

STATE OF WISCONSIN
Senate Journal
Ninety–Third Regular Session

WEDNESDAY, April 23, 1997

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

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 175

Relating to: specifying that Prader–Willi syndrome is a developmental disability.

By Senators Wineke, Schultz and Risser; cosponsored by Representatives Brandemuehl, J. Lehman, Bock, Hanson, Urban, Boyle, Notestein, Powers, Hasenohrl, Lorge, Sykora, R. Young, Skindrud and Williams.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

Senate Bill 176

Relating to: transferring responsibility for administering the uniform commercial code lien system and business organization filing requirements, authorizing positions, granting rule–making authority and making appropriations.

By Senators C. Potter, Burke, Risser, Moen, Wineke and Clausung; cosponsored by Representatives Lorge, Schneider, R. Young, Black, Huber, Plouff, Meyer, Baumgart and Plale.

To committee on **Economic Development, Housing and Government Operations**.

Senate Bill 177

Relating to: the revocation of licenses issued by the department of public instruction and reports about licensees made to the department by administrators of educational agencies.

By Senators Grobschmidt, Buettner, Darling and Panzer; cosponsored by Representatives Nass, Brandemuehl, Hahn, Ward, Duff, M. Lehman, Plale, Dobyms, Huber, Freese, Gronemus, Goetsch, Hasenohrl, Harsdorf, Kelso, Walker, Sykora, Kedzie, Seratti, Lazich and Albers.

Read first time and referred to committee on **Education**.

Senate Bill 178

Relating to: exempting certain resident students from tuition at the University of Wisconsin System and at the technical college system.

By Senators Weeden, Farrow and Buettner; cosponsored by Representatives Walker, Musser, Lazich, Gunderson and Sykora.

Read first time and referred to committee on **Education**.

Senate Bill 179

Relating to: seizure and forfeiture of motor vehicles.

By Senators Huelsman, Wirch, Fitzgerald, Panzer and Farrow; cosponsored by Representatives Vrakas, Notestein, M. Lehman, Kreibich, Ziegelbauer, Dobyms, Ott, Hanson, Urban, Schafer, Staskunas, F. Lasee, Powers, Ladwig, Grothman, Goetsch, Sykora, Kaufert, Albers, Kelso, Duff, Green, Nass, Gunderson and Seratti.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Senate Bill 180

Relating to: the sale of advertising space in folded highway maps, the sale of highway service maps and making an appropriation.

By Senators Shibilski, Fitzgerald, Breske, Panzer, Clausung, Buettner and Welch; cosponsored by Representatives Gunderson, Meyer, Musser, Porter, Turner, Freese, Hanson, Ott, Seratti, Gronemus, Kreibich, Ryba, Walker and Handrick.

To committee on **Labor, Transportation and Financial Institutions**.

Senate Bill 181

Relating to: establishment of species harvest limits and allotment of individual licensee catch quotas among holders of commercial fishing licenses and granting rule–making authority.

By Senators Shibilski, A. Lasee, Clausung, Zien, Breske, Drzewiecki, Schultz and Rude; cosponsored by Representatives Hutchison, Schneider, Hasenohrl, Powers, Linton, Ott, Gunderson, Boyle, Green, Seratti, Freese, Gronemus, Vrakas, F. Lasee, Ryba, Owens, Skindrud, Kelso and Hahn.

To committee on **Agriculture and Environmental Resources**.

Senate Bill 182

Relating to: requiring instruction in public schools on the history of organized labor.

By Senators Decker, C. Potter and Plache; cosponsored by Representatives J. Lehman, Plouff, Boyle, Bock, Hasenohrl and Kreuser.

To committee on **Education**.

REPORT OF COMMITTEES

The joint committee on **Employment Relations** reports and recommends:

Senate Bill 183

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 1995–97 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes, 8 – Senators Risser, Chvala, Burke and Ellis; Representatives Brancel, Foti, Jensen and Kunicki.

Noes, 0 – None.

To committee on **Senate Organization**.

Senate Bill 184

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 1997–99 biennium, covering employes in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes, 7 – Senators Risser, Chvala, Burke and Ellis; Representatives Brancel, Foti and Kunicki.

Noes, 1 – Representative Jensen.

Fred Risser

Senate Chairperson

To committee on **Senate Organization**.

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

JOHNSON, RUTH G., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

MUSOLF, MARK E., of Madison, as Commissioner of the Wisconsin Tax Appeals Commission, to serve for the term ending March 1, 2003.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

PROSSER, DAVID T., of Appleton, as a member of the Wisconsin Tax Appeals Commission, to serve for the interim term ending March 1, 1999.

Confirmation.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

Senate Bill 53

Relating to: eligibility for the Wisconsin Housing and Economic Development Authority's property tax deferral loan program.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Moore, Plache, Grobschmidt, Fitzgerald and Weeden.

Noes, 0 – None.

Gwendolynne Moore

Chairperson

PETITIONS AND COMMUNICATIONS

Senate Petition 2

A petition by 37 residents of the State of Wisconsin in opposition to the transfer of School AODA Programs from the Department of Public Instruction to the Department of Health and Family Services.

By Senator Burke.

To committee on **Education**.

Senate Petition 3

A petition by 226 residents of the State of Wisconsin opposing the recommendation to combine the functions of the Council for the Deaf and Hard-of-Hearing with the Councils serving all other disabilities.

By Senator Burke.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

State of Wisconsin

April 18, 1997

The Honorable, The Senate:

Pursuant to section 13.58 (1) (a), Stats., as Co-Chair of the Joint Committee on Finance, I officially designate Senator Kevin Shibilski to serve on the Joint Committee on Information Policy.

Thank you for your attention to this matter.

Sincerely,

BRIAN BURKE

State Senator

**State of Wisconsin
Ethics Board**

April 15, 1997

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 that employ 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 each 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 each licensed lobbyist that the organization has authorized to act on its behalf.

Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

Aggregate Producers of Wisconsin Inc

Subject(s): Legislation and rules dealing with mineral extraction or transportation, or permitting of nonmetallic mining operations, as well as any other agency rules or legislation that may affect the aggregate industry.

Fassbender, Robert I

Osborne, Patrick

Applied Power Inc

Subject(s): Chapter 180 revisions.

Brown, George

Driessen, Anthony

Quality Health Care, United Professionals for

Subject(s): All issues that effect the wages, benefits, hours and working conditions of health care and human service workers in Wisconsin. Specifically, issues related to state employees in the professional patient care bargaining unit, municipal health and social service workers, hospital, clinic and nursing home workers.

Horn, John

O'Connell, Dave

Viisage Technology Inc

Subject(s): Any contracts with the State of Wisconsin relating to the Digital Driver License Photo I.D. System, but not limited to.

Brozek, Michael

Organization's authorization of additional lobbyists:

The following organizations previously registered with the Ethics Board have authorized to act on their behalf these additional licensed lobbyists:

DuPont Merck Pharmaceutical Co, MultiState Associates on behalf of

Brown, George

Fabricare Institute, Wisconsin

Gallo, Donald P

Massage Therapy Assn, American, Wis Chapter, MultiState Associates on behalf of

Brown, George

Rural Development Center, Wisconsin

O'Connor, William P

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.

Power and Light Company, Wisconsin

Scholz, Brandon 4/8/97

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**

April 22, 1997

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 that employ 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 each 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 each licensed lobbyist that the organization has authorized to act on its behalf.

Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

1000 Friends of Wisconsin

Subject(s): All policies related to land use including, but not limited to, transportation, private and public sewer systems, annexation laws, public land acquisition programs, land records information and cooperation between local units of government.

Cieslewicz, David

Civil Justice, Wisconsin Coalition for

Subject(s): Issues related to the tort reparations systems, the civil justice system, the courts and civil procedure.

Hough, James E

Family Health Plan Cooperative

Subject(s): All matters involving or affecting health care, health insurance, employment, nonprofit organizations and business enterprises.

Dougherty Jr., Philip

Peterson, Craig

Ulijasz, Pamela

Family Health Systems

Subject(s): All matters relating to or influencing health care management, health care delivery, business management and insurance.

Dougherty Jr., Philip

Grocers Assn., Wisconsin

Subject(s): Inspection, lottery, check and legal fees; employee/employer compensation, benefits, training; sales tax; liquor and tobacco regulations; and welfare benefit programs and regulations.

Scholz, Brandon

Lake States Lumber Assn.

Subject(s): All areas relating to the forest products industry .

O'Connor, Alice

Telephone Answering Service Assn. of Wisconsin

Subject(s): Legislation affecting the telephone answering service industry.

Anderson, Norman C

Organization's authorization of additional lobbyists:

The following organizations previously registered with the Ethics Board have authorized to act on their behalf these additional licensed lobbyists:

AT&T Corporation

Essie, Patrick

Barr Laboratories

Intrater, Michelle

McIntosh, Forbes

Oakley, Kara

Solie, Denise

Milwaukee County

Bustle, Patricia

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
Investment Board**

April 14, 1997

The Honorable, The Legislature:

Section 25.17 (14r) of the Statutes requires that the State of Wisconsin Investment Board (SWIB) submit a report to the Joint Committee on Audit, Joint Committee on Finance, and Chief Clerks of each House summarizing any change in the board's investment policies, upon adoption of the change.

On April 2, 1997, the Board approved the attached modifications to the Investment Policy Guidelines for certificates of deposit (CDs) purchased by the State Investment Fund (SIF) from Wisconsin banks and thrifts. Additions to the previous guidelines are shaded and deletions are stricken material. The guidelines for the "Wisconsin Bank Program" have been replaced by the guidelines entitled "Wisconsin Certificate of Deposit Program".

- The new guidelines simplify the process for judging the credit quality of banks and thrifts who want to participate in the CD program. Eligibility is now based upon whether the bank/thrift qualifies for "pass-through" insurance by the Federal Deposit Insurance Corporation (FDIC). That determination is made by the FDIC according to whether the bank/thrift is "well capitalized" or "adequately capitalized". This change enables each public depositor and retirement fund participant to have FDIC coverage for up to \$100,000. Combined with the State's guarantee fund, this would make available to each public depositor up to \$500,000 of insurance coverage.

The new process enables SWIB to eliminate a bank/thrift evaluation program that was being provided by an outside vendor. As a result, there will be an annual cost savings of \$4,000.

- The maximum exposure which SIF may have to any bank or thrift has been reduced from the lesser of \$25 million or 3% of assets to the lesser of \$10 million or 3% of assets. This change was made to ensure that larger banks would not dominate the program.
- Under the previous guidelines, the maximum maturity for a CD purchased by SIF was three years. Under the new guidelines, the amount of exposure which SIF may have to CDs with maturities of up to three years is also limited to address concerns about control over duration of the overall SIF portfolio.
- The \$100,000 minimum size requirement for CDs purchased by SIF has been eliminated. We anticipate that the new minimum size will be \$25,000 as part of a plan to use an outside vendor in administering the CD program. The authority for the Investment Director to use third-party vendors is explicitly stated in the Guidelines. We continue to have discussions about ways that third-party vendors could play a role that would make the program more attractive to banks and thrifts without impairing our ability to earn a competitive rate of return.

These changes will simplify and improve the program. Please contact me if you have any questions.

Sincerely,
PATRICIA LIPTON
Executive Director

**State of Wisconsin
Legislative Audit Bureau**

April 22, 1997

The Honorable, The Legislature:

We have completed an evaluation of the Milwaukee Metropolitan Sewerage District, as directed by the Joint Legislative Audit Committee. The District, whose 1996 operating expenditures totaled \$118.8 million, recently completed work on the \$2.3 billion Water Pollution Abatement Program, which is the largest public works project in the State's history to date.

Since 1992, the District has maintained a monthly capital fund balance that has averaged \$114 million more than required to meet its cash requirements. We found that this excess balance is primarily the result of two factors: the District's decision to take advantage of favorable interest rates by issuing more bonds than it needed to pay for current construction costs, which appears to have minimized long-term taxpayer costs, and the receipt of more grant revenue than had been projected.

The production of Milorganite, a fertilizer made from heat-dried sludge, is currently the least-costly method available to the District for waste disposal, in part because its sale generates revenue. To ensure that Milorganite production remains a cost-effective disposal option, the District may need to enhance its marketing efforts to address increased competition from other municipalities. Plant modifications made after a February 1996 explosion appear to have addressed safety concerns.

The District also administers the Minority Business Development and Training Program, created by the Legislature in 1985 to develop the capabilities of minority individuals and businesses to participate in construction and construction-related projects. Through 1996, the program has spent \$21.0 million, of which only \$2.8 million, or 11 percent, was for participant training services, while almost as much, \$2.3 million, was spent for program management. In addition, per capita training costs for participating individuals and firms have been excessive.

Although the District has made some modifications to enhance its contract purchasing and oversight since our prior review in 1991, additional improvements are needed if the District is to be effective in evaluating the performance of its consulting engineers and contractors.

We appreciate the courtesy and cooperation extended to us by the Milwaukee Metropolitan Sewerage District. A response from the District is the Appendix.

Sincerely,
DALE CATTANACH
State Auditor

**State of Wisconsin
The University of Wisconsin System**

April 14, 1997

The Honorable, The Legislature:

At its meeting April 11, 1997, the Board of Regents accepted the attached report for submission to the chief clerk of each house of the legislature for distribution to the appropriate standing committee under s. 13.172 (3).

Section 36.11 (22) (b), Wis. Stats., requires the Board of Regents to submit a report to the chief clerk of each house of the Legislature annually on the methods each UW System institution used to disseminate information to students on sexual assault and sexual harassment.

The law requires UW System institutions to incorporate into their orientation programs for newly entering students oral and written information on sexual assault and sexual harassment,

including information on: 1) sexual assault by acquaintances of the victims; 2) the legal definitions and penalties for sexual assault; 3) generally available national, state, and campus statistics on sexual assault; 4) the rights of victims; and 5) protective behaviors including methods of recognizing and avoiding sexual assault and sexual harassment. In addition, each institution must annually supply to all students enrolled in the institution printed material that includes information on all of these topics.

This law was enacted in April 1990 and this is the sixth report to be compiled for the Legislature since its enactment.

If you need additional information regarding this report, please contact Mark A. Schemmel at 262-5504.

Sincerely,

KATHARINE C. LYALL

President

Referred to committee on **Education**.

**State of Wisconsin
The University of Wisconsin System**

April 14, 1997

The Honorable, The Legislature:

At its meeting April 11, 1997, the Board of Regents accepted the attached report for submission to the chief clerk of each house of the legislature for distribution to the appropriate standing committee under s. 13.172 (3).

Section 36.25 (14m)(c), Wis. Stats., requires the Board of Regents to submit a report to the governor and to the chief clerk of each house of the Legislature annually by April 15 on its precollege, recruitment, and retention plan for minority and disadvantaged students. The report must also include information on financial aid programs serving those students. the report for 1995-96 is attached.

If you need additional information regarding this report, please contact Andrea-Teresa Arenas at 262-8636.

Sincerely,

KATHARINE C. LYALL

President

Referred to committee on **Education**.

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

Senate Clearinghouse Rule 97-031

Relating to the certification of private bar attorneys.

Submitted by State Public Defender.

Report received from Agency, April 18, 1997.

Referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**, April 23, 1997.

Senate Clearinghouse Rule 97-032

Relating to the assignment of trial division cases to the private bar.

Submitted by State Public Defender.

Report received from Agency, April 18, 1997.

Referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**, April 23, 1997.

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

Senate Clearinghouse Rule 97-004

Relating to the annual allocation of volume cap.

No action taken.

Gwendolynne Moore
Chairperson

The committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** reports and recommends:

Senate Clearinghouse Rule 96-081

Relating to immunization of students.

No action taken.

Senate Clearinghouse Rule 96-156

Relating to time-limited benefits for aid to families with dependent children (AFDC) recipients.

No action taken.

Rodney Moen
Chairperson

The committee on **Labor, Transportation and Financial Institutions** reports and recommends:

Senate Clearinghouse Rule 96-181

Relating to the minimum wage.

Report objection in part.

Ayes, 6 – Senators Plache, C. Potter, Moore, Decker, Zien and Darling.

Noes, 1 – Senator Farrow.

Kimberly Plache
Chairperson

Referred to joint committee for **review of Administrative Rules**, April 21, 1997.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 167** offered by Senator Wineke.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

1997 SENATE BILL 97

1. Page 11, line 17: delete “under sub. (4m)” and substitute “under sub. (4m)”.