

STATE OF WISCONSIN
Senate Journal
Ninety–Second Regular Session

WEDNESDAY, February 7, 1996

The Chief Clerk makes the following entries under the above date.

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 52

Relating to: proclaiming May 17, 18 and 19, 1996, “Syttende Mai Weekend”.

By Senators Moen, Rude, Clausing, Darling, C. Potter, Panzer, Breske, Chvala, Andrea, Moore, Grobschmidt, Drzewiecki, Huelsman and Schultz; cosponsored by Representatives Silbaugh, Johnsrud, R. Potter, Dobyns, Baldus, Ryba, Turner, Gronemus, Musser, R. Young, Olsen, Huebsch, Gunderson, Bock, Grothman, Hanson, Krug and Dueholm.

To committee on **Senate Organization**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 523

Relating to: suspending Huber law privileges for a breach of discipline or other violation of jail regulations.

By Senators Fitzgerald, Zien, Petak, Darling, A. Lasee, Cowles, Schultz, Andrea and Buettner; cosponsored by Representatives Dobyns, Zukowski, Ladwig, Walker, Green, Vrakas, Ott, Lazich, Gunderson, F. Lasee, Hahn, Silbaugh, Skindrud, Handrick, Freese, Seratti, Klusman, Goetsch, Brandemuehl, Turner, Wirsch, Kreuser, Powers and Huebsch.

To committee on **State Government Operations and Corrections**.

Senate Bill 524

Relating to: fees paid to sheriffs.

By Senators Fitzgerald, Darling, Andrea and Buettner; cosponsored by Representatives Dobyns, Ladwig, Powers, F. Lasee, Musser, Freese, Zukowski, Silbaugh, Goetsch, Wirsch and Hahn.

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

Senate Bill 525

Relating to: allowing a sheriff to ask for an attorney general’s opinion.

By Senators Fitzgerald, Darling, Schultz, Andrea and Buettner; cosponsored by Representatives Dobyns, Zukowski, Powers, Seratti, F. Lasee, Silbaugh, Skindrud, Hoven, Gunderson, Freese, Klusman, Goetsch, Musser, La Fave, Huebsch, Hahn, Ward and Grothman.

To committee on **Judiciary**.

Senate Bill 526

Relating to: delivering articles to, or receiving articles from, inmates of a jail and providing a penalty.

By Senators Fitzgerald, Drzewiecki, Petak, A. Lasee, Darling, Zien, Welch, Schultz, Moen and Buettner; cosponsored by Representatives Dobyns, Zukowski, Nass, Green, Lazich, Hahn, Gunderson, Ward, Otte, Ainsworth, Musser, Freese, Ott, Powers, Albers, Seratti, F. Lasee, Vrakas, Olsen, Kaufert, Goetsch, Baldus, Hasenohrl, Ziegelbauer, Plombon, Huebsch, Ladwig and Skindrud.

To committee on **State Government Operations and Corrections**.

Senate Bill 527

Relating to: the enforcement of rules promulgated by the department of administration concerning the use, care and preservation of property under the department’s control and granting rule-making authority.

By Senators Huelsman, Rude, C. Potter, Buettner, Rosenzweig, Cowles, Farrow, Welch, Shibilski, Petak, Darling, Fitzgerald, Ellis, Drzewiecki and Panzer; cosponsored by Representatives Klusman, Prosser, Huber, Otte, Plache, Green, Brancel, Reynolds, Freese, Vrakas, Wasserman, Foti, Olsen, Ott, Nass, Dobyns, Handrick, Ladwig, Huebsch, Skindrud, Powers, Musser and Ainsworth.

To committee on **Judiciary**.

Senate Bill 528

Relating to: changing the definition of a restaurant.

By Senators Cowles, Drzewiecki, Rude and Huelsman; cosponsored by Representatives Ainsworth, Johnsrud, Goetsch, Ott, Silbaugh, Seratti, Lorge and Wilder.

To committee on **Business, Economic Development and Urban Affairs**.

Senate Bill 529

Relating to: corporations that are investment companies.

By Senators Darling, Farrow, Huelsman, Panzer, Rude, Shibilski, Welch, Weeden and Rosenzweig; cosponsored by Representatives Albers, Jensen, Cullen, Duff, Goetsch, La Fave, Lazich, Schneiders, Springer, Urban, Walker, Wasserman, Ziegelbauer, Grothman and F. Lasee.

To committee on **Education and Financial Institutions**.

Senate Bill 530

Relating to: the deadline for filing an amended income tax return.

By Senator Breske; cosponsored by Representatives Ourada, Ryba and Hasenohrl.

To committee on **State Government Operations and Corrections.**

Senate Bill 531

Relating to: abolishing peremptory jury challenges.

By Senator Adelman.

To committee on **Judiciary.**

Senate Bill 532

Relating to: inadmissibility of subsequent remedial measures as evidence of violation of an employer's duty to furnish safe employment and place.

By Senators Huelsman, Cowles, Drzewiecki and Petak; cosponsored by Representatives Green, Klusman, Kelso, Underheim, Seratti, Albers, Hasenohrl and Grothman.

To committee on **Judiciary.**

Senate Bill 533

Relating to: accreditation for certain insurers, immunity for acts related to regulation of insurer solvency, claims under the insurance security fund, service of process on insurers and granting rule-making authority.

By Senators Schultz and Rude; cosponsored by Representatives Johnsrud and Baldus.

To committee on **Insurance.**

Senate Bill 534

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

By Senators Farrow, Breske, Rude, Clausing, Huelsman, C. Potter, Schultz, Rosenzweig and Welch; cosponsored by Representatives Walker, Ainsworth, Krusick, Johnsrud, Vrakas, Owens, Seratti, Huebsch, Springer, Urban, Huber, Nass, Silbaugh, Plache, Kreibich, Ott, Duff, Gronemus, Goetsch, Hahn, Lazich, La Fave, Harsdorf, Meyer, Olsen, Powers and Brandemuehl.

To committee on **Business, Economic Development and Urban Affairs.**

Senate Bill 535

Relating to: the sale of prearranged funeral plans, funding of prearranged funeral plans with life insurance policies and annuities and granting rule-making authority.

By Senators Rude, George, Fitzgerald, Darling, Farrow, Grobschmidt, Rosenzweig, Schultz and Wineke; cosponsored by Representatives Albers, La Fave, Prosser, Jensen, Duff, Green, Hoven, Huebsch, Johnsrud, Kreibich, F. Lasee, Lazich, Lehman, Meyer, Silbaugh, Underheim, Urban, Walker, Robson, Kaufert, Goetsch, Hahn, Ladwig, Musser, Riley and Vrakas.

To committee on **Business, Economic Development and Urban Affairs.**

REPORT OF COMMITTEES

The committee on **Judiciary** reports and recommends:

Senate Bill 254

Relating to: obscenity.

Passage.

Ayes, 3 – Senators Huelsman, Welch and Darling.
Noes, 2 – Senators Risser and Adelman.

Joanne Huelsman
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Ethics Board**

February 6, 1996

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the name of an organization recently registered with the Ethics Board that employs one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For the recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of the licensed lobbyist that the organization has authorized to act on its behalf.

Organization recently registered:

Below is the name of an organization recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

Kimmel Family Services

Any matter affecting the company in anyway by any state agency, or the legislature.

Bartels, Peggy

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:

Assisted Living Assn, Wisconsin

Bartels, Peggy

Common Cause in Wisconsin

Heck, James

Community Bankers of Wisconsin (formerly Independent)

Moore, Tom

Motors Corp, General

Sproles, Joe

Philip Morris Incorporated (formerly Philip Morris U.S.A.)

Lenzi, John

Women Voters, League of

Simmons, Kate

Termination of lobbying authorizations:

The following individuals are no longer authorized to lobby on behalf of the organizations listed below, as of the dates indicated.

Herd Management Coop, Wisconsin

Froehke, Scott 1/31/96

Insurers, Alliance of American

Hauke, Thomas 1/30/96

Merrill Lynch, Pierce, Fenner & Smith, Inc

Brozek, Michael 1/31/96

Motors Corp, General

Day, John R. 12/31/95

Spiegel, Stephen 1/31/96

Philip Morris Incorporated (formerly Philip Morris U.S.A.)

Wiswell, Jeffrey 2/1/96

Road Builders Assn, Wisconsin

Froehlke, Scott 12/31/95

Sexual Assault, Wisconsin Coalition Against

Obinna, Jennifer 2/5/96

Textile Services, Wisconsin Assn of

Goyke, Gary 1/30/96

Women Voters, League of

Dercks, Rosemarie 12/31/95

Organization's cessation of lobbying activity:

The following organizations previously registered with the Ethics Board as employers of lobbyists have indicated a cessation of all lobbying activity effective on the dates shown.

Alternative Transportation Fuels Inc. a subsidiary of Skelgas, Inc. 1/30/96

Brozek, Michael 1/30/96

Sports Authority, Wisconsin 1/29/96

Katzman, Bill 1/29/96

Stitt, Don 1/29/96

Sweeney, Gary 1/29/96

Organization's modification or amendment of records:

The registered organization listed below has indicated the following modification to its records:

Community Bankers of Wisconsin, Independent (old name) changed its name to **Community Bankers of Wisconsin** (new name)

Schneider Communications (old name) changed its name to **Frontier Communications of the Great Lakes, Inc.** (new name)

Philip Morris U.S.A. (old name) changed its name to **Philip Morris Incorporated** (new name)

Rime, Inc (old name) changed its name to **Rime Management Group, Inc.** (new name)

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 Regulation and Licensing
Medical Examining Board**

January 19, 1996

The Honorable, The Legislature:

Wisconsin Act 180, which became effective on April 29, 1992, changed the requirements for a certificate to practice as a physician assistant. The Act created sec. 448.05(5)(a) 1 & 2, Stats., to require that an applicant for a certificate must be certified to assist primary care physicians by the National Commission on Certification of Physician Assistants, and that

the applicant must have satisfactorily completed a physician assistant training program approved by the board. The board by rule established that an approved educational program is one accredited and approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

Nonstatutory provisions of the Act provided that notwithstanding the requirements of sec. 448.05 (5)(a), Stats., the board was to grant certification to applicants who applied prior to July 1, 1993, and who met the requirement at sec. 448.05 (5)(a)1, Stats., but who did not meet the requirements of sec. 448.05 (5)(a)2, Stats. The board was required to record the qualifications of persons qualifying under this provision, including the evidence satisfying the board that the applicant had experience or informal training substantially equivalent to an approved formal training program, and had completed a physician assistant education program not approved by the board. Finally, the board was to report to the legislature by March 1, 1993, the number of applicants approved for certification under the nonstatutory provisions, which report was to include the board's evaluation of the applicants' qualifications, and any recommendations for changing the requirements for certification of physician assistants.

Only one applicant for certification as a physician assistant was granted certification under the nonstatutory provisions of Wisconsin Act 180. Mark Avery Helgeson was granted certificate #682 on November 19, 1992, based upon his having been granted an associate degree in science from St. Cloud State University, St. Cloud, Minnesota, on February 19, 1976, and upon his having practiced as a registered physician assistant in the State of Minnesota since September 12, 1987. Mr. Helgeson had successfully completed the Physician Assistant National Certifying Examination administered by the National Commission of Physician Assistants, Inc., and was granted certification by the national commission on January 15, 1981.

Based upon the limited experience with applicants applying under the nonstatutory provisions of 1991 Wisconsin Act 180, the Medical Examining Board has no recommendation for changing the requirements for certification as a physician assistant under sec. 448.05(5), Stats.

Sincerely,

CLARK O. OLSEN, M. D.
Chairman

**State of Wisconsin
Department of Administration**

January 30, 1996

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172 (3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of December, 1995.

On December 1, 1995 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$4 thousand. This shortfall continued until December 31, 1995 when the balance reached -\$22 thousand. The shortfall was due to the timing of revenues to the fund.

The Wisconsin Health Education Loan Repayment Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,

JAMES R. KLAUSER
Secretary

Referred to the joint committee on **Finance**.

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

February 1, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MULLALLY, ROBERT R., of Onalaska, as a member of the Minnesota-Wisconsin Boundary Area Commission, to serve for the interim term ending September 25, 1996 and for the full term ending September 25, 2001.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Environment and Energy**.

**State of Wisconsin
Office of the Governor**

February 1, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LANIER, SHIRLEY J., of Mequon, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2001

Sincerely,

TOMMY G. THOMPSON
Governor

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

**State of Wisconsin
Office of the Governor**

February 1, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TURBA, WILFRID, of Elkhart Lake, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2001

Sincerely,

TOMMY G. THOMPSON
Governor

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

**State of Wisconsin
Office of the Governor**

February 1, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEMMENES, LARRY H., of Waupun, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2001

Sincerely,

TOMMY G. THOMPSON
Governor

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

**State of Wisconsin
Office of the Governor**

February 1, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SANDSNES, ARDEN T., of Monona, as a member of the Land Information Board, to serve for the term ending May 1, 2001

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Environment and Energy**.

**State of Wisconsin
Office of the Governor**

February 1, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NIEMANN, BERNARD J., JR., of Madison, as a member of the Land Information Board, to serve for the term ending May 1, 2001

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Environment and Energy**.

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KENNEDY, LISA L., of Milwaukee, as a member of the Examining Board of Architects, Landscape Architects, Designers and Land Surveyors, to serve for the term ending July 1, 1999.

Sincerely,

TOMMY G. THOMPSON
Governor

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

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PUDELKO, SHEILA, of Rothschild, as a member of the Examining Board of Architects, Landscape Architects, Designers and Land Surveyors, to serve for the interim term ending July 1, 1997 and for the full term ending July 1, 2001

Sincerely,

TOMMY G. THOMPSON
Governor

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

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROZAR, DONNA M., of Marshfield, as a member of the Examining Board of Architects, Landscape Architects, Designers and Land Surveyors, to serve for the term ending July 1, 1998

Sincerely,

TOMMY G. THOMPSON
Governor

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

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRAUN, JODI, of Neenah, as a member of the Dietitians Affiliated Credentialing Board, to serve for an initial term ending July 1, 1997, and a subsequent term ending June 30, 1999

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HAMILTON, SHARON J., of Racine, as a member of the Accounting Examining Board, to serve for the term ending July 1, 1999

Sincerely,

TOMMY G. THOMPSON
Governor

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

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CHAMBERS, DR. JAMES, of Ashland, as a member of the Medical Examining Board, to serve for the term ending July 1, 1999

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BARTLETT, DR. WILLIAM L., of Berlin, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1999

Sincerely,

TOMMY G. THOMPSON
Governor

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

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CARLSON, JAN HEBERLEIN, of Portage, 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, 1999

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

January 25, 1996

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HARPER, MURIEL J., 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, 1999

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services and Aging.**

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

Senate Clearinghouse Rule 95-180

Relating to county relief programs funded by block grants.
Submitted by Department of Health and Social Services.
Report received from Agency, February 6, 1996.

Referred to committee on **Health, Human Services and Aging**, February 7, 1996.

Senate Clearinghouse Rule 95-191

Relating to sport and commercial fishing and fish refuges.
Submitted by Department of Natural Resources.
Report received from Agency, February 6, 1996.

Referred to committee on **Environment and Energy**, February 7, 1996.

**State of Wisconsin
Revisor of Statutes Bureau**

February 1, 1996
To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
94-160	February 1, 1996
94-175	February 1, 1996
95- 18	February 1, 1996
95- 22	February 1, 1996
95- 54	February 1, 1996
95- 79	February 1, 1996
95- 86	February 1, 1996
95- 88	February 1, 1996
95-116	February 1, 1996
95-137	February 1, 1996
95-144	February 1, 1996
95-145	February 1, 1996
95-150	February 1, 1996
95-151	February 1, 1996
95-152	February 1, 1996
95-159	February 1, 1996
95-160	February 1, 1996
95-162	February 1, 1996

Sincerely,
GARY L. POULSON
Deputy Revisor

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 30

Report correctly enrolled on February 2, 1996.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 379

Report correctly enrolled on February 2, 1996.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 50

Report correctly enrolled on February 6, 1996.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 72

Senate Bill 224

Senate Bill 252

Senate Bill 345

Report correctly enrolled on February 6, 1996.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

Corrections In:

1995 Senate Bill 501

Prepared by the Legislative Reference Bureau
(February 2, 1996)

1. Page 110, line 1: after "(b)" insert ", no person".

Corrections In:

1995 Assembly Bill 733

Prepared by the Legislative Reference Bureau
(February 2, 1996)

2. Page 2, line 5: delete "252.23 (3) (a)." and substitute "252.23 (4) (a).".

3. Page 3, line 8: delete "252.23 (3)" and substitute "252.23 (4)".