



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fourth Regular Session

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FRIDAY, April 9, 1999

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

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### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 46** offered by committee on **Children and Families**.

Assembly amendment 1 to **Assembly Bill 144** offered by Representative Huber.

Assembly substitute amendment 1 to **Assembly Bill 237** offered by committee on **Health**.

Assembly amendment 1 to **Assembly Bill 260** offered by Representative Travis.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 98-081**

Relating to drainage districts.  
Submitted by Department of Agriculture, Trade and Consumer Protection.  
Report received from Agency, March 30, 1999.  
To committee on **Agriculture**.  
Referred on April 9, 1999.

#### **Assembly Clearinghouse Rule 98-157**

Relating to sewer main extension and cost recovery.  
Submitted by Public Service Commission.  
Report received from Agency, March 30, 1999.  
To committee on **Urban and Local Affairs**.  
Referred on April 9, 1999.

#### **Assembly Clearinghouse Rule 98-177**

Relating to commercial fishing on Lake Michigan and Lake Superior.  
Submitted by Department of Natural Resources.  
Report received from Agency, March 26, 1999.  
To committee on **Natural Resources**.  
Referred on April 9, 1999.

#### **Assembly Clearinghouse Rule 98-178**

Relating to sport fishing for yellow perch in portions of tributaries to Lake Michigan defined as outlying trout and salmon waters.  
Submitted by Department of Natural Resources.  
Report received from Agency, March 26, 1999.  
To committee on **Natural Resources**.  
Referred on April 9, 1999.

#### **Assembly Clearinghouse Rule 99-013**

Relating to guarantee issue eligibility for Medicare supplement insurance.  
Submitted by Office of the Commissioner of Insurance.  
Report received from Agency, April 2, 1999.  
To committee on **Insurance**.  
Referred on April 9, 1999.

#### **Assembly Clearinghouse Rule 99-015**

Relating to pharmacological treatment of certain child sex offenders.  
Submitted by Department of Corrections.  
Report received from Agency, March 31, 1999.  
To committee on **Criminal Justice**.  
Referred on April 9, 1999.

#### **Assembly Clearinghouse Rule 99-027**

Relating to dividing WRS accounts and annuities per qualified domestic relations orders (QDROs).  
Submitted by Department of Employee Trust Funds.  
Report received from Agency, March 30, 1999.  
To joint survey committee on **Retirement Systems**.  
Referred on April 9, 1999.

#### **Assembly Clearinghouse Rule 99-033**

Relating to multiple appointments on the same case.  
Submitted by State Public Defender.  
Report received from Agency, March 26, 1999.  
To committee on **Judiciary and Personal Privacy**.  
Referred on April 9, 1999.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 42**

To create section 26 of **article I of the constitution**;  
Relating to: creating an independent right of privacy of individuals (first consideration).

By Representatives Schneider, Carpenter, Reynolds, Bock, Plale, Powers and Young; cosponsored by Senators Erpenbach, Decker and Darling.

To committee on **Judiciary and Personal Privacy**.

#### **Assembly Joint Resolution 43**

Relating to: directing the joint committee on information policy to investigate the year 2000 problem preparedness of the health care industry in this state.

By Representatives Schneider, Reynolds, Wasserman and Young.

To joint committee on **Information Policy**.

#### **Assembly Joint Resolution 44**

Relating to: the life and service to the people of the state of Wisconsin of Walter Bresette.

By Representatives Sherman, Boyle, Musser, Coggs, Black, La Fave, Huber, Young, Miller, Ryba, Turner, Plouff, Berceau and Richards; cosponsored by Senators Jauch, Burke and Clausing.

To committee on **Rules**.

#### **Assembly Joint Resolution 45**

Relating to: memorializing Congress to not reduce the number of beds for intensive care and surgery at the Veteran's Administration's Medical Center at Iron Mountain, Michigan.

By Representatives Sherman, Boyle, Musser, Coggs, Miller, Seratti, Ryba, Sykora, Turner, Plouff, Kreuser, Hahn, Berceau and Pettis; cosponsored by Senators Jauch, Zien and Roessler.

To committee on **Veterans and Military Affairs**.

#### **Assembly Bill 264**

Relating to: health insurance coverage of smoking cessation treatment and medications.

By Representatives Black, Musser, Bock, Turner, Williams, Boyle, Wasserman and Berceau; cosponsored by Senators Robson, Darling, Risser and Clausing.

To committee on **Insurance**.

#### **Assembly Bill 265**

Relating to: moving county jail prisoners under certain circumstances.

By Representatives Staskunas and Albers; cosponsored by Senators Rosenzweig and Farrow.

To committee on **Corrections and the Courts**.

#### **Assembly Bill 266**

Relating to: requiring certain educational agencies to install filtering software on computers connected to the internet and making an appropriation.

By Representatives Huebsch, Hutchison, Ainsworth, Kelso, Owens, Petrowski, Seratti and Vrakas; cosponsored by Senators Welch and Roessler.

To committee on **Information Policy**.

#### **Assembly Bill 267**

Relating to: the use and regulation of electronic signatures, providing an exemption from emergency rule procedures and granting rule-making authority.

By Representatives Hutchison, Jensen, Huebsch, F. Lasee, Meyer, Sykora, Kelso, Owens, Musser, Albers, Kaufert, Olsen, Montgomery and Vrakas; cosponsored by Senator Rude.

To committee on **Information Policy**.

#### **Assembly Bill 268**

Relating to: prostitution and providing a penalty.

By Representatives Colon, Riley, Klusman, Musser, Turner, Bock, Staskunas and Powers; cosponsored by Senators Burke, Darling and Roessler.

To committee on **Criminal Justice**.

#### **Assembly Bill 269**

Relating to: disposal facilities for toilet wastes from boats.

By Representatives Johnsrud, Kelso, Musser, Porter, Ladwig, Miller, Ryba, Urban, Freese, Brandemuehl, J. Lehman, Goetsch, Albers, Kedzie, Krug, Powers, Petrowski, Vrakas and Hutchison; cosponsored by Senators Darling, Baumgart, Robson, Schultz and Clausing.

To committee on **Natural Resources**.

#### **Assembly Bill 270**

Relating to: advertising of the state lottery.

By Representatives Grothman, Albers, Black, Bock, Brandemuehl, Gundrum, Kelso, Kestell, Kreibich, La Fave, F. Lasee, Miller, Owens, Pettis, Skindrud, Suder and Wood; cosponsored by Senators Risser and Roessler.

To committee on **Government Operations**.

#### **Assembly Bill 271**

Relating to: minimum sentences for certain sex offenses.

By Representatives Leibham, Foti, Suder, Gundrum, Freese, Ladwig, Ainsworth, Musser, Underheim, Seratti, Stone, Kestell, Hundertmark, Kelso, Huebsch, Owens, Gronemus, Vrakas and F. Lasee; cosponsored by Senators Darling, Drzewiecki and Roessler.

To committee on **Criminal Justice**.

#### **Assembly Bill 272**

Relating to: the issuance of wild turkey hunting licenses to qualified resident landowners.

By Representatives Gunderson, Johnsrud, Brandemuehl, Freese, Gard, Goetsch, Gronemus, Hahn, Hundertmark, Albers, Montgomery, Musser, Owens, Petrowski, Powers, Seratti and Spillner; cosponsored by Senators Farrow, Lazich, Rude, Schultz and Welch.

To committee on **Natural Resources**.

#### **Assembly Bill 273**

Relating to: legalizing the possession and transfer of antique slot machines used solely for display, restoration or preservation purposes.

By Representatives Kreuser, Freese, Musser, Ainsworth, Steinbrink, Staskunas, Sykora, Grothman, Gronemus, Skindrud and Seratti; cosponsored by Senator Schultz.

To committee on **State Affairs**.

#### **Assembly Bill 274**

Relating to: impeding the flow of traffic by continuously operating a motor vehicle in the left-most lane of a controlled-access highway.

By Representatives La Fave, Musser, Sinicki, F. Lasee, Nass and Montgomery; cosponsored by Senators Plache, Huelsman, Darling and Rosenzweig, by request of Wisconsin Troopers Association.

To committee on **Highway Safety**.

#### **Assembly Bill 275**

Relating to: requiring the department of revenue to prepare and maintain a list of delinquent taxpayer accounts and to post on the internet the top 100 names from the list.

By Representatives F. Lasee, Ladwig, Urban, Goetsch, Vrakas, Gunderson, Hoven, Lassa, Suder, Ainsworth, Plouff, Ziegelbauer, Skindrud, Seratti, Kaufert, Olsen, La Fave, Powers and Montgomery; cosponsored by Senators Shibilski, Roessler, Cowles, Zien and Panzer.

To committee on **Ways and Means**.

#### **Assembly Bill 276**

Relating to: special distinguishing registration plates associated with Ducks Unlimited, Inc., and making an appropriation.

By Representatives Kreuser, Seratti, Handrick, Steinbrink, Turner, Kreibich, Porter, Lassa, Hoven and Hutchison; cosponsored by Senators Wirch and Drzewiecki.

To committee on **Transportation**.

#### **Assembly Bill 277**

Relating to: fiscal estimates on bills containing penalty provisions.

By Representatives Black, Bock, Powers, J. Lehman, Richards, Miller, Huber, Boyle, Pocan, Travis and Young; cosponsored by Senators Decker, Cowles and Risser.

To joint committee on **Finance**.

#### **Assembly Bill 278**

Relating to: creation of a privacy council and position of privacy advocate.

By Representatives Schneider, La Fave, Bock, F. Lasee, Reynolds, Wasserman, Plale and Young; cosponsored by Senators Plache, Roessler, Darling and Schultz.

To committee on **Judiciary and Personal Privacy**.

#### **Assembly Bill 279**

Relating to: school district boundary disputes.

By Representatives Porter, Ainsworth, Hahn, Kedzie, Kelso, Musser, Olsen and Spillner; cosponsored by Senators Wirch, Drzewiecki and Fitzgerald.

To committee on **Education**.

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## **COMMITTEE REPORTS**

The committee on **Children and Families** reports and recommends:

#### **Assembly Bill 46**

Relating to: creating a sales tax and use tax exemption for clothing and shoes.

Assembly amendment 1 adoption:

Ayes: 9 – Representatives Ladwig, Jeskewitz, Kreibich, Freese, Kestell, Miller, Coggs, Colon and Sinicki.

Noes: 1 – Representative Grothman.

Passage as amended:

Ayes: 9 – Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Coggs, Colon and Sinicki.

Noes: 1 – Representative Miller.

To joint survey committee on **Tax Exemptions**.

#### **Assembly Bill 72**

Relating to: the disclosure of juvenile records by a juvenile court or a municipal court.

Passage:

Ayes: 10 – Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Coggs, Colon and Sinicki.

Noes: 0.

To committee on **Rules**.

*BONNIE LADWIG*

Chairperson

Committee on Children and Families

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The committee on **Highway Safety** reports and recommends:

#### **Assembly Bill 2**

Relating to: the use of high-beam headlamps on motor vehicles.

Passage:

Ayes: 7 – Representatives Stone, Townsend, Brandemuehl, Urban, Hasenohrl, Ryba and Young.

Noes: 0.

To committee on **Rules**.

*JEFF STONE*

Chairperson

Committee on Highway Safety

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

#### **Assembly Bill 64**

Relating to: requiring schools to instruct pupils about Veterans' Day and the contributions and sacrifices of veterans.

Assembly amendment 1 adoption:

Ayes: 8 – Representatives Musser, Hundertmark, Pettis, Sykora, Petrowski, Ryba, Kreuser and Plouff.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Musser, Hundertmark, Pettis, Sykora, Petrowski, Ryba, Kreuser and Plouff.

Noes: 0.

To committee on **Education**.

**Assembly Bill 139**

Relating to: creating an individual income tax exemption for military income received by certain members of the U.S. armed forces.

Passage:

Ayes: 8 – Representatives Musser, Hundertmark, Pettis, Sykora, Petrowski, Ryba, Kreuser and Plouff.

Noes: 0.

To joint survey committee on **Tax Exemptions**.

*TERRY MUSSER*  
Chairperson  
Committee on Veterans and Military Affairs

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**SPEAKER'S APPOINTMENTS**

March 31, 1999

Glenn Grothman  
State Representative  
59th Assembly District  
15 North, State Capitol  
Madison, WI 53703

Dear Representative Grothman:

As Assembly Speaker, it is my pleasure to appoint you as a member of the Assembly Children and Families Committee. You will be replacing Representative Ward, who is now a member of the Joint Committee on Finance and this appointment is effective immediately. Thank you in advance for your service

If you have any questions, please contact Brett in my office.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

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**COMMUNICATIONS**

State of Wisconsin  
Revisor of Statutes Bureau  
Madison

**DATE:** April 1, 1999

**TO:** Charles Sanders  
Assembly Chief Clerk

Donald J. Schneider  
Senate Chief Clerk

**FROM:** Gary L. Poulson  
Deputy Revisor of Statutes

**SUBJECT:** Rules published in the March 31, 1999, Wisconsin Administrative [Register, No. 519](#).

The following rules have been published:

[Clearinghouse Rule 97-152](#) effective 4-1-99  
[Clearinghouse Rule 98-094](#) effective 4-1-99  
[Clearinghouse Rule 98-118](#) effective 4-1-99  
[Clearinghouse Rule 98-167](#) effective 4-1-99  
[Clearinghouse Rule 98-165](#) effective 4-1-99  
[Clearinghouse Rule 98-184](#) effective 4-1-99  
[Clearinghouse Rule 98-185](#) effective 4-1-99

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**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Department of Commerce  
Madison

April 1, 1999

To the Honorable, the Legislature:

The department is submitting the 1998 Business Development Assistance Center Annual Report, as required under s. [560.42\(5\)](#), Wisconsin Statutes.

The enclosed report provides data on the center's record of assisting persons and discussions with regulatory agencies. It includes information on the number of persons assisted; the kinds of assistance provided; and the center's major accomplishment and initiatives during 1998.

If you have any questions on any aspect of this report, please contact Hampton Rothwell, director of the Business Development Assistance Center, at email [hrothwell@commerce.state.wi.us](mailto:hrothwell@commerce.state.wi.us) or 608/267-0313.

Sincerely,  
*BRENDA J. BLANCHARD*  
Secretary

Referred to committee on **Small Business and Economic Development**.

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State of Wisconsin  
Technical College System Board  
Madison

April 5, 1999

To the Honorable, the Assembly:

I am pleased to share with you the attached report in compliance with section [38.04\(21\)](#) of the statutes. This provision requires the Wisconsin Technical College System (WTCS) Board to submit a report regarding high school pupils attending technical colleges. The report is to be submitted annually to the Legislature and to three state agencies (Departments of Administration, Public Instruction and Workforce Development).

This is the second time that the WTCS Board has issued a report under this provision. The requirement was established in the 1997-99 state budget bill (1997 Wisconsin Act 27). Although the statutory deadline for submitting the report is the third Monday in February, we were not able to obtain complete data from all 16 technical college districts until two weeks ago. We apologize for the delay and will make every effort to comply with the deadline next year.

In summary, the report indicates that the number of high school pupils who attended technical college increased between 1996-97 and 1997-98. In particular, the following change in numbers occurred between the two years:

- \* The number of high school pupils who attended the WTCS under the 118.15 compulsory education option increased from 4,031 in 1996-97 to 4,375 in 1997-98.
- \* The number of high school pupils who attended the WTCS under the Postsecondary Enrollment Options (PSEO) program increased from 505 in 1996-97 to 624 in 1997-98. It should be noted that these figures do not reflect the recent changes made to this program. Beginning in 1998-99, the PSEO program was renamed the Youth Options Program and a number of changes related to WTCS attendance was enacted. The impact of these changes will be reflected in next year's report.
- \* The number of high school pupils who enrolled in WTCS postsecondary level courses through means other than 118.15 or PSEO increased from 6,047 in 1996-97 to 6,223 in 1997-98.

If you have any questions regarding this report, please contact Dan Clancy, Assistant State Director, at (608) 266-7983.

Sincerely,  
*EDWARD CHIN*  
State Director

Referred to committee on **Colleges and Universities**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

March 30, 1999

To the Honorable, the Assembly:

We have completed a financial audit of the Unemployment Reserve Fund for fiscal years 1997-98 and 1996-97. This audit was performed at the request of the Department of Workforce Development, which administers the Fund.

The Unemployment Reserve Fund's cash balance related to taxable employers increased \$83 million during the past fiscal year, to over \$1.6 billion as of June 30, 1998. This cash balance is used to determine the tax rate schedule to apply to taxable employers. Since the cash reserves exceed the amount that allows employers to be taxed under the lowest rate

schedule, the Fund is able to charge employers the lowest authorized tax rates.

Copies of the report have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. If you are interested in receiving a copy of this report, please contact our office and request report number 99-4.

Sincerely,  
*JANICE MUELLER*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

March 31, 1999

To the Honorable, the Legislature:

We have completed an evaluation of the Department of Employment Relations' (DER'S) training programs for state employes, as requested by the Joint Legislative Audit Committee. These courses, which include statutorily required training for all new supervisors in the classified service, other training specific to state government, and general employe development training, represent 3 percent of all employe training expenditures reported though the State's accounting system from fiscal year (FY) 1993-94 through FY 1997-98. In FY 1997-98, expenditures for these courses totaled approximately \$272,400 and enrollments totaled 1,943.

DER's training course expenditures are paid through its program revenue training appropriation, which is funded primarily by course fees. From FY 1993-94 through FY 1996-97, revenue from these fees declined steadily, primarily because of a 34.7 percent decline in enrollments that resulted from a large number of cancellations by DER, high course fees, and limited course applicability. DER made efforts to improve its training program in FY 1997-98, when both revenue and enrollments returned to levels comparable to FY 1993-94 levels.

The legislature can consider a number of options to address DER's role in providing training for state employes. These include maintaining DER's current role, directing DER to place more emphasis on coordinating state-sponsored training, or eliminating DER's training responsibilities and encouraging or mandating state agencies to play a larger role in providing training to their employes.

We appreciate the courtesy and cooperation DER extended to us. DER's response is the appendix.

Sincerely,  
*JANICE MUELLER*  
State Auditor

State of Wisconsin  
Investment Board  
Madison

March 31, 1999

To the Honorable, the Legislature:

As provided under section 25.17(14m) of the Statutes, attached is the Investment Board's annual performance report to the Legislature. This report discusses our progress in meeting investment goals, the types of investments managed by the Board, our performance in 1998 and investments in Wisconsin.

Key points of note in this report:

- \* For the fourth consecutive year, the Fixed (balanced) Retirement Fund and Variable Retirement Fund both earned double digit returns. The performance of the US stock market was one of the most volatile on record and the disparity in returns from different sectors of the stock market was also among the largest ever. Market gains were driven by a handful of large company stocks, with only 15 companies accounting for half of the total return for the S&P 500.
- \* The Fixed (or balanced) Fund returned 14.6% in 1998. The Fixed Fund surpassed the 13.5% return for balanced mutual funds but fell short of the 15.3% median return for a peer group of public funds in 1998. Heavier exposure to small company stocks, and a large cash position in the non traditional portfolio, accounted for much of the difference in our performance relative to our peers.
- \* The Variable Fund returned 17.5% for the year matching the return for its benchmark. It trailed the 28.6% return for the S&P 500. The Variable Fund is primarily a stock fund but is diversified into a number of markets which are not represented in the S&P 500, including smaller company stocks, international stocks and emerging markets.
- \* We currently monitor the volatility of returns, interest rate sensitivity, foreign currency exposure, emerging market risk, liquidity and the use of derivatives. There has been no significant overall change in these risk elements for the fixed and Variable Funds since our last report to the Legislature in March 1998. They are considered prudent given our liability structure.
- \* SWIB completed a strategic plan that considered future financial needs of the WRS and investment strategies that are likely to add the greatest value:

1. The WRS actuary updated demographic and cash flow projections for the next 50 years. This study showed that the WRS is well positioned to meet its current and future obligations.

2. We worked with outside experts to confirm that a global and diversified investment strategy will earn the best return with the least risk over the long term. Within this strategy there will be a growing role for private market investments that offer greater returns but are more staff intensive to manage.

- \* The State Investment Fund (SIF) returned 5.3% for the year and outperformed its benchmark for the one- five- and ten-year periods. The SIF is the short-term cash management fund for local governments, state agencies and the Fixed and Variable Trust Funds. The SIF return ranked 8th out of 217 government funds in the IBC/Donoghue Government Index and 238th out of 897 money market funds in the IBC/Donoghue All Taxable Money Market Index.
- \* SWIB's investments in companies headquartered in Wisconsin totaled \$2.4 billion as of June 30, 1998. An additional \$5.6 billion was invested in companies not headquartered here but with 20 or more Wisconsin employees. Our investments in Wisconsin are made within the context of our fiduciary responsibility to the Retirement Funds. We are developing an initiative to invest up to \$50 million in biotechnology companies – a plan that has the potential to earn attractive returns and spur development of a leading-edge industry in Wisconsin.

Several critical areas in our 1999-01 biennial budget will directly affect our performance. Assets under management have doubled in the last five years and increased by \$10 billion in just the last 18 months. We are having increasing difficulty recruiting and retaining the experienced staff needed to manage portfolios that are among the largest in the world. Your support for budget measures to address this problem will be crucial.

Please contact me if you have any questions about this report or other matters.

Sincerely,  
*PATRICIA LIPTON*  
Executive Director