

Assembly Journal

Eighty-Fourth Regular Session

WEDNESDAY, October 15, 1980.

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

ADMINISTRATIVE RULES

Read and referred:

Clearinghouse Rule 79-65

Relating to the formaldehyde concentration in the indoor air of mobile homes.

Submitted by Department of Industry, Labor and Human Relations.

To committee on Environmental Resources.

Clearinghouse Rule 80-45

Relating to petition for ballot status by a political organization.

Submitted by State Elections Board.

To committee on Elections.

Clearinghouse Rule 80-46

Relating to disbursement levels from Wisconsin election campaign fund and identification of individual contributors.

Submitted by State Elections Board.

To committee on Elections.

Clearinghouse Rule 80-49

Relating to definition of campaign for purposes of application of contribution limits.

Submitted by State Elections Board.

To committee on Elections.

Clearinghouse Rule 80-87

Relating to conduct and ethical practices for real estate licensees.

Submitted by Department of Regulation and Licensing.

To committee on Commerce and Consumer Affairs.

Clearinghouse Rule 80-88

Relating to conservation standards for converting existing structures to natural gas spaceheating service.

Submitted by Public Service Commission.

To committee on Energy.

Clearinghouse Rule 80-92

Relating to physical therapy schools, temporary licensure for physical therapists and verification procedures for continuing medical education requirements.

Submitted by Department of Regulation and Licensing.

To committee on Health and Social Services.

Clearinghouse Rule 80-99

Relating to the harbor assistance program.

Submitted by Department of Transportation.

To committee on Transportation.

Clearinghouse Rule 80-102

Relating to administrative hearing procedures.

Submitted by Wisconsin Board of Vocational, Technical and Adult Education.

To committee on Education.

Clearinghouse Rule 80-103

Relating to district budget limitations appeal process.

Submitted by Wisconsin Board of Vocational, Technical and Adult Education.

To committee on Education.

Clearinghouse Rule 80-112

Relating to proof of payment of income taxes paid to other states.

Submitted by Department of Revenue.

To committee on Revenue.

Clearinghouse Rule 80-119

Relating to security deposits required from persons subject to the Wisconsin sales or use tax.

Submitted by Department of Revenue.

To committee on Revenue.

Clearinghouse Rule 80-120

Relating to the definition of safe temperatures as used in existing sanitation rules applicable to retail food establishments.

Submitted by Department of Agriculture, Trade and Consumer Protection.

To committee on Commerce and Consumer Affairs.

Clearinghouse Rule 80-121

Relating to 1981 fishing regulations.

Submitted by Department of Natural Resources.

To committee on Tourism, Recreation and Economic Development.

Clearinghouse Rule 80-128

Relating to a comprehensive revision of the rules of the Commissioner of Securities concerning the operation of Ch. 551, Wis. Stats., the Wisconsin Uniform Securities Law, and of Ch. 553, Wis. Stats., the Wisconsin Franchise Investment Law, with respect to definitions, registration exemptions, registration requirements and procedures, securities broker-dealer and investment adviser licensing requirements and procedures, fraudulent practices, fees and administrative procedure.

Submitted by Office of the Commissioner of Securities.

To committee on Commerce and Consumer Affairs.

Clearinghouse Rule 80-130

Relating to the uniform fee system.

Submitted by Department of Health and Social Services.

To committee on Health and Social Services.

Clearinghouse Rule 80-132

Relating to annual audited financial reports and examinations.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions.

Clearinghouse Rule 80-135

Relating to annual billing for the examination of domestic insurance.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions.

Clearinghouse Rule 80-136

Relating to coordination of benefit provisions in group and blanket disability insurance.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions.

Clearinghouse Rule 80-140

Relating to termination of variable annuity participation in the Wisconsin Retirement System.

Submitted by Department of Employee Trust Funds.

To committee on Government Operations.

Clearinghouse Rule 80-164

Relating to a mandatory health insurance risk-sharing plan.
Submitted by Office of the Commissioner of Insurance.
To committee on Health and Social Services.

Clearinghouse Rule 80-172

Relating to examinations and transfer applications.
Submitted by Department of Regulation and Licensing.
To committee on Commerce and Consumer Affairs.

Clearinghouse Rule 80-194

Relating to the sale by telephone utilities, to customers for private use, of inside telephone wiring and related materials.
Submitted by Public Service Commission.
To committee on Commerce and Consumer Affairs.

COMMITTEE REPORTS

The Joint Committee for Review of Administrative Rules reports and recommends:

Clearinghouse Rule 80-73

Relating to grade A milk and grade A milk products.

Nonconcurrency in objections of Agriculture committee on AG 80.07 (19): Ayes: (6) Noes: (3)

Nonconcurrency in objections of Agriculture committee on AG 80.07 (17): Ayes: (5) Noes: (4)

WILLIAM ROGERS
Assembly Chairperson

COMMUNICATIONS

October 1, 1980

Honorable Donald J. Schneider
Honorable Marcel Dandeneau

Gentlemen:

The following rules have been published and are in effect:

Clearinghouse Rule 79-25 effective 10-1-80

Clearinghouse Rule 79-29 effective 10-1-80

JOURNAL OF THE ASSEMBLY [October 15, 1980]

Clearinghouse Rule 79-31 effective 10-1-80
Clearinghouse Rule 79-38 effective 10-1-80
Clearinghouse Rule 79-75 effective 10-1-80
Clearinghouse Rule 80-19 effective 10-1-80
Clearinghouse Rule 80-34 effective 10-1-80
Clearinghouse Rule 80-41 effective 10-1-80
Clearinghouse Rule 80-54 effective 10-1-80
Clearinghouse Rule 80-55 effective 10-1-80
Clearinghouse Rule 80-77 effective 10-1-80
Clearinghouse Rule 80-83 effective 10-1-80

Sincerely,
GARY PAULSON
Assistant Revisor

October 8, 1980

To: Members of the Wisconsin Legislature

Dear Representatives and Senators:

Pursuant to s. 227.027(2), Wis. Stats., enclosed is a copy of an emergency administrative rule adopted on this date by the Department of Revenue, effective for the 1980 calendar year and corresponding fiscal years.

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

This emergency rule is scheduled to be published in the official state newspaper on October 15, 1980. Certified copies of the rule have been filed with the Secretary of State and the Revisor of Statutes.

Sincerely,
MARK MUSOLF
Secretary of Revenue

Notice of Intent To Apply For Grants

Notice of Intent received from Office of Highway Safety, Department of Transportation to apply for Federal Assistance for Wisconsin FY-81 Highway Safety Plan.

JOURNAL OF THE ASSEMBLY [October 15, 1980]

Comments due by October 3, 1980.

To committee on Highways.

Notice of Intent received from Department of Natural Resources to apply for Federal Assistance for Rural Fire Prevention and Control.

Comments due by September 15, 1980.

To committee on Agriculture.

Notice of Intent received from Wisconsin Council on Criminal Justice to apply for Federal Assistance for 1981 Juvenile Justice and Delinquency Prevention Act Application.

Comments due by September 18, 1980.

To committee on Criminal Justice and Public Safety.

Notice of Intent received from Division of Health, Department of Health and Social Services to apply for Federal Assistance for Wisconsin Indochinese Refugee Program.

Comments due by September 20, 1980.

To committee on Health and Social Services.

Notice of Intent received from Wisconsin Supreme Court to apply for Federal Assistance for Wisconsin Court Record-Keeping Study.

Comments due by September 29, 1980.

To committee on Judiciary.

Notice of Intent received from Wisconsin Supreme Court to apply for Federal Assistance for Municipal Courts Study.

Comments due by September 29, 1980.

To committee on Judiciary.

Notice of Intent received from Apprentice and Training Division, Department of Industry, Labor and Human Relations to apply for Federal Assistance for Reporting on Apprenticeship's Activities.

Comments due by September 23, 1980.

To committee on Labor.

Notice of Intent received from Bureau of Solid Waste, Department of Natural Resources to apply for Federal Assistance for Solid and Hazardous Waste Program Grant.

Comments due by October 5, 1980.

To committee on Environmental Resources.

JOURNAL OF THE ASSEMBLY [October 15, 1980]

Notice of Intent received from Job Service Division, Department of Industry, Labor and Human Relations to apply for Federal Assistance for Work Incentive Program.

Comments due by October 5, 1980.

To committee on Labor.

Notice of Intent received from State Historical Society to apply for Federal Assistance for FY 81 Annual Work Program.

Comments due by October 12, 1980.

To committee on Education.

Notice of Intent received from Division of Community Services, Department of Health and Social Services to apply for Federal Assistance for FY 1981 State Plan for Developmental Disabilities.

Comments due by October 15, 1980.

To committee on Health and Social Services.

Notice of Intent received from Division of Community Services, Department of Health and Social Services to apply for Federal Assistance for Work Incentive Program.

Comments due by October 14, 1980.

To committee on Labor.

Notice of Intent received from Division of Community Services, Department of Health and Social Services to apply for Federal Assistance for Older Americans Advocacy Assistance Program.

Comments due by October 8, 1980.

To committee on Health and Social Services.

Notice of Intent received from Division of Community Services, Department of Health and Social Services to apply for Federal Assistance for Programs for the Aging-Training Grants to State for In-Service Training.

Comments due by October 8, 1980.

To committee on Health and Social Services.

Notice of Intent received from Division of Health, Department of Health and Social Services to apply for Federal Assistance for Immunization Project.

Comments due by October 9, 1980.

To committee on Health and Social Services.

JOURNAL OF THE ASSEMBLY [October 15, 1980]

Notice of Intent received from Division of Resource Management, Department of Natural Resources to apply for Federal Assistance for Technical Assistance for Fish and Wildlife Disease Detection and Prevention.

Comments due by October 18, 1980.

To committee on Tourism, Recreation and Economic Development.

Notice of Intent received from Division of Emergency Government, Department of Administration to apply for Federal Assistance for Disaster Preparedness Grant.

Comments due by October 22, 1980.

To committee on State Affairs.

Notice of Intent received from Division of Community Services, Department of Health and Social Services to apply for Federal Assistance for State Child Welfare Service Plans.

Comments due by October 30, 1980.

To committee on Health and Social Services.

Notice of Intent received from Bureau for Children with Physical Needs, Department of Public Instruction to apply for Federal Assistance for Crippled Children's Services under Title V of the Social Security Act.

Comments due by October 30, 1980.

To committee on Health and Social Services.

Summary of Requests for Formal Attorney General's Opinions

Summary: May law enforcement officers be employed as private security officers? Is a sec. 440.26(1) license or permit required?

Opinion ID Number: F80072801

Requested by: Department of Regulation and Licensing

Assigned to: Ms. Moeller

Estimated Date of Issuance: October 28, 1980

To committee on Criminal Justice and Public Safety.

Summary: Is. sec. 8.35, Stats., constitutional as applied to the request to place Lucey's name on ballot as Anderson's Vice-Presidential candidate?

Opinion ID Number: F80091101

Requested by: Elections Board

Assigned to: Mr. Hoonstra

Estimated Date of Issuance: September 17, 1980

To committee on Elections.

JOURNAL OF THE ASSEMBLY [October 15, 1980]

Summary: Does the Department of Natural Resources lack authority to consent to federal enforcement of non-toxic shot restrictions for waterfowl hunting in Wisconsin?

Opinion ID Number: F80091501

Requested by: Department of Natural Resources

Assigned to: Ms. Arnold

Estimated Date of Issuance: September 26, 1980

To committee on Tourism, Recreation and Economic Development.

Summary: May a political party establish a separate escrow account to channel funds to candidates without violating sec. 11.16(4) (c)?

Opinion ID Number: F80090301

Requested by: Assembly

Assigned to: Mr. Glinski

Estimated Date of Issuance: December 3, 1980

To committee on Elections.

Summary: Under sec. 176.05 (4a) and 66.054(23), does golf club qualify for intoxicating and fermented malt retail club licenses when golf course only is open to public?

Opinion ID Number: F80090302

Requested by: Assembly

Assigned to: Mr. Zaleski's Unit

Date of Issuance: December 3, 1980

To committee on Excise and Fees.

Summary: Are area vocational technical districts subject to municipal Equal Opportunity Commissions' jurisdiction?

Opinion ID Number: F80091601

Requested by: Board of Vocational, Technical and Adult Education

Assigned to: Mr. Rice's Unit

Estimated Date of Issuance: December 16, 1980

To committee on Judiciary.

Summary: Does sec. 49.02(5) or sec. 53.35, Stats., apply where a county jail prisoner is taken to hospital for treatment?

Opinion ID Number: F80082501

Requested by: Corporation Counsel of Milwaukee County

Assigned to: Mr. Wilker

Estimated Date of Issuance: November 25, 1980

To committee on Criminal Justice and Public Safety.

JOURNAL OF THE ASSEMBLY [October 15, 1980]

Summary: Must town board call an election of sanitary district commissioners (for district located entirely in town) upon petition of 20% of voters?

Opinion ID Number: F80092201
Requested by: Assembly
Assigned to: Mr. Vergeront
Estimated Date of Issuance: December 22, 1980
To committee on Local Affairs.

Summary: May PSC adopt rule authorizing non-utility parties to intervene in PSC proceedings and be reimbursed for cost thereof?

Opinion ID Number: F80092202
Requested by: Assembly
Assigned to: Mr. Wolford
Estimated Date of Issuance: December 22, 1980
To committee on Energy.

Summary: What criminal sanctions are available to hotel or motel guests who remove personal property or overstay their reservations?

Opinion ID Number: F80080401
Requested by: Corporation Counsel of Milwaukee County
Assigned to: Mr. Jeffries
Estimated Date of Issuance: November 4, 1980
To committee on Criminal Justice and Public Safety.

Summary: Does sec. 138.053, Stats., apply to use of short-term renewable balloon notes to provide borrowers guaranteed long term financing?

Opinion ID Number: F80093001
Requested by: Office of the Commissioner of Savings and Loan
Assigned to: Mr. Victor
Estimated Date of Issuance: December 30, 1980
To committee on Financial Institutions.

Summary: May county selling tax sale lands under sec. 75.69, Stats., consider factors other than high bid in awarding sale?

Opinion ID Number: F80093002
Requested by: District Attorney of Ashland County
Estimated Date of Issuance: December 30, 1980
To committee on Local Affairs.

Summary: May and for what reasons may a court exercising juvenile jurisdiction find a juvenile in contempt of court?

Opinion ID Number: F80093003
Requested by: Corporation Counsel of Kenosha County

JOURNAL OF THE ASSEMBLY [October 15, 1980]

Assigned to: Mr. McKay

Estimated Date of Issuance: December 30, 1980

To committee on Criminal Justice and Public Safety.

Summary: Must Indian tribes pay unemployment compensation taxes on federally-funded Young Adult Conservation Corps wages?

Opinion ID Number: F80100701

Requested by: Wisconsin Conservation Work Projects Board

Assigned to: Mr. Rice's Unit

Estimated Date of Issuance: January 7, 1981

To committee on Labor.

Summary: Does constable have authority to issue traffic citations or arrest motorists on traffic charges?

Opinion ID Number: F80100901

Requested by: District Attorney of Burnett County

Assigned to: Mr. Sensenbrenner's Unit

Estimated Date of Issuance: January 9, 1981

To committee on Criminal Justice and Public Safety.

Anyone interested in a pending opinion may submit written briefs or comments to the Office of the Attorney General. Please indicate the opinion ID number. Copies of the request are available for inspection at 114 East, State Capitol.