

STATE OF WISCONSIN
Assembly Journal
Eighty-Ninth Regular Session

THURSDAY, September 28, 1989

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Joint Resolution 48** offered by committee on Ways and Means.

Assembly substitute amendment 1 to **Assembly Bill 513** offered by committee on Education.

ADMINISTRATIVE RULES

Read and referred:

Assembly Clearinghouse Rule 89-47

Relating to coverage by medical assistance of alcohol or other drug abuse day treatment services.

Submitted by Department of Health and Social Services.

To committee on Health.

Referred on September 28, 1989.

Assembly Clearinghouse Rule 89-73

Relating to self-insured plans for health care providers required to participate in the patients compensation fund.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions and Insurance.

Referred on September 28, 1989.

Assembly Clearinghouse Rule 89-102

Relating to licensing and regulation of schools of barbering and cosmetology, aesthetics, electrology and manicuring, specialty schools of aesthetics, electrology and manicuring and regulation of persons providing practical instruction in these schools and specialty schools.

Submitted by Department of Regulation and Licensing.

To committee on Commerce and Consumer Affairs.

Referred on September 28, 1989.

Assembly Clearinghouse Rule 89-106

Relating to the standards for disability insurance sold to the Medicare eligible.

Submitted by Office of the Commissioner of Insurance.

To committee on Financial Institutions and Insurance.

Referred on September 28, 1989.

Assembly Clearinghouse Rule 89-116

Relating to 1990 wild turkey hunting regulations.

Submitted by Department of Natural Resources.

To committee on Tourism, Recreation and Government Operations.

Referred on September 28, 1989.

INTRODUCTION AND REFERENCE
OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 83

For the purpose of requesting appropriate action by the congress, either acting by consent of two-thirds of both houses, or, upon the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the federal constitution to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

By Representatives Lahn, Welch, Van Gorden, Lorge, Wood, Musser, Zien, Schmidt, Lehman, Vergeront, Ladwig, Turba, Panzer, Schneiders, Tregoning, Underheim, Gard, Goetsch, Lewis, Lepak, Harsdorf and Brancel, cosponsored by Senators Farrow, Lekan and Chilsen.

To committee on Ways and Means.

Assembly Joint Resolution 84

Relating to Brazilian rain forests.

By Representatives Carpenter, Lautenschlager, Musser, Bolle, Gruszynski, Coleman, Stower, Rohan, Zien, Bock, Welch, Plache, Black, Potter, Lorge, Grobschmidt, M., Coggs, Robson, Medinger, Hasenohrl, Barca, Seery and Boyle, cosponsored by Senators Czarnecki, Burke and Rude.

To committee on Natural Resources.

Assembly Joint Resolution 85

For the purpose of requesting appropriate action by the U.S. congress, either acting by consent of two-thirds of both houses or upon the application of the legislatures of two-thirds of the several states calling a constitutional convention, to propose an amendment to the constitution of the United States authorizing the enactment of appropriate legislation limiting campaign expenditures in presidential, congressional and state elections.

By Representatives Carpenter, Clarenbach, Swoboda, Van Dreel, Medinger, Gruszynski, Musser, Black, Lautenschlager, Potter, Roberts, Zwick, Harsdorf, Bock, Robson, Hamilton, Stower,

Grobschmidt, Holschbach, Seery and Boyle, cosponsored by Senator Czarnecki.

To committee on Elections and Constitutional Law.

Assembly Joint Resolution 86

Relating to reasonable limits on state and local campaign expenditures (first consideration).

By Representatives Carpenter, Clarenbach, Gruszynski, Swoboda, Roberts, Harsdorf, Lautenschlager, Black, Robson, Potter, Travis, Musser, Zweck, Grobschmidt, Hamilton, Stower, Bock, Hasenohrl, Holschbach, Seery and Boyle.

To committee on Elections and Constitutional Law.

Assembly Bill 550

Relating to the uniform anatomical gift act and granting rule-making authority.

By Legislative Council.

To committee on Health.

Assembly Bill 551

Relating to controlled substances and providing penalties.

By Representatives Barca, Huber, Vanderperren, Van Dreel, Krusick, Gronemus, Hamilton, Stower, Hasenohrl, Rohan, Robson, Loftus, Porter, Duff, Van Gorden, Johnsrud, Schneiders, Schmidt, Ladwig, Turba, Musser, Linton, Boyle, Hubler, Volk, Medinger, Kunicki, Lautenschlager, Antaramian, Holschbach, Rosenzweig, Radtke, Zweck, Harsdorf, Plache, Fortis, Moore, Underheim, Lewis, Travis, Zien, Black, Foti, Grobschmidt, Huelsman, Lepak, Lorge, Roberts, Swoboda, Tregoning, Welch, Zeuske and Vergeront, cosponsored by Senators Strohl, Burke, Te Winkle, Plewa, Helbach, Lee, Andrea, Kreul, Moen, Buettner, Lasee, Chilsen, Kincaid, Roshell, Rude, Ulichny, Van Sistine, Weeden and Leean.

To committee on Criminal Justice and Public Safety.

Assembly Bill 552

Relating to exempting certain sleeping room rentals or leases from the fair housing law.

By Representatives Huelsman, Wood, Vergeront, Underheim, Duff, Schmidt, Lehman, Brancel, Schneiders, Turba, Hubler, Tregoning, Lahn, Walling, Ladwig, Goetsch, Zweck, Brandemuehl and Lewis, cosponsored by Senators Chilsen, Leean, Weeden, Buettner, Farrow and Lorman.

To committee on State Affairs.

Assembly Bill 553

Relating to policy and procedure manuals for jails and houses of correction.

By committee on Criminal Justice and Public Safety, by request of Department of Health and Social Services.

To committee on Criminal Justice and Public Safety.

Assembly Bill 554

Relating to creating a statutory constructive trust.

By Representatives Hubler, Rohan, Fergus and Moore, cosponsored by Senators Chvala and Jauch.

To committee on Financial Institutions and Insurance.

Assembly Bill 555

Relating to personal flotation devices on sailboards.

By Representatives Clarenbach and Black.

To committee on Natural Resources.

Assembly Bill 556

Relating to establishing a learner education advancement program providing postsecondary school enrollment options, granting rule-making authority and making an appropriation.

By Representatives Welch, Nelsen, Duff, Brancel, Lahn, Vergeront, Underheim and Lorge, cosponsored by Senators Davis, Farrow and Kreul.

To committee on Education.

Assembly Bill 557

Relating to probationary periods for state employees with physical disabilities.

By Representatives Hinkfuss, Barca, Schmidt, Baldus, Zweck, Tregoning, Hubler, Fergus, Carpenter, Seery, Vanderperren, Hasenohrl, Robson, Lautenschlager, Moore, Rohan, Volk, Plache, Stower, Van Dreel and Antaramian, cosponsored by Senators Van Sistine, Strohl, Lorman and Moen.

To committee on Labor.

Assembly Bill 558

Relating to the definition of employer under the minimum wage and hours of labor and under the restrictions on use of tests for HIV laws.

By Representatives Antaramian, Clarenbach, Carpenter, Gruszynski, Loftus, Notestein, Musser, Bell, Wineke, Barca, Stower, Young, Robson, Holperin, Bock, Lautenschlager and Seery, cosponsored by Senators Chvala, Te Winkle, Andrea and Roshell.

To committee on Labor.

Assembly Bill 559

Relating to ignition interlock devices, providing penalties and granting rule-making authority.

By Representatives Foti, Travis, Nelsen, Lewis, Klusman, Brancel, Zweck, Vergeront, Carpenter, Schmidt, Lorge and Schneiders.

To committee on Judiciary.

Assembly Bill 560

Relating to authorizing the state superintendent of public instruction to award grants for family involvement in education projects and making an appropriation.

By Representatives Medinger, Potter, Barca, Hamilton, Bell, Schmidt, Lorge, Musser, Moore, Young, Baldus, Robson, Vergeront, Fortis, Rohan, Gruszynski, Duff, Tregoning, Bock, Hinkfuss, Zeuske and Loftus, cosponsored by Senators Moen, Rude, Leean, Farrow and Te Winkle.

To committee on Education.

Assembly Bill 561

Relating to the confidentiality of pupil health care records.

By Representatives Roberts, Volk, Medinger, Lautenschlager, Williams and Johnsrud, cosponsored by Senator Rude.

To committee on Education.

Assembly Bill 562

An act relating to the child support supplement program.

By Representatives Loftus, Young, Black, Clarenbach, Rohan, Travis and Wineke, cosponsored by Senators Chvala, Risser and Feingold.

To committee on Children and Human Services.

Assembly Bill 563

Relating to exempting social security payments from income taxation.

By Representatives Welch, Lehman, Van Gorden, Porter, Musser, Lorge, Schneiders, Rosenzweig, Zien and Lepak, cosponsored by Senators Farrow, Andrea, Rude, Chilsen, Lasee and Buettner.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 564

Relating to technical changes in the property tax collection laws.

By Representative Wineke.

To committee on Ways and Means.

Assembly Bill 565

Relating to crediting military service for certain participants in the Wisconsin retirement system who retired before 1982 and making an appropriation.

By Representative Seery.

To Joint Survey Committee on Retirement Systems.

Assembly Bill 566

Relating to the authority of a county board of supervisors to engage in health-related services.

By Representatives Bock, Rosenzweig and Grobschmidt, cosponsored by Senators Plewa and Farrow.

To committee on Urban and Local Affairs.

Assembly Bill 567

Relating to fees charged by employers to job applicants and providing a penalty.

By Representatives Carpenter, Barca, M. Coggs, Holschbach, Moore, Schmidt, Bell, Black, Plache, Volk, Grobschmidt, Robson, Vanderperren, Medinger, Hamilton, Hasenohrl, Rohan, Seery and Boyle, cosponsored by Senator Andrea.

To committee on Labor.

Assembly Bill 568

Relating to prohibiting discrimination against specific geographical areas in the issuance of property insurance policies, revising the method for assessing insurers for the property insurance risk sharing plan, granting rule-making authority and providing penalties.

By Representatives M. Coggs, S. Coggs, Bell, Carpenter, Young, Robson and Black, cosponsored by Senators Feingold, Kincaid and Czarnecki.

To committee on Financial Institutions and Insurance.

COMMITTEE REPORTS

The committee on Commerce and Consumer Affairs reports and recommends:

Assembly Bill 220

Relating to various changes in the regulation of psychologists by the psychology examining board and granting rule-making authority.

Adoption of assembly amendment 1:

Ayes: (11) Noes: (0)

Passage: Ayes: (11) Noes: (0)

To committee on Rules.

Assembly Bill 264

Relating to regulation of employment agencies.

Adoption of assembly substitute amendment 1:

Ayes: (11) Noes: (0)

Passage: Ayes: (8) Noes: (3)

To Joint Committee on Finance.

Assembly Bill 392

Relating to labeling gasoline-alcohol fuel blends as gasoline.

Adoption of assembly substitute amendment 1:

Ayes: (10) Noes: (1)

Passage: Ayes: (8) Noes: (3)

To committee on Rules.

Assembly Bill 429

Relating to establishing an emergency medical services fee to be collected by the department of transportation, creating an emergency medical services assistance board, funding local emergency medical services, training and administrative support and technical assistance for emergency medical services, revising regulation of emergency medical services personnel, granting rule-making authority and making appropriations.

Passage: Ayes: (8) Noes: (3)

To Joint Committee on Finance.

ANNETTE WILLIAMS

Chairperson

The committee on State Affairs reports and recommends:

Assembly Bill 168

Relating to making the state fair park board independent of the department of agriculture, trade and consumer protection.

Passage: Ayes: (9) Noes: (1)
To committee on Rules.

Assembly Bill 352

Relating to prohibiting interference with a multiunit dwelling resident's access to cable television service.

Adoption of assembly amendment 1:
Ayes: (10) Noes: (0)

Adoption of assembly amendment 2:
Ayes: (10) Noes: (0)

Passage: Ayes: (10) Noes: (0)
To committee on Rules.

Assembly Bill 379

Relating to prohibiting dog racing in a specified area of the state.

Adoption of assembly amendment 2:
Ayes: (9) Noes: (1)

Adoption of assembly amendment 3:
Ayes: (9) Noes: (1)

Passage: Ayes: (9) Noes: (1)
To committee on Rules.

Assembly Bill 395

Relating to the contents of an application for a marriage license and of marriage licenses.

Passage: Ayes: (7) Noes: (3)
To committee on Rules.

Assembly Bill 452

Relating to tribal vital records and granting rule-making authority.

Passage: Ayes: (10) Noes: (0)
To committee on Rules.

Assembly Joint Resolution 70

Relating to supporting a federal increased tax deduction for health insurance costs paid by self-employed taxpayers.

Adoption: Ayes: (8) Noes: (2)
To committee on Rules.

Assembly Joint Resolution 77

Relating to eradication of carp in lower Green Bay, the Fox river, the East river and Duck creek.

Adoption: Ayes: (8) Noes: (1)
To committee on Rules.

Assembly Joint Resolution 78

Relating to increased funding for the Great Lakes Fishery Commission to combat sea lampreys.

Adoption: Ayes: (9) Noes: (1)
To committee on Rules.

JOHN MEDINGER
Chairperson

The committee on Tourism, Recreation and Government Operations reports and recommends:

Assembly Bill 359

Relating to permits to hunt wild turkeys.

Passage: Ayes: (7) Noes: (0)
To committee on Rules.

Assembly Bill 482

Relating to waiving fees for hunting and fishing licenses for certain students.

Passage: Ayes: (6) Noes: (1)
To Joint Committee on Finance.

LARY SWOBODA
Chairperson

The committee on Ways and Means reports and recommends:

Assembly Bill 404

Relating to requiring the department of revenue to enter into an agreement for the withholding of state taxes from federal annuities.

Passage: Ayes: (12) Noes: (2)
To Joint Committee on Finance.

Assembly Bill 416

Relating to the contents of the property tax assessment manual.

Passage: Ayes: (14) Noes: (0)
To committee on Rules.

Senate Bill 181

Relating to the inapplicability of income tax penalty provisions to sales and use taxes reported on state income tax returns.

Concurrence: Ayes: (14) Noes: (0)
To committee on Rules.

Senate Bill 182

Relating to the promulgation of certain rules pertaining to the enforcement of sales and use taxes of another state and the withdrawal of the state from the Great Lakes interstate sales compact.

Concurrence: Ayes: (12) Noes: (2)
To committee on Rules.

JOSEPH WINEKE
Chairperson

CERTIFICATION OF ELECTION

I, Kevin J. Kennedy, Executive Director of the State Elections Board of the State of Wisconsin, certify that

FRANK H. URBAN

was on the Twelfth day of September, 1989, duly elected
REPRESENTATIVE TO THE ASSEMBLY

JOURNAL OF THE ASSEMBLY [September 28, 1989]

from the Ninety-Ninth Assembly District of the State of Wisconsin, for the unexpired term of two years commencing on January 3, 1989, and ending on January 7, 1991, as appears from the official canvass of votes given at a Special Election in the State of Wisconsin, on the day and year first above written.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
affixed the official seal of the
State Elections Board. Done in
the City of Madison, this 19th
day of September 1989.

KEVIN J. KENNEDY
Executive Director
State Elections Board

OATH OF OFFICE

On Friday, September 22, 1989 Wisconsin Supreme Court Justice William Callow administered the oath of office to Frank H. Urban of the 99th Assembly District in a ceremony held in the Assembly Parlor.

SPEAKER'S APPOINTMENTS

September 21, 1989

Representative Frank Urban
310 West, State Capitol
Madison, WI 53702

Dear Frank,

This is to notify you of your appointment, based on the recommendation of Minority Leader David Prosser, to the following Assembly committees: Urban Education, Urban and Local Affairs and Aging. These appointments are effective upon your taking the oath of office tomorrow afternoon, September 22nd.

Sincerely,
TOM LOFTUS
Speaker

COMMUNICATIONS

September 26, 1989

Mr. Thomas Melvin
Assembly Chief Clerk
8 West, State Capitol
Madison, Wisconsin 53702

Dear Tom:

I am pleased to transmit to you the following report to the 1989 Legislature on legislation introduced by the Legislative Council:

RL 89-12 Legislation on Development Disabilities
Laws
(Assembly Bill 539)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of these reports are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Cordially,
BONNIE REESE
Director

September 1, 1989

Thomas Melvin
Assembly Chief Clerk
Room 8 West, State Capitol
Madison, WI 53702

Dear Mr. Melvin:

Pursuant to section 13.685(5), Stats., I am sending you a list of all civil actions for violations of the lobby law brought by this office during the past six months. The report includes the disposition of each action. Please distribute this report to the appropriate standing committee pursuant to section 13.172(3), Stats.

Sincerely,
DOUGLAS La FOLLETTE
Secretary of State

September 14, 1989

Thomas Melvin
Assembly Chief Clerk
Room 8 West, State Capitol
Madison, WI 53702

Dear Tom:

Section 89 of the Wisconsin Act 413 of 1987 directs the Department of Health and Social Services, upon consultation with the Council on Pilot Projects for the Uninsured, to submit a progress report on the State Health Insurance Program pilots for distribution to the appropriate standing committees of each house of the Legislature.

The attached report describes the progress the Department has made in planning and implementing the State Health Insurance Program pilot projects. It briefly summarizes previous and current legislation, lists the Department's responsibilities for reporting, enumerates pilot implementation activities, and provides an update on the emergency and permanent rule processes.

There are three pilots to be implemented under the legislation. The "Non-Insuring Firm" pilot started in Outagamie County in February, 1989. Pilot enrollment efforts, local office and Advisory Committee actions are detailed.

The report also describes the "Insuring Firm" pilot, scheduled for start-up in October, 1989

JOURNAL OF THE ASSEMBLY [September 28, 1989]

On January 1, 1990 the Department will submit a second progress report, describing the status of each pilot project, the number of persons enrolled and the amount of funds expended for subsidies and administration.

Sincerely,
PATRICIA A. GOODRICH
Secretary

September 18, 1989

Thomas Melvin
Assembly Chief Clerk
Room 8 West, State Capitol
Madison, WI 53702

Dear Tom:

In accordance with s. 619.15(2), Wis. Stat., I am pleased to submit to you the annual report for calendar year 1988 for the Health Insurance Risk Sharing Plan. This report is for distribution to the Standing Committees on Insurance. The Plan was established in 1981, and, as of December 31, 1988, insured 3,350 Wisconsin residents.

Major activities during 1988 included:

1. Issuing 2,208 new policies. This was a 104% increase over 1987.
2. Assessing insurers. Insurers were assessed \$1.9 million in 1988 to make up for the difference between the expenses of the Plan and premiums collected. From 1981 to 1988 insurers have been assessed \$9 million.
3. Conducting a survey of policyholders. It shows that 54% of respondents are female. Sixty percent are married. Twenty-eight percent have incomes below \$12,000 a year and 53% reported that they are unemployed.
4. Implementing a cost containment program. Act 27, 1987 required the Insurance Commissioner to implement cost containment provisions. Those provisions are now in effect.
5. Implemented the deductible subsidy. The deductible subsidy took effect on January 1, 1988. As of December 31, 1988, 871 enrollees were receiving the premium and deductible subsidy.

6. Maintaining premium rates at their 1985 level. This has contributed greatly to increased enrollment by attracting enrollees who otherwise may have sought insurance in the private market.

We have attached excerpts from the Plan Administrator's annual report to the Board of Governors. I hope this provides you with information that will assist you in making informed decisions on health insurance issues.

Sincerely,
ROBERT D. HAASE
Chair, HIRSP

September 20, 1989

Thomas Melvin
Assembly Chief Clerk
Room 8 West, State Capitol
Madison, WI 53702

Dear Tom:

As required in Sections 227.485(9) and 814.245(10) of the Wisconsin Statutes, I am submitting the report concerning decisions and resulting payments of costs and attorney fees. Costs and attorney fees are to be paid whenever the other party to an agency's chapter 227 hearing or appeal thereof prevails and it's determined the agency's position was not substantially justified.

Attachment #1, provided by the Department of Justice, is a partial listing of claim activities against the Department of Health and Social Services for the fiscal year ending June 30, 1989. Attachment #2 lists additional DHSS payments pertaining to sections 814.245 and 227.485 of Wisconsin Statutes.

Should the hearing examiner determine that the motion of the other party in any chapter 227 contested case is frivolous, the examiner may award the state agency all reasonable costs in responding to the motion. The Department of Health and Social Services did not recover any costs during the fiscal year ending June 30, 1989.

Sincerely,
PATRICIA A. GOODRICH
Secretary