



STATE OF WISCONSIN

Assembly Journal

Ninety–Third Regular Session

11:00 A.M.

THURSDAY, June 12, 1997

The Assembly met in the Assembly Chamber located in the State Capitol.

Representative Vrakas in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 252** offered by Representatives F. Lasee and Schafer.

Assembly substitute amendment 1 to **Assembly Bill 341** offered by committee on **Health**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 341** offered by committee on **Health**.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 341** offered by committee on **Health**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 96–079

Relating to assessment of agricultural land beginning in 1998.

Submitted by Department of Revenue.

Report received from Agency, June 10, 1997.

To committee on **Ways and Means**.

Referred on June 12, 1997.

Assembly Clearinghouse Rule 97–022

Relating to applications, examinations and continuing education requirements and to standards of professional conduct of optometrists.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 2, 1997.

To committee on **Health**.

Referred on June 12, 1997.

Assembly Clearinghouse Rule 97–042

Relating to the licensure of nursing home administrators.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 10, 1997.

To committee on **Aging and Long–Term Care**.

Referred on June 12, 1997.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 423

Relating to: the expulsion of pupils from school and creating a council on pupil discipline in the department of public instruction.

By Representatives R. Young, Seratti, Baldwin, Boyle, Notestein and L. Young; cosponsored by Senator Adelman.

To committee on **Education**.

Assembly Bill 424

Relating to: the setback of buildings and structures from a body of water under county shoreland zoning ordinances.

By Representatives Gard, Zukowski, Johnsrud, Huebsch, Albers, Grothman, Musser, Otte, Brandemuehl, Schafer, Ziegelbauer, Skindrud, Freese and Owens; cosponsored by Senators Drzewiecki, A. Lasee and Welch.

To committee on **Land Use**.

Assembly Bill 425

Relating to: the expenditure of \$2,087 from the general fund for payment of a claim against the state made by Winnebago County.

By Representatives Owens, Kaufert, Olsen and Seratti; cosponsored by Senators Ellis, A. Lasee and Roessler.

To joint committee on **Finance**.

Assembly Bill 426

Relating to: the intoxicated boating law; capacity plates on boats; certificate of number, registration and titling requirements for boats; prohibitions against falsifying boat titles and other documentation; prohibitions against operating boats using unsafe methods and in certain locations; boating safety course and certificates; emergency powers of counties over navigable waters; granting rule–making authority; and providing penalties.

By Representatives Dobyms, Linton, Johnsrud, Boyle, Seratti and Handrick; cosponsored by Senators Breske and Clausung.

To committee on **Natural Resources**.

Assembly Bill 427

Relating to: elimination of the separate ballot for the offices of president and vice president.

By Representatives Kreuser, Cullen, Huber, Meyer, Murat, Robson, Turner, Handrick, Olsen and Walker; cosponsored by Senator Farrow.

To committee on **Elections and Constitutional Law**.

COMMITTEE REPORTS

The committee on **Aging and Long-Term Care** reports and recommends:

Assembly Bill 240

Relating to: providing an exception to the open housing law to permit a person to offer a discount or other reduction in price for the lease or rental of housing to a person 55 years of age or over.

Passage:

Ayes: 8 – Representatives Zukowski, Gard, Owens, Sykora, Wieckert, Krusick, Meyer and Hebl.

Noes: 1 – Representative Carpenter.

To committee on **Rules**.

Assembly Bill 278

Relating to: committing certain violent crimes against an elder person and providing a penalty.

Assembly amendment 1 adoption:

Ayes: 9 – Representatives Zukowski, Gard, Owens, Sykora, Wieckert, Krusick, Carpenter, Meyer and Hebl.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Zukowski, Gard, Owens, Sykora, Wieckert, Krusick, Carpenter, Meyer and Hebl.

Noes: 0.

To committee on **Rules**.

ROBERT ZUKOWSKI
Chairperson
Committee on Aging and Long-Term Care

The committee on **Consumer Affairs** reports and recommends:

Assembly Bill 327

Relating to: misrepresentations of the locations of businesses and providing a penalty.

Passage:

Ayes: 6 – Representatives Otte, Ott, M. Lehman, Urban, Hasenohrl and Black.

Noes: 1 – Representative Johnsrud.

To committee on **Rules**.

CLIFFORD OTTE
Chairperson
Committee on Consumer Affairs

The committee on **Rural Affairs** reports and recommends:

Assembly Bill 134

Relating to: the creation of an ethanol production incentive program.

Assembly amendment 2 adoption:

Ayes: 10 – Representatives Ainsworth, Kedzie, Musser, Nass, Owens, Powers, Hasenohrl, Schneider, Gronemus and Springer.

Noes: 1 – Representative Dueholm.

Assembly amendment 3 adoption:

Ayes: 11 – Representatives Ainsworth, Kedzie, Musser, Nass, Owens, Powers, Hasenohrl, Schneider, Gronemus, Springer and Dueholm.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Ainsworth, Kedzie, Musser, Nass, Owens, Powers, Hasenohrl, Schneider, Gronemus and Springer.

Noes: 1 – Representative Dueholm.

To joint committee on **Finance**.

Assembly Bill 274

Relating to: publicizing the names of persons who illegally dump trash.

Assembly substitute amendment 1 adoption:

Ayes: 11 – Representatives Ainsworth, Kedzie, Musser, Nass, Owens, Powers, Hasenohrl, Schneider, Gronemus, Springer and Dueholm.

Noes: 0.

Passage as amended:

Ayes: 11 – Representatives Ainsworth, Kedzie, Musser, Nass, Owens, Powers, Hasenohrl, Schneider, Gronemus, Springer and Dueholm.

Noes: 0.

To committee on **Rules**.

JOHN AINSWORTH
Chairperson
Committee on Rural Affairs

The committee on **Veterans and Military Affairs** reports and recommends:

Assembly Joint Resolution 20

Relating to: urging Congress and the President to enact legislation to allow concurrent receipt of military longevity pay and disability benefits.

Adoption:

Ayes: 9 – Representatives Musser, Zukowski, Lorge, Dobyns, Sykora, Ryba, Schneider, Vander Loop and Plouff.

Noes: 0.

To committee on **State-Federal Relations**.

Assembly Joint Resolution 42

Relating to: memorializing Congress to fully fund the federal share of state veterans homes construction projects.

Adoption:

Ayes: 9 – Representatives Musser, Zukowski, Lorge, Dobyns, Sykora, Ryba, Schneider, Vander Loop and Plouff.
Noes: 0.

To committee on **Rules**.

Assembly Bill 63

Relating to: a Korean war memorial at The Highground and making an appropriation.

Assembly substitute amendment 1 adoption:

Ayes: 9 – Representatives Musser, Zukowski, Lorge, Dobyns, Sykora, Ryba, Schneider, Vander Loop and Plouff.
Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Musser, Zukowski, Lorge, Dobyns, Sykora, Ryba, Schneider, Vander Loop and Plouff.
Noes: 0.

To joint committee on **Finance**.

TERRY MUSSER
Chairperson
Committee on Veterans and Military
Affairs

MESSAGE FROM THE SENATE

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 141
Senate Bill 146
Senate Bill 182

Concurred in:

Assembly Bill 152
Assembly Bill 268
Assembly Joint Resolution 38
Assembly Joint Resolution 57
Assembly Joint Resolution 61

ACTION ON THE SENATE MESSAGE

Senate Bill 141

Relating to: motor vehicle hit-and-run offenses and providing penalties.

By Senators Plache, Huelsman, Weeden and Buettner; cosponsored by Representatives Kaufert, Black, Walker, Bock, Musser, Hasenohrl, Kelso, Hanson, Dobyns, Turner, Ziegelbauer, Cullen, Plale, Ryba, Riley, Robson and Huber, by request of Attorney General James E. Doyle.

To committee on **Criminal Justice and Corrections**.

Senate Bill 146

Relating to: imposing liability upon the owner of a vehicle for the improper display or use of a license plate, registration sticker or other evidence of registration and providing a penalty.

By Senators C. Potter, Rosenzweig and Panzer; cosponsored by Representatives Otte, Krusick, Baumgart, Lorge, Notestein, Ladwig, Krug and Hahn.

To committee on **Highways and Transportation**.

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 **Mandates**.

SPEAKER'S APPOINTMENTS

June 9, 1997

Charlie Sanders
Assembly Chief Clerk
One East Main, Suite 402
Madison, Wisconsin 53702

Dear Charlie:

On May 13, 1997, pursuant to Assembly Rule 10, I created the Special Committee on Wisconsin Sesquicentennial. The following representatives make up the membership of the committee:

Steve Freese, Chairman
Greg Huber, Vice-Chair
Eugene Hahn
Joseph Handrick
Marlin Schneider
Rosemary Potter

Thank you for your attention to this matter.

Sincerely,
BEN BRANCEL
Speaker

COMMUNICATIONS

June 11, 1997

The Honorable Ben Brancel
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Dear Mr. Speaker:

I am writing to inform you that as Chair of the Assembly Committee on Environment, I am creating a Subcommittee on Tribal Jurisdiction Over Air and Water Quality. I have appointed representatives Seratti, Kedzie, Duff and Bock to the subcommittee. An additional Democrat may be appointed

in the future. Rep. Lorraine Seratti will serve as Chair of the subcommittee.

This subcommittee will monitor the ongoing involvement by the State of Wisconsin in tribal applications to the Environment Protection Agency to obtain regulatory authority over air and water quality. The subcommittee may also make recommendations to the Committee on Environment, the Legislature, agencies and federal officials on this issue.

Sincerely,
MARC DUFF
Chair, Committee on Environment

AGENCY REPORTS

State of Wisconsin
Department of Public Instruction
Madison

DATE: May, 1997

TO: Charles R. Sanders
Assembly Chief Clerk

FROM: James E. McIntosh, Director
School Financial Services

RE: 1996-97 Basic Facts

Enclosed is the Department of Public Instruction's 1996-97 Basic Facts which contains both fiscal and nonfiscal information about Wisconsin's school districts.

Section H: School District Revenue Limits appears for the first time in this edition. Additionally, for the first time selected sections, charts and texts are available on the DPI School Financial Services web page, <http://www.state.wi.us/agencies/dpi/sfms>.

If you have any questions or need clarification on Basic Facts data, please reference each section's cover page for the appropriate DPI contact or call one of the consultants listed below:

Brad Adams adamsbp@mail.state.wi.us 266-2853
David Carlson carlsdr@mail.state.wi.us 266-9401
Jerry Landmark landmja@mail.state.wi.us 266-1647

We hope you find this publication useful. The Department Publications Sales has a limited number of Basic Facts for sale at a price of \$12.00 plus \$5.00 for shipping and handling, plus tax. Call 1-800-243-8782. Please share this book with your Business Official.

State of Wisconsin
Department of Revenue
Madison

May 22, 1997

To the Honorable, the Legislature:

Enclosed is an Order of the Department of Revenue Adopting An Emergency Rule, relating to repealing Ch ATCP 53 and creating Ch. Tax 53. Under this rule certain fees charged for plat review are increased. A copy of this emergency rule is being sent to you pursuant to the requirements specified in s. 227.24(3), Stats. A certified copy of the order has been filed in the Office of the Secretary of State and the Office of the Revisor of Statutes, as required by s. 227.20, Stats.

This emergency rule will become effective on June 1, 1997 after publication in the official state newspaper. It will remain in effect for 150 days after publication, when a permanent rule should be in place.

Copies of this letter and the emergency rule order are also hereby being transmitted to the Chief Clerk of the Senate and of the Assembly with the request that the order, or a notice of it, be published in the Journal of each house to make the rule amendments known to persons who will be affected by them.

The Department's fiscal estimate of the rule is also enclosed.

Sincerely,
CATE ZEUSKE
Secretary or Revenue

State of Wisconsin
Legislative Audit Bureau
Madison

June 9, 1997

To the Honorable, the Legislature:

We have completed our evaluation of fish propagation and stocking activities carried out by the Department of Natural Resources, as directed by the Joint Legislative Audit Committee.

Between 1986 and 1995, the Department reduced the number of fish stocked by 58.9 percent, and it plans further reductions for 1997. Concerns have been expressed that such declines may jeopardize high-quality fishing opportunities in the state, which could harm the tourism industry as well as reduce state revenues from license sales. Department officials, however, believe that new management strategies, improved habitat to encourage natural reproduction, and greater reliance on regulations to reduce angling pressure will help maintain high-quality fishing despite the reduction in total stocking. While total fishing license and stamp sales have declined 11.4 percent over the last ten years, the decline may be influenced by factors such as societal changes in leisure time activities, as well as by the perceived quality of fishing opportunities.

Independent of trends in stocking, we have identified improvements the Department can make in its management of

the fisheries program. First, to determine which stocking practices are cost-effective, the Department should compare the relative production costs of different sizes of fish at the time they are stocked to survival rates in the field. In addition, the Department should develop long-range stocking goals and policies, rather than make decisions annually, in order to use its facilities more efficiently. Recent production reductions have coincided with hatchery expansions and have resulted in excess capacity and reduced efficiency at the hatcheries.

We also noted that despite the Department's plans to improve its relationship with private hatcheries and to increase the role of the private sector in its stocking activities, relatively few efforts were made until 1996. We identified a number of strategies the Department could pursue to increase private hatchery involvement in stocking activities.

We appreciate the courtesy and cooperation extended to us by Department of Natural Resources staff. The Department's response is Appendix II.

Respectfully submitted,
DALE CATTANACH
State Auditor

REFERENCE BUREAU CORRECTIONS

Assembly Bill 342

1. Page 27, line 8: after "(1)" insert "(intro.)".

Assembly Bill 369

1. Page 2, line 5: delete "942.0125" and substitute "947.0125".

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, June 17.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

11:01 A.M.