



STATE OF WISCONSIN Assembly Journal

Ninety-Fourth Regular Session

1:35 P.M.

MONDAY, May 24, 1999

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

Representative Gundrum in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 63** offered by committee on **Small Business and Economic Development**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 63** offered by committee on **Small Business and Economic Development**.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 63** offered by committee on **Small Business and Economic Development**.

Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 63** offered by committee on **Small Business and Economic Development**.

Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 63** offered by committee on **Small Business and Economic Development**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 154** offered by committee on **Criminal Justice**.

Assembly amendment 1 to **Assembly Bill 177** offered by committee on **Housing**.

Assembly substitute amendment 1 to **Assembly Bill 188** offered by committee on **Transportation**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 98–158

Relating to the retail food establishment license exemption for restaurant permit holders.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, May 13, 1999.

To committee on **Agriculture**.
Referred on May 24, 1999.

Assembly Clearinghouse Rule 99–074

Relating to certification criteria.

Submitted by State Public Defender.

Report received from Agency, May 19, 1999.

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

Referred on May 24, 1999.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 56

Relating to: the life and public service of Robert E. Behnke.

By Representatives La Fave, Schneider, Sherman, Walker, J. Lehman, Ryba, Hasenohrl, Miller, Plouff, Albers, Goetsch and Hahn; cosponsored by Senator Robson.

To committee on **Rules**.

Assembly Joint Resolution 57

Relating to: designating August 16 of each year as National Airborne Day.

By Representative Musser; cosponsored by Senator Moen.

To committee on **Rules**.

Assembly Joint Resolution 58

Relating to: requesting Congress to grant this state a waiver from the requirement to use reformulated gasoline.

By Representatives Kedzie, Stone, Hoven, Grothman, Walker, Ladwig, Duff, Gunderson, Jensen, Porter, Owens, Suder, Urban, Nass, Ward, Sykora, Turner, Goetsch, Vrakas and Jeskewitz; cosponsored by Senators Darling, Huelsman, Grobschmidt and A. Lasee.

To committee on **Rules**.

Assembly Bill 355

Relating to: sexual assault of a person confined in an adult or juvenile detention or correctional facility and providing a penalty.

By Representatives Walker, Boyle, Stone, La Fave, Ainsworth, Miller, Ladwig, Bock, Huebsch, Powers, Turner, Musser, Rhoades, Kedzie, Lassa, Nass, Young, Albers, Kelso, Seratti, Plouff, Pocan, Goetsch, Kaufert, Suder, Wasserman,

Freese, Owens, Vrakas, Black, Grothman, Gunderson, Kreibich, Berceau and Coggs; cosponsored by Senators Fitzgerald, Moore, Darling, Erpenbach, Farrow, Lazich and Rosenzweig.

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

Assembly Bill 356

Relating to: creating a privilege for environmental audits, providing immunity for disclosures related to environmental audits and providing a penalty.

By Representatives Duff, Ziegelbauer, Kedzie, Jensen, Coggs, Ainsworth, Klusman, Brandemuehl, Vrakas, M. Lehman, Musser, Stone, Sykora, Petrowski, Albers, Grothman, Goetsch, Rhoades, Suder, Kestell and Jeskewitz; cosponsored by Senators Welch, Roessler, Schultz, Darling, Panzer and Farrow.

To committee on **Environment**.

Assembly Bill 357

Relating to: the proper chemical name of the controlled substance gamma-butyrolactone (suggested as remedial legislation by the department of justice).

By Law Revision Committee.

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

Assembly Bill 358

Relating to: informal administration of estates and summary procedures for settling estates.

By Representatives Sherman, Bock, Musser, Reynolds, Turner, Richards, Boyle, Huber, Powers, Sykora, J. Lehman and Hasenohrl; cosponsored by Senator Plache.

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

Assembly Bill 359

Relating to: the requirement that a county clerk notify the district attorney of actions taken against the county or by the county board.

By Representatives Sherman, Huber, Miller, Turner, Jensen, Musser, Staskunas, Bock, Plouff, Reynolds, Grothman, Seratti, Montgomery, J. Lehman, Sykora and Lassa; cosponsored by Senators Jauch, Roessler and Erpenbach.

To committee on **Urban and Local Affairs**.

Assembly Bill 360

Relating to: certification of pool operators and granting rule-making authority.

By Representative Freese; cosponsored by Senators Robson and Schultz.

To committee on **Public Health**.

Assembly Bill 361

Relating to: eliminating the professional standards council for teachers.

By Representatives Grothman, Brandemuehl, Gundrum and Nass; cosponsored by Senators Fitzgerald and Lazich.

To committee on **Education**.

Assembly Bill 362

Relating to: requiring health insurance policies to cover contraceptive articles and services.

By Representatives Berceau, Richards, Bock, Black, Krug, Johnsrud, Wasserman, Young, Boyle, Schooff, Sinicki, Miller, Pocan, Travis, Turner and Carpenter; cosponsored by Senators Moore, Plache, Risser and Rosenzweig.

To committee on **Insurance**.

Assembly Bill 363

Relating to: the composition of municipal boards of canvassers in certain municipalities.

By Representatives Ott, Kestell, Freese, Albers, Grothman, Huebsch, M. Lehman, Musser, Spillner, Staskunas, Stone and Ryba; cosponsored by Senator Clausing.

To committee on **Campaigns and Elections**.

COMMITTEE REPORTS

The committee on **Agriculture** reports and recommends:

Assembly Bill 314

Relating to: implied warranties concerning disease status of animals and granting rule-making authority.

Passage:

Ayes: 13 – Representatives Ott, Petrowski, Hahn, Kestell, Spillner, Suder, Ainsworth, Sykora, Lassa, Plouff, Reynolds, Steinbrink and Waukau.

Noes: 0.

To committee on **Rules**.

ALVIN OTT

Chairperson

Committee on Agriculture

MESSAGE FROM THE SENATE

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 15

Passed and asks concurrence in:

Senate Bill 3

Senate Bill 38

Senate Bill 49

Senate Bill 62

Senate Bill 92

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 15

Relating to: the life and public service of Laurie Carlson.

By Senators Erpenbach, Chvala, Breske, Burke, Darling, George, Grobschmidt, Jauch, Moen, Plache, Risser, Roessler,

Schultz and Shibilski; cosponsored by Representatives Travis, Young, Spillner, Sherman, Ryba, Pocan, Plouff, Riley, Miller, Krug, Huber, Hubler, Gronemus, Boyle, Bock and Black.

To committee on **Rules**.

Senate Bill 3

Relating to: payment of health insurance premiums for University of Wisconsin System faculty and certain administrative staff.

By Senators Grobschmidt, Roessler, Erpenbach, Huelsman, Baumgart, Burke, Rude, Risser, Plache, Clausing, Moen, Darling, Panzer and Schultz; cosponsored by Representatives Albers, Kreibich, Schneider, Bock, Brandemuehl, J. Lehman, Pocan, Turner, Boyle, Black, Plale, Meyer, Miller, Colon, Goetsch, Carpenter, Kreuser, Sykora and Powers.

To committee on **Rules**.

Senate Bill 38

Relating to: eligibility for the Wisconsin Housing and Economic Development Authority's property tax deferral loan program.

By Senators Risser, Moen, Erpenbach and Clausing; cosponsored by Representatives Musser, Black, La Fave, Cullen, Miller, Hasenohrl, Ott and Krug.

To committee on **Housing**.

Senate Bill 49

Relating to: the individual income tax filing threshold for certain married persons.

By Senators Breske, Baumgart, Darling, Drzewiecki, A. Lasee, Roessler and Farrow; cosponsored by Representatives Kaufert, Ryba, Skindrud, Turner, Gronemus, Bock, Pettis, F. Lasee, Sykora, Ziegelbauer, Hasenohrl, Wasserman, Morris-Tatum, Plale, Williams, Lassa, Reynolds, Staskunas, Petrowski, Gunderson and Huber.

To committee on **Ways and Means**.

Senate Bill 62

Relating to: sharing public library system resources, preparing a written plan for library technology and the sharing of resources and eliminating redundant provisions relating to libraries.

By Senators Grobschmidt, Darling, Baumgart, Roessler, Jauch, Risser, Schultz, Wirth, Breske and Erpenbach; cosponsored by Representatives Olsen, J. Lehman, Spillner, La Fave, Albers, Ryba, Goetsch, Plale, M. Lehman, Miller, Ladwig, Kreuser, Gunderson, Hebl, Boyle, Black, Hasenohrl, Plouff and Huber, by request of the Department of Public Instruction, Wisconsin Library Association, Council on Library and Network Development, The System and Resource Library Administrators Association of Wisconsin.

To committee on **Education**.

Senate Bill 92

Relating to: proceeds from the sale of forest products at Fort McCoy and making an appropriation.

By Senators Moen and Rude; cosponsored by Representatives Musser and Huebsch.
To committee on **Rules**.

REFERENCE BUREAU CORRECTIONS

Assembly Bill 344

1. Page 1, line 3: delete "payments" and substitute "payment".

2. Page 5, line 18: delete "20.455" and substitute "20.435".

Note: This change reflects the cross-reference shown in the LRB drafting record for 1999 Assembly Bill 344.

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Office of the Commissioner of Insurance
Madison

May 6, 1999

To the Honorable, the Legislature:

Re: Report on the Impact of [1995 Wisconsin Act 10](#)

In accordance with s. [601.427\(9\)](#), Wis. Stat., I am pleased to submit this report to the Wisconsin Legislature. This report is to evaluate the impact that [1995 Wisconsin Act 10](#) has had on the following:

- (a) The number of health care providers practicing in Wisconsin.
- (b) The fees that health care providers pay under s. [655.27\(3\)](#), Wis. Stat.
- (c) The premiums that health care providers pay for health care liability insurance.

The evaluation performed included the collection and analysis of statistics regarding the number of health care providers and premiums charged for health care liability insurance. Analysis of these statistics determined the only discernable effect on these areas has been an estimated \$60.8 million dollars in reductions of fees collected under s. [655.27\(3\)](#), Wis. Stat. over the last five years. However, it was further noted that loss experience to date is too immature to validate the reduction.

The attached report provides information regarding the background of Act 10, the statistics collected and the analysis performed.

Sincerely,
CONNIE L. O'CONNELL
Commissioner

Referred to committee on **Health**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

May 19, 1999

To the Honorable, the Legislature:

During the course of our annual audit of the State of Wisconsin's financial statements, we identified four fiscal control and budgetary issues for your attention. The first concerns a statutory requirement to hold funds in reserve for six years to cover cancelled state checks that have not been cashed. If the Legislature were to amend this requirement, the State could both maintain a prudent level of reserves for cancelled checks and, on a one-time basis, lapse \$3.6 million from the cancelled drafts reserve to the General Fund for appropriation.

The second issue concerns accounting for more than \$1.5 million in federal reimbursements for lost interest earnings related to the administration of federal grants. We had expected these funds to be accounted for as general purpose revenue in the General Fund. However, the Department of Administration accounted for them in a federal program revenue appropriation. The Legislature could direct the Department of Administration to lapse this \$1.5 million, as well as all future federal interest reimbursements, to the General Fund for general appropriation.

The third issue relates to a \$500,000 trust fund established by the Department of Natural Resources (DNR) under a court-ordered plea agreement with Menard, Inc., which DNR has not reported to the Joint Committee on Finance or included in its fiscal year 1999-2001 budget request. Under the plea agreement, DNR is to use the trust fund to support "clean sweep" grants that allow municipalities to establish, operate, or maintain household hazardous waste disposal programs; the State may not use the trust fund to reduce its current funding levels for clean sweep grants; and any money remaining in the trust fund after five years is to be transferred to the Common School Fund, which supports low-interest

loans both to schools and to other governments. During budget deliberations, the Legislature could authorize DNR to use the trust fund to expand the clean sweep program. Alternatively, the Legislature could direct DNR not to spend trust fund assets, but instead to allow the trust fund to accumulate interest until the end of calendar year 2002, when the balance may be transferred to the Common School Fund.

Our final issue relates to accounting for the State's building program. We note that \$446,000 has accumulated in the Bond Security and Redemption Fund, apparently as a result of errors in accounting for debt service payments. The Legislature may wish to consider directing the Department of Administration to transfer these funds to the General Fund and other funds that originally made the debt service payments.

We also followed up on the status of \$1.9 million in undistributed interest earnings in the Capital Improvement Fund, which we described to the Audit Committee in January 1998. The Building Commission selected one of the options we proposed and, in February 1999, transferred the funds—which then exceeded \$2.1 million—to the State Building Trust Fund.

We hope that you find this information useful. If you have any questions or comments, please contact me.

Sincerely,
JANICE MUELLER
State Auditor

ADJOURNMENT

Representative Grothman moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, May 27.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

1:36 P.M.