Young; cosponsored by Senators Andrea, Cowles, Breske, Burke, Chvala, Clausing, Darling, Drzewiecki, Helbach, Jauch, A. Lasee, Moen, Moore, Panzer, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz and Wineke.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 2**

Relating to: the life and public service of Fred Reger.

By Representative Ourada; cosponsored by Senator Breske.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 3**

Relating to: the life and public service of Thomas P. Fox.

By Representative Baldwin; cosponsored by Senator Risser.

Read and referred to committee on **Senate Organization**.

Pursuant to Senate Rule 46(1)(c) the following bill was withdrawn from the committee on **Judiciary** and referred to the committee on **State Government Operations and Corrections**.

**Senate Bill 1**

Relating to: providing a penalty of either death or life imprisonment for the first-degree intentional homicide of a child younger than 16 years old, affecting parole eligibility and granting rule-making authority.