



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fourth Regular Session

10:00 A.M.

TUESDAY, May 11, 1999

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

Representative Handrick in the chair.

The Assembly dispensed with the call of the roll.

### AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 3 to **Assembly Bill 52** offered by Representative Plale.

Assembly amendment 2 to Assembly substitute amendment 3 to **Assembly Bill 52** offered by Representative Gronemus.

Assembly substitute amendment 1 to **Assembly Bill 139** offered by Representatives Sykora, Musser, Hundertmark, Pettis and Petrowski.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 186** offered by Representative M. Lehman.

Assembly amendment 1 to **Assembly Bill 249** offered by committee on **Veterans and Military Affairs**.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 98-159**

Relating to bicycle helmets and drawstrings in children's clothing.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, May 3, 1999.

To committee on **Consumer Affairs**.

Referred on May 11, 1999.

#### **Assembly Clearinghouse Rule 98-179**

Relating to disabled turkey hunts.

Submitted by Department of Natural Resources.

Report received from Agency, May 3, 1999.

To committee on **Natural Resources**.

Referred on May 11, 1999.

#### **Assembly Clearinghouse Rule 98-181**

Relating to updating and cleanup changes to the NR 400 series.

Submitted by Department of Natural Resources.

Report received from Agency, May 3, 1999.

To committee on **Environment**.

Referred on May 11, 1999.

#### **Assembly Clearinghouse Rule 98-192**

Relating to definitions, applications, examinations, temporary permits and renewal.

Submitted by Department of Regulation and Licensing.

Report received from Agency, May 3, 1999.

To committee on **Health**.

Referred on May 11, 1999.

#### **Assembly Clearinghouse Rule 99-008**

Relating to the solicitation of prospective purchasers of burial agreements funded with the proceeds of a life insurance policy.

Submitted by Department of Regulation and Licensing.

Report received from Agency, May 3, 1999.

To committee on **Insurance**.

Referred on May 11, 1999.

#### **Assembly Clearinghouse Rule 99-036**

Relating to education, pre-license and continuing education programs and courses.

Submitted by Department of Regulation and Licensing.

Report received from Agency, May 4, 1999.

To committee on **Housing**.

Referred on May 11, 1999.

#### **Assembly Clearinghouse Rule 99-052**

Relating to the annual allocation of volume on tax exempt private activity bonds.

Submitted by Department of Commerce.

Report received from Agency, May 5, 1999.

To committee on **Small Business and Economic Development**.

Referred on May 11, 1999.

#### **Assembly Clearinghouse Rule 99-053**

Relating to the chapter PSC 132 definition of "public utility" and cable operators' access to railroad rights-of-way.

Submitted by Public Service Commission.

Report received from Agency, April 30, 1999.

To committee on **Utilities**.

Referred on May 11, 1999.

**Assembly Clearinghouse Rule 99-058**

Relating to investments in time deposits and certificates of deposit.

Submitted by Department of Financial Institutions.  
Report received from Agency, May 4, 1999.  
To committee on **Financial Institutions**.  
Referred on May 11, 1999.

**Assembly Clearinghouse Rule 99-059**

Relating to aggregate investments in bonds and certain other securities.

Submitted by Department of Financial Institutions.  
Report received from Agency, May 4, 1999.  
To committee on **Financial Institutions**.  
Referred on May 11, 1999.

**Assembly Clearinghouse Rule 99-060**

Relating to real estate mortgage loans.

Submitted by Department of Financial Institutions.  
Report received from Agency, May 4, 1999.  
To committee on **Financial Institutions**.  
Referred on May 11, 1999.

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**INTRODUCTION AND REFERENCE  
OF PROPOSALS**

Read first time and referred:

**Assembly Bill 334**

Relating to: electronic mail solicitations.

By Representatives Foti, Gunderson, Staskunas, Bock, Brandemuehl, Gronemus, Hahn, Kelso, Klusman, F. Lasee, M. Lehman, Miller, Montgomery, Musser, Olsen, Owens, Petrowski, Plouff, Powers, Stone and Black; cosponsored by Senators Panzer, Erpenbach, Baumgart, Darling, Farrow, Huelsman, Plache and Clausing.

To committee on **Information Policy**.

**Assembly Bill 335**

Relating to: allowing municipal courts to hold refusal hearings.

By Representatives Vrakas, Montgomery, Petrowski, Staskunas, Olsen, Huber, Spillner, La Fave, Stone, Ryba, Cullen, Musser, Rhoades, Brandemuehl, Powers, Goetsch, Grothman, Sykora, Gunderson and Albers; cosponsored by Senators Huelsman, Darling, Roessler, Drzewiecki and Grobschmidt.

To committee on **Highway Safety**.

**Assembly Bill 336**

Relating to: committing 3 or more specified traffic offenses within a single course of conduct.

By Representatives Ainsworth, Brandemuehl, Gronemus, Hutchison, Kelso, Klusman, Montgomery, Musser and Owens.

To committee on **Highway Safety**.

**Assembly Bill 337**

Relating to: payment and amounts of fees for recounts of elections.

By Representatives Jensen, Ladwig, Brandemuehl, Staskunas, Hahn, Handrick, Freese, Gundrum, Porter, Owens, Gard, Sykora, Ainsworth, Musser, Albers, Goetsch, Grothman, Kestell, Kelso, Ward, Walker, Suder, Montgomery and Vrakas; cosponsored by Senators Welch, Darling and Farrow.

To committee on **Campaigns and Elections**.

**Assembly Bill 338**

Relating to: interstate emergency management assistance compact.

By Representatives Plouff, Musser, Brandemuehl, Huber, Kedzie, La Fave, J. Lehman, Miller, Waukau and Sykora; cosponsored by Senators Moen, Clausing, Darling, Moore, Panzer and Roessler.

To committee on **Government Operations**.

**Assembly Bill 339**

Relating to: an agreement between the state and tobacco product manufacturers.

By Representatives Bock, Urban, Miller, La Fave, Boyle, Richards, Turner, Huber, Young, Kelso, Goetsch, Walker, Olsen, Stone and Berceau; cosponsored by Senators Robson, Rosenzweig, Roessler, Risser, Panzer, Darling, Wirch, Schultz, Cowles and Clausing.

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

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**COMMITTEE REPORTS**

The committee on **Tourism and Recreation** reports and recommends:

**Assembly Bill 147**

Relating to: modifying the definition of all-terrain vehicle.

Passage:

Ayes: 10 – Representatives Spillner, Seratti, Olsen, Pettis, Skindrud, Reynolds, Sinicki, Ryba, Steinbrink and Waukau.  
Noes: 0.

To committee on **Rules**.

*JOAN SPILLNER*

Chairperson

Committee on Tourism and Recreation

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The committee on **Urban and Local Affairs** reports and recommends:

**Assembly Bill 227**

Relating to: changing the boundaries of Jackson County and Monroe County.

Passage:

Ayes: 8 – Representatives Gunderson, Brandemuehl, Kedzie, Stone, Musser, Berceau, Carpenter and Williams.  
Noes: 0.

To committee on **Rules**.

*SCOTT GUNDERSON*  
Chairperson  
Committee on Urban and Local Affairs

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

**Assembly Joint Resolution 14**

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, Hundertmark, Pettis, Sykora, Petrowski, Ryba, Boyle, Kreuser and Plouff.  
Noes: 0.

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.

Adoption:

Ayes: 9 – Representatives Musser, Hundertmark, Pettis, Sykora, Petrowski, Ryba, Boyle, Kreuser and Plouff.  
Noes: 0.

To committee on **Rules**.

*TERRY MUSSER*  
Chairperson  
Committee on Veterans and Military Affairs

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The committee on **Ways and Means** reports and recommends:

**Assembly Bill 178**

Relating to: personal liability for razing costs.

Assembly amendment 1 adoption:

Ayes: 16 – Representatives M. Lehman, Sykora, Huebsch, F. Lasee, Ainsworth, Jeskewitz, Goetsch, Owens, Spillner, Wood, La Fave, Meyerhofer, Morris-Tatum, Plale, Turner and Ziegelbauer.  
Noes: 0.

Passage as amended:

Ayes: 15 – Representatives M. Lehman, Sykora, Huebsch, F. Lasee, Jeskewitz, Goetsch, Owens, Spillner, Wood, La Fave, Meyerhofer, Morris-Tatum, Plale, Turner and Ziegelbauer.  
Noes: 1 – Representative Ainsworth.

To committee on **Rules**.

**Assembly Bill 300**

Relating to: the property tax lottery credit and making appropriations.

Assembly substitute amendment 2 adoption:

Ayes: 9 – Representatives M. Lehman, Sykora, Huebsch, F. Lasee, Ainsworth, Jeskewitz, Goetsch, Owens and Spillner.  
Noes: 7 – Representatives Wood, La Fave, Meyerhofer, Morris-Tatum, Plale, Turner and Ziegelbauer.

Passage as amended:

Ayes: 11 – Representatives M. Lehman, Sykora, Huebsch, F. Lasee, Ainsworth, Jeskewitz, Goetsch, Owens, Spillner, Wood and Plale.  
Noes: 5 – Representatives La Fave, Meyerhofer, Morris-Tatum, Turner and Ziegelbauer.

To committee on **Rules**.

*MICHAEL LEHMAN*  
Chairperson  
Committee on Ways and Means

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**EXECUTIVE COMMUNICATIONS**

May 11, 1999

The Honorable Scott Jensen  
Speaker of the Assembly  
211 West, State Capitol  
Madison, WI 53702

RE: 1999 Assembly Bill 186

Dear Speaker Jensen:

1999 Assembly Bill 186, introduced by Representatives M. Lehman, Kaufert, Musser, Staskunas, Grothman, F. Lasee and Jeskewitz and co-sponsored by Senators Drzewiecki and Grobschmidt, relates to instalment payments of refunds of taxes on manufacturing property, appeals of manufacturing property taxes, distribution of taxes on manufacturing property and the interest on refunded and additional taxes on manufacturing property, the deadline for classification of property as manufacturing, manufacturers' reports and making an appropriation.

1999 Assembly Bill 186 will reduce state revenues by an annual amount exceeding \$10,000. Pursuant to sec. 16.47(2), States., I consider this bill an emergency bill, I recommend the bill and I ask that passage of 1999 Assembly Bill 186 be permitted prior to passage of the budget bill.

Thank you for your attention to this matter.

Sincerely,  
*TOMMY G. THOMPSON*  
Governor

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May 11, 1999

The Honorable Scott Jensen  
Speaker of the Assembly  
211 West, State Capitol  
Madison, WI 53702

RE: 1999 Assembly Bill 329

Dear Speaker Jensen:

1999 Assembly Bill 329, introduced by Representatives Kreibich, Nass, Schneider, Musser, Kelso, Ladwig, Owens, Hahn, Sykora, Miller, Brandemuehl, Powers, Montgomery, Gunderson, Albers, Gronemus, Rhoades, Coggs, Goetsch, Plouff, Freese, Spillner, Turner, Ryba, Hundertmark, Klusman, Boyle, Lassa, Waukau, Bock, Kreuser, Huber, Young, Olsen, Pettis, Plale, F. Lasee, Reynolds and Grothman and co-sponsored by Senators Moen, Fitzgerald, Schultz, Darling, Roessler, Grobschmidt, Welch, Wirch, Zien, Rosenzweig, Panzer, Clausing, Breske, Drzewiecki, Baumgart and Erpenbach, relates to payment of health insurance premiums for state employes activated for military duty in the U.S. armed forces.

1999 Assembly Bill 329 contains a fiscal note in excess of \$10,000. Pursuant to sec. 16.47(2), Stats., I consider this bill an emergency bill, I recommend the bill and I ask that passage of 1999 Assembly Bill 329 be permitted prior to passage of the budget bill.

Thank you for your attention to this matter.

Sincerely,  
*TOMMY G. THOMPSON*  
Governor

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Madison

April 30, 1999

To the Honorable, the Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, for distribution to the appropriate standing committees under sec. 13.172(3) stats., and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of March 1999.

On March 16, 1999 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$2 thousand. This shortfall increased to -\$3 thousand on March 25, 1999 and continued into the month of April 1999. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund shortfall was not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,  
*MARK D. BUGHER*  
Secretary

Referred to committee on **Ways and Means**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

May 10, 1999

To the Honorable, the Legislature:

We have completed an evaluation of community long-term care programs operated by local governments and administered by the Department of Health and Family Services. We focused our analysis on two Medical Assistance waiver programs whose participants are primarily elderly and physically disabled: the Community Integration Program II (CIP II) and Community Options Program Waiver (COP-W) programs, and on participants whose services were funded exclusively through the general purpose revenue-funded Community Options Program (COP-R). In 1997, 15,699 participants received services through these programs, for which reported expenditures were \$120,893,900.

Among local community long-term care programs, we found significant variation in the amount of time individuals wait for program services. As of June 1998, approximately 11,000 individuals statewide were waiting to receive program services. However, 11 counties reported no waiting lists, while 12 others had waiting lists of more than 100 individuals. The maximum wait for developmentally disabled individuals was nine years; for elderly individuals, it was four years.

In addition to variation in waiting times, we found variation in the types of services these local programs provide and in the per participant expenditure they report. For example, statewide expenditures averaged \$7,701 per participant in 1997, but local programs reported average per participant expenditures ranging from \$3,394 to \$17,195.

Variation among local programs is possible because community long-term care places primary responsibility for program management with local governments. The Family Care proposal currently before the Legislature as part of Assembly Bill 133 addresses some of the causes of the variation we found. To assist in analyzing the effect this proposal could have on community long-term care, we include questions the Legislature may wish to explore during its deliberations.

We appreciate the courtesy and cooperation extended to us by the Department and staff of local programs. The Department's response is Appendix IV.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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**REFERENCE BUREAU CORRECTIONS**

**Assembly Bill 139**

1. Page 2, line 2: delete "15" and substitute "(15)".
2. Page 2, line 6: delete "31," and substitute "31".

**Assembly Bill 271**

1. Page 2, line 10: substitute "939.62" for "939.626".

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**ADJOURNMENT**

Representative Wieckert moved that the Assembly stand adjourned until 10:00 A.M. tomorrow.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:01 A.M.