

STATE OF WISCONSIN  
**Assembly Journal**

**Ninetieth Regular Session**

10:00 A.M.

TUESDAY, February 18, 1992

The assembly met.

Representative Rohan in the chair.

The assembly dispensed with the call of the roll.

**AMENDMENTS OFFERED**

Assembly substitute amendment 1 to **Assembly Bill 511** offered by committee on Urban Education.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 511** offered by committee on Urban Education.

Assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 511** offered by committee on Urban Education.

Assembly amendment 1 to **Assembly Bill 617** offered by committee on Children and Human Services.

Assembly amendment 1 to **Assembly Bill 734** offered by committee on Children and Human Services.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 748** offered by Representative Black.

Assembly substitute amendment 1 to **Assembly Bill 760** offered by committee on Consumer Affairs.

Assembly amendment 1 to **Assembly Bill 867** offered by committee on Environmental Resources, Utilities and Mining.

Assembly amendment 1 to **Assembly Bill 913** offered by Representative Van Dreef.

Assembly amendment 2 to **Assembly Bill 914** offered by Representative Hough.

Assembly substitute amendment 1 to **Assembly Bill 963** offered by Representatives Ott and Prosser.

**ADMINISTRATIVE RULES**

Read and referred:

**Assembly Clearinghouse Rule 91-95**

Relating to high school equivalency diplomas and certificates of general educational development.

Submitted by Department of Public Instruction.

To committee on Education.

Referred on February 17, 1992.

**Assembly Clearinghouse Rule 91-96**

Relating to supervising physical therapist responsibilities.

Submitted by Department of Regulation and Licensing.

To committee on Public Health and Regulation.

Referred on February 17, 1992.

**Assembly Clearinghouse Rule 91-146**

Relating to recordkeeping and reporting for outlying water, sport trollers.

Submitted by Department of Natural Resources.

To committee on Natural Resources.

Referred on February 17, 1992.

**Assembly Clearinghouse Rule 91-157**

Relating to the waiver of motorcycle skills test.

Submitted by Department of Transportation.

To committee on Highways.

Referred on February 17, 1992.

**Assembly Clearinghouse Rule 91-161**

Relating to science, mathematics and technology education grants.

Submitted by Department of Public Instruction.

To committee on Education.

Referred on February 17, 1992.

**Assembly Clearinghouse Rule 91-179**

Relating to rate regulation for health insurance sold to small employers.

Submitted by Office of the Commissioner of Insurance.

To Special Committee on Reform of Health Insurance.

Referred on February 17, 1992.

**INTRODUCTION AND REFERENCE OF PROPOSALS**

Read first time and referred:

**Assembly Joint Resolution 117**

Relating to designating the first week in May of 1992 as "Elder Abuse Awareness Week".

By Representatives Van Dreef, Krusick, Grobschmidt, Panzer, M. Cogg, Hahn, Van Gorden, Carpenter, Porter, Musser, Rohan, Gronemus, Notestein, Hisrich, Plache, Stower, Lautenschlager, S. Cogg, Moore, Holschbach, Boyle, Silbaugh, Urban, Turba, Hinkfuss, Darling, Schneiders, Zien and Klusman, cosponsored by Senators Feingold, Moen,

Potter, Cowles, Roshell, Breske, Ulichny, Petak and Farrow.

To committee on Aging.

**Assembly Bill 976**

Relating to transportation and disposal of medical waste, approval of medical waste incinerators, certification of incinerator operators, granting rule-making authority and providing a penalty.

By Representatives Antaramian, Barca, Foti, Radtke, Seery, Urban, Plache, Lehman, Bock, Goetsch, Stower, Grobschmidt, Hamilton, Moore and Porter, cosponsored by Senators Andrea and Burke.

To committee on Environmental Resources, Utilities and Mining.

**Assembly Bill 977**

Relating to suspension of aid to families with dependent children payments because of certain acts.

By Representatives Barca, Turner, Vergeront, Grobschmidt, Young, Porter, Hinkfuss, Krusick, Carpenter, Cullen, Holperin, Robson, Lautenschlager, Hough, Plache, Lorge, Bell, Hisrich, Van Dreel, Huber, Bolle, Goetsch and Schwartz, cosponsored by Senators Moen, Andrea, Chvala and Buettner.

To Special Committee on Welfare Review.

**Assembly Bill 978**

Relating to changes in the laws regulating fireworks, granting rule-making authority and making an appropriation.

By Representatives Lorge, and Fortis, by request of Lane Strong of Clintonville.

To committee on State Affairs.

**Assembly Bill 979**

Relating to encouragement of gasohol usage, information concerning gasohol refueling facilities, storage of gasohol by the state, and use of gasohol in state-owned and state-leased vehicles.

By Representatives Lorge, Seery, Schneiders, Musser, Goetsch, Hamilton, Fortis, Turba, Panzer, Hahn, Ladwig, Baldus, Harsdorf, Radtke, Zien, Silbaugh, Albers, Loucks, Ainsworth, Brandemuehl, Holperin, Klusman, Johnsrud, Bolle, Van Gorden, Porter, Roberts, Vergeront and Brancel, cosponsored by Senators Schultz, Berndt, Petak, Lasee, Roshell, Andrea and Cowles.

To committee on Energy and Commerce.

**Assembly Bill 980**

Relating to the presence of underage persons on premises for which a temporary Class "B" license is issued.

By Representative Clarenbach, cosponsored by Senator Risser.

To committee on Tourism and Recreation.

**Assembly Bill 981**

Relating to contact restrictions following arrests for domestic abuse incidents.

By Representatives Harsdorf, Radtke, Brandemuehl, Klusman, Rosenzweig, Zien, Boyle, Musser, Goetsch,

Robson, Panzer, Darling, Albers and Urban, cosponsored by Senators Berndt, Potter, Huelsman, Petak and Ulichny.

To committee on Criminal Justice and Public Safety.

**Assembly Bill 982**

Relating to a refundable income tax credit for certain educational expenses incurred for dependents who attend public or certain private elementary and secondary schools and making an appropriation.

By Representative Welch.

To committee on Ways and Means.

**Assembly Bill 983**

Relating to the confidentiality of tax returns of spouses and former spouses, determination of joint tenancy, removing certain judgment liens that have attached to property that is exempt from execution, allowances to a surviving spouse, summary procedures for confirming interests in property and various changes to the marital property law.

By Legislative Council.

To committee on Judiciary.

**Assembly Bill 984**

Relating to making the surviving spouse's share of decedent's deferred marital property under intestacy automatic rather than elective.

By Legislative Council.

To committee on Judiciary.

**Assembly Bill 985**

Relating to providing a penalty of either death or life imprisonment for first-degree intentional homicide, revising the insanity defense, affecting parole eligibility and granting rule-making authority.

By Representative Reynolds, cosponsored by Senator Roshell.

To committee on Criminal Justice and Public Safety.

**Assembly Bill 986**

Relating to identification of personal campaign committees and prohibition of the formation of subcommittees by candidates and personal campaign committees.

By Representatives Huber, Deininger, Bock, Radtke and Springer, cosponsored by Senators Adelman, Decker and Chvala.

To committee on Elections and Constitutional Law.

**Assembly Bill 987**

Relating to creating a multifamily dwelling code council in the department of industry, labor and human relations, adopting a statewide multifamily dwelling code, granting rule-making authority and providing penalties.

By Representatives Potter, Kunicki, Darling, Gruszynski, Lautenschlager, Fortis, Travis, Linton, Wineke, Young, Reynolds and Foti, cosponsored by Senators Roshell, Helbach and Plewa.

To committee on Housing.

**Assembly Bill 988**

Relating to expanding employment or contracting requirements for nurse's assistants, home health aides and hospice aides in certain facilities.

By Representatives Potter, Urban, Boyle, Robson, Notestein, Holperin, Ladwig and Roberts, cosponsored by Senators Roshell, Cowles and Huelsman.

To committee on Public Health and Regulation.

**Assembly Bill 989**

Relating to the hours that children may work.

By Representatives Hamilton, Lehman, Hahn, Harsdorf and Bolle, cosponsored by Senators Breske and Farrow.

To committee on Labor.

COMMITTEE REPORTS

The committee on Children and Human Services reports and recommends:

**Assembly Bill 517**

Relating to permitting participation in a community integration program for a person with mental retardation through services of a family consortium.

Passage: Ayes: (8) Noes: (0)

To committee on Rules.

**Assembly Bill 641**

Relating to visitation rights in actions affecting the family, creating a mediation council, mediator certification of mediation agreements and increasing certain court fees.

Adoption of assembly substitute amendment 1:

Ayes: (8) Noes: (0)

Passage: Ayes: (8) Noes: (0)

To committee on Rules.

**Assembly Bill 669**

Relating to the requirements for a parent with legal custody of a child to give notice of the intention to establish a new residence with the child.

Passage: Ayes: (8) Noes: (0)

To committee on Rules.

**Assembly Bill 735**

Relating to disclosure of identifying information about birth siblings, granting rule-making authority and making an appropriation.

Passage: Ayes: (8) Noes: (0)

To Joint Committee on Finance.

**Assembly Bill 738**

Relating to county recovery of guardian ad litem fees in proceedings under the children's code.

Passage: Ayes: (8) Noes: (0)

To committee on Rules.

**Assembly Bill 803**

Relating to: eligibility for medical assistance benefits of persons considered to be receiving aid to families with dependent children or supplemental security income; reimbursement of counties for funeral, burial and cemetery expenses of recipients of aid to families with dependent children; uninsured health plans covering persons eligible for medicaid assistance and medical assistance benefits for persons eligible for medicare; assessments on hospitals to fund the office of health care information and to certain permit periods and fees; certificates of approval and specialty fees for certain laboratories; an exception to the radiation protection laws for on-site activities of nuclear reactors; changes in reporting and information distribution requirements concerning conditions of infants or children resulting from adverse neonatal outcomes, birth defects or developmental or other severe disabilities; the duty of the division of youth services in the department of health and social services to consult in the development of intensive aftercare plans under the intensive aftercare pilot program; changes to hearing rights and to individualized written rehabilitation plans for persons receiving vocational rehabilitation services; and granting rule-making authority (suggested as remedial legislation by the department of health and social services).

Passage: Ayes: (8) Noes: (0)

To committee on Rules.

**Assembly Bill 875**

Relating to foster homes and treatment foster homes, juvenile court procedures and dispositions, payment of mental health and developmental disability services for children, providing an exemption from and extending the time limit for emergency rule procedures and making an appropriation.

Passage: Ayes: (8) Noes: (0)

To Joint Committee on Finance.

REBECCA YOUNG

Chairperson

The committee on Consumer Affairs reports and recommends:

**Assembly Bill 632**

Relating to the regulation of auctioneers, creating an auctioneer board, granting rule-making authority and providing a penalty.

Passage: Ayes: (7) Noes: (0)

To Joint Committee on Finance.

**Assembly Bill 653**

Relating to the regulation of landscape architects and creating a landscape architectural section in the examining board of architects, professional engineers, designers and land surveyors.

Adoption of assembly amendment 1:

Ayes: (8) Noes: (0)

Adoption of assembly amendment 2:

Ayes: (8) Noes: (0)

Adoption of assembly amendment 3:

Ayes: (8) Noes: (0)

Passage: Ayes: (6) Noes: (2)

To Joint Committee on Finance.

**Senate Bill 15**

Relating to customer identification on checks or charge slips.

Adoption of assembly amendment 1:

Ayes: (8) Noes: (0)

Adoption of assembly amendment 2:

Ayes: (8) Noes: (0)

Concurrence: Ayes: (8) Noes: (0)

To committee on Rules.

ANNETTE WILLIAMS  
Chairperson

The committee on Health reports and recommends:

**Assembly Bill 839**

Relating to limiting punitive damage awards in cases where a patient consents in writing to an unapproved use of a drug or device.

Adoption of assembly substitute amendment 1:

Ayes: (17) Noes: (0)

Passage: Ayes: (13) Noes: (4)

To committee on Rules.

**Assembly Bill 893**

Relating to instruction in public schools on the transmission of the human immunodeficiency virus and on acquired immunodeficiency syndrome and making an appropriation.

Adoption of assembly amendment 1:

Ayes: (17) Noes: (0)

Passage: Ayes: (14) Noes: (3)

To Joint Committee on Finance.

TIMOTHY CARPENTER  
Chairperson

The committee on Public Health and Regulation reports and recommends:

**Assembly Bill 630**

Relating to adolescent pregnancy prevention, school district instruction in human growth and development, medical assistance services and making appropriations.

Adoption of assembly amendment 2:

Ayes: (10) Noes: (1)

Adoption of assembly amendment 3:

Ayes: (10) Noes: (1)

Passage: Ayes: (7) Noes: (4)

To Joint Committee on Finance.

**Assembly Bill 664**

Relating to creating certification for certain emergency medical services personnel to perform defibrillation and granting rule-making authority.

Adoption of assembly amendment 1:

Ayes: (11) Noes: (0)

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

To committee on Rules.

JUDY ROBSON  
Chairperson

The committee on State Affairs reports and recommends:

**Assembly Bill 772**

Relating to changes in the laws regulating fireworks, granting rule-making authority and making an appropriation.

Adoption of assembly amendment 1:

Ayes: (9) Noes: (2)

Adoption of assembly amendment 2:

Ayes: (7) Noes: (4)

Passage: Ayes: (9) Noes: (2)

To Joint Committee on Finance.

JOHN MEDINGER  
Chairperson

The committee on Trade, Science and Technology reports and recommends:

**Assembly Bill 930**

Relating to privacy of personally identifiable information in state and local government records, disclosure of patient health care records, granting rule-making authority and providing a penalty.

Adoption of assembly amendment 1:

Ayes: (10) Noes: (0)

Passage: Ayes: (10) Noes: (0)

To committee on Rules.

SUE ROHAN  
Chairperson

The committee on Veterans and Military Affairs reports and recommends:

**Assembly Bill 713**

Relating to allowing the provision of economic assistance to veterans for health care related to alcohol or other drug abuse.

Adoption of assembly amendment 1:

Ayes: (8) Noes: (0)

Passage: Ayes: (8) Noes: (0)

To committee on Rules.

DALE BOLLE  
Chairperson

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has passed and asks concurrence in:

**Senate Bill 302**  
**Senate Bill 360**  
**Senate Bill 370**  
**Senate Bill 395**  
**Senate Bill 396**  
**Senate Bill 404**  
**Senate Bill 447**  
**Senate Bill 460**

Adopted and asks concurrence in:

**Senate Joint Resolution 62**  
**Senate Joint Resolution 71**

---

ACTION ON THE SENATE MESSAGE

**Senate Joint Resolution 62**

Relating to requesting the legislative council to study farm safety.

By Senators Lorman, Lasee, Schultz and Berndt; cosponsored by Representatives Stower, Lehman, Brandemuehl, Hasenohrl, Freese, Urban, Boyle, Gruszynski, Klusman, Goetsch, Lautenschlager and Radtke.

To committee on Agriculture, Aquaculture and Forestry.

**Senate Joint Resolution 71**

Relating to the life and career of Eugene C. Harrington.

By Senators Helbach, Andrea and Feingold; cosponsored by Representative Schneider.

To committee on Rules.

**Senate Bill 302**

Relating to dairy plant payments to milk producers for milk received from those milk producers.

By Senators Breske, Roshell, Potter, Feingold and Buettner; cosponsored by Representatives Turba, Schwartz, Boyle, Holschbach, Vanderperren, Huber, Hisrich, Lehman, Ott, Ladwig, Van Gorden, Harsdorf, Ainsworth, Musser, Brandemuehl, Zien and Klusman.

To committee on Agriculture, Aquaculture and Forestry.

**Senate Bill 360**

Relating to specifying that certain refugees are Wisconsin residents for entrance to and tuition at vocational, technical and adult education schools.

By Senators Lorman, Czarnecki, Petak, Huelsman, Barrett, Buettner, Weeden, Rude and Chvala; cosponsored by Representatives Rohan, Musser, Turba,

Vrakas, Bolle, Medinger, Lorge, Hahn, Stower, Hamilton, Darling, Huber, Radtke, Baldus, Silbaugh, Bock, Grobschmidt, Clarenbach and Moore.

To committee on Colleges and Universities.

**Senate Bill 370**

Relating to alcohol abuse treatment programs for underage drinkers.

By Senators Buettner, Rude, Lorman, Huelsman and Andrea; cosponsored by Representatives Rohan, Vergeront, Holperin, Rosenzweig, Lehman, Silbaugh, Van Gorden, Turner, Ladwig, Schneiders, Ott, Musser, Goetsch, Lautenschlager, Ainsworth, Zien, Kaufert, Moore, Bolle, Darling and Barca.

To Special Committee on Drug Enforcement, Education and Treatment.

**Senate Bill 395**

Relating to exempting certain patient health care records from transfer to the state historical society.

By Senators Moen, Plewa, Breske, Huelsman, Decker, Lorman and Petak; cosponsored by Representatives Hisrich, Reynolds, Stower, Urban, Gronemus, Boyle, Panzer and Moore.

To committee on Health.

**Senate Bill 396**

Relating to certain information on voluntary physician acceptance of assignment.

By Senators Moen, Huelsman and Lorman; cosponsored by Representatives Bock, Robson, Roberts, Lautenschlager, Hisrich, Gronemus and Holperin.

To committee on Health.

**Senate Bill 404**

Relating to savings and loan association record keeping by optical imaging.

By Senators Ulichny and Huelsman; cosponsored by Representatives Hauke and Schneiders.

To committee on Financial Institutions and Insurance.

**Senate Bill 447**

Relating to adopting a uniform lease statute.

By Senators Barrett, George, Huelsman and Ulichny; cosponsored by Representatives Cullen, Prosser and Baldus, by request of Wisconsin Commission on Uniform State Laws.

To committee on Financial Institutions and Insurance.

**Senate Bill 460**

Relating to corporate law revisions.

By Senators Ulichny and Barrett; cosponsored by Representatives Hauke and Baldus.

To committee on Securities and Corporate Policy.

COMMUNICATIONS

The chief clerk reports the following proposals correctly enrolled:

- Assembly Bill 99
- Assembly Bill 267
- Assembly Bill 320
- Assembly Bill 362
- Assembly Bill 363
- Assembly Bill 377
- Assembly Bill 402
- Assembly Bill 414
- Assembly Bill 434
- Assembly Bill 436
- Assembly Bill 440
- Assembly Bill 464
- Assembly Bill 515
- Assembly Bill 561
- Assembly Bill 636
- Assembly Bill 647
- Assembly Bill 674
- Assembly Bill 678
- Assembly Joint Resolution 16

Sincerely,  
THOMAS T. MELVIN  
Assembly Chief Clerk

EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison

To the Honorable, the Assembly:

The following bills, originating in the assembly, have been approved, signed and deposited in the office of the Secretary of State:

Assembly Bill	Act No.	Date Signed
440 -----	110 -----	February 13, 1992
636 -----	111 -----	February 13, 1992
678 -----	112 -----	February 13, 1992

Respectfully submitted,  
TOMMY G. THOMPSON  
Governor

COMMUNICATIONS

State of Wisconsin  
Department of Corrections  
Madison

February 11, 1992

To the Honorable, the Legislature:

As required under Section 301.03(6r) of the Wisconsin Statutes, I am submitting information relative to the

number of prisoners the Department of Corrections considers violent and the total number of prisoners.

On December 31, 1991 the Department had 7946 adult inmates under institution supervision. Out of the 7946 inmates, 4549 (57%) had assaultive offenses.

Very truly yours,  
PATRICK J. FIEDLER  
Secretary

State of Wisconsin  
Department of Natural Resources  
Madison

February 11, 1992

To the Honorable, the Assembly:

As required by s. 144.737, Stats., we are providing you a draft copy of a Report entitled: "Hazardous Waste Capacity Assurance Plan Update - State of Wisconsin, February 1992" for distribution under s. 13.172(2). A final version of the Update should be sent to you in the near future. If you have any questions regarding this letter, please contact Mark Gorden of my staff at 266-7278.

Sincerely,  
PAUL P. DIDIER  
P.E. Director, Bureau of Solid  
and Hazardous Waste Management

State of Wisconsin  
Department of Revenue  
Madison

February 13, 1992

To the Honorable, the Legislature:

Enclosed is an Order of the Department of Revenue Adopting An Emergency Rule, relating to the apportionment of net business incomes of railroads, sleeping car companies, and car line companies under ss. 71.04(8)(c) and 71.25(10)(c), Stats., as amended by 1991 Wisconsin Act 39. 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 February 17, 1992, 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

JOURNAL OF THE ASSEMBLY [August 14, 1991]

process regarding air pollution. The federal Clean Air Act will make air pollution an even higher priority concern in Wisconsin each house to make the rule amendments known to persons who will be affected by them.

Sincerely,  
MARK D. BUGHER  
Secretary of Revenue

State of Wisconsin  
Legislative Audit Bureau  
Madison

February 14, 1992

To the Honorable, the Legislature:

We have completed financial audits of the Winnebago Mental Health Institute and the Mendota Mental Health Institute for the period July 1, 1990, through June 30, 1991. The audits were requested by the Department of Health and Social Services to comply with financial statement requirements of the Joint Commission on Accreditation of Hospitals.

Our audit reports contain the financial statements, related independent auditor's report, report on internal control structure, and compliance report. We were able to express an unqualified opinion on the Institute's financial statements.

We appreciate the courtesy and cooperation extended to us by Department of Health and Social Services staff during our audits.

Respectfully submitted,  
DALE CATTANACH  
State Auditor

REFERENCE BUREAU CORRECTIONS

**Assembly Bill 378**

Page 2, line 14: substitute "members" for "member".

**Assembly Bill 516**

Page 3, line 7: substitute "subds." for "subd."

**Assembly Bill 630**

Page 20, line 11: substitute "118.019" for "118.01".

**Assembly Bill 684**

Page 39, line 12: delete "departments" and substitute "department".

**Assembly Bill 706**

Page 17, line 5: substitute "section" for "subsection".

**Assembly Bill 842**

Page 3, line 16: substitute "alterations" for "alternations".

**Assembly Bill 871**

1. Page 20, line 20: after "other" insert "generators".

2. Page 20, line 21: substitute "charge" for "change".

3. Page 21, line 24: substitute "s. 144.44" for "sub.".

4. Page 23, line 28: substitute "s. 144.44" for "sub.".

Representative Swoboda moved that the assembly stand adjourned until 10:00 A.M. on Thursday, February 20.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

10:01 A.M.