



STATE OF WISCONSIN Assembly Journal

Ninety-Fourth Regular Session

11:15 A.M.

THURSDAY, July 8, 1999

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

Representative Ott in the chair.

The Assembly dispensed with the call of the roll.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 95–179

Relating to fees for complaints, grievance arbitration, mediation, fact-finding, interest arbitration and transcripts.

Submitted by Wisconsin Employment Relations Commission.

Report received from Agency, June 16, 1999.

To committee on **Labor and Employment**.

Referred on July 8, 1999.

Assembly Clearinghouse Rule 98–071

Relating to early intervention services for children with developmental needs in the age group from birth up to 3.

Submitted by Department of Health and Family Services.

Report received from Agency, June 24, 1999.

To committee on **Children and Families**.

Referred on July 8, 1999.

Assembly Clearinghouse Rule 98–142

Relating to certification of laboratories engaged in public health testing of milk, water and food.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, June 16, 1999.

To committee on **Public Health**.

Referred on July 8, 1999.

Assembly Clearinghouse Rule 99–018

Relating to paratuberculosis (Johne's disease).

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, July 1, 1999.

To committee on **Agriculture**.

Referred on July 8, 1999.

Assembly Clearinghouse Rule 99–035

Relating to electronic funds transfer.

Submitted by Department of Revenue.

Report received from Agency, June 24, 1999.

To committee on **Ways and Means**.

Referred on July 8, 1999.

Assembly Clearinghouse Rule 99–054

Relating to governmental units; meals, food, food products and beverages; and Wisconsin sales and taxable transportation charges.

Submitted by Department of Revenue.

Report received from Agency, June 24, 1999.

To committee on **Ways and Means**.

Referred on July 8, 1999.

Assembly Clearinghouse Rule 99–063

Relating to elderly and disabled transportation capital assistance program.

Submitted by Department of Transportation.

Report received from Agency, June 22, 1999.

To committee on **Transportation**.

Referred on July 8, 1999.

Assembly Clearinghouse Rule 99–075

Relating to the Wisconsin development zone program.

Submitted by Department of Commerce.

Report received from Agency, June 15, 1999.

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

Referred on July 8, 1999.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 66

Relating to: establishing a sister-state relationship with the Cap Vert Region of Senegal.

By Representatives Morris-Tatum, Young, Sykora, Cogs, Turner and Miller; cosponsored by Senator George.

To committee on **Government Operations**.

Assembly Joint Resolution 67

Relating to: the life and public service of former Representative Robert M. Thompson.

By Representatives Schneider, Hahn, Boyle, Travis, Young, Klusman, Underheim, Miller, Kreuser, Brandemuehl, Urban, Porter, Spillner, Owens, Musser, Plouff, Goetsch and Jensen; cosponsored by Senators Grobschmidt, Risser, Cowles and George.

To committee on **Rules**.

Assembly Bill 400

Relating to: proof of age of a minor for purposes of the child labor laws and granting rule-making authority.

By Representative Schneider.

To committee on **Labor and Employment**.

Assembly Bill 401

Relating to: the inspection and copying of medical and other records in certain actions.

By Representatives Underheim, Kreuser, Hahn, Musser, Olsen, Owens, Plouff, Spillner, Waukau, Kelso and Grothman; cosponsored by Senators Wirch and Roessler.

To committee on **Health**.

Assembly Bill 402

Relating to: authorizing payment schedules for delinquent taxpayers who enter into a compromise with the department of revenue.

By Representatives F. Lasee, Miller, Olsen, Brandemuehl, Plouff, Goetsch, Pocan, Musser, Spillner, Albers, Hundertmark, Gunderson, Bock, Kreuser, Powers, Reynolds, Petrowski, Young, Turner, Huber, Boyle, Lassa and J. Lehman; cosponsored by Senators Plache, Roessler, Panzer, Wirch, Darling and Zien.

To committee on **Ways and Means**.

Assembly Bill 403

Relating to: restrictions on the transmission of unsolicited electronic mail.

By Representatives Meyer, Musser, Gronemus, Black, Staskunas, Miller, F. Lasee, Gunderson, Ainsworth, Turner and Bock; cosponsored by Senators Risser, Rosenzweig, Moen, Huelsman, Schultz, Farrow and Clausing.

To committee on **Information Policy**.

Assembly Bill 404

Relating to: the corporate income tax deduction for tobacco advertising expenses.

By Representatives Pocan, Urban, Black, Bock, Lassa, Carpenter, Young, J. Lehman, Richards, La Fave, Berceau, Turner, Wasserman, Huber, Morris-Tatum and Boyle; cosponsored by Senators Risser and Robson.

To committee on **Ways and Means**.

Assembly Bill 405

Relating to: exempting local governments from the motor vehicle fuel tax.

By Representatives Meyerhofer, Staskunas, Meyer, Freese, Musser, Ainsworth, Bock, Reynolds, Pettis, Turner, Hoven, Huber, Lassa, M. Lehman, Stone, Olsen, La Fave, Plale, Plouff, Sykora, Berceau, J. Lehman, F. Lasee, Ryba, Hebl, Hahn, Travis, Pocan, Townsend, Jeskewitz, Schooff, Handrick, Spillner, Kestell, Seratti, Leibham, Urban, Hasenohrl, Underheim, Schneider, Sinicki, Miller, Kaufert, Montgomery, Gronemus, Gunderson, Steinbrink, Powers, Waukau and Ott; cosponsored by Senators Breske, Schultz, Grobschmidt, Wirch, Farrow, Baumgart, Moen, A. Lasee, Roessler and Huelsman.

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

Assembly Bill 406

Relating to: allowing certain persons to elect the form of payment of a lottery prize.

By Representatives Townsend, Suder, Huebsch, Musser, Hahn, Ainsworth, Albers, Seratti, Kreibich, Sykora, Vrakas, Skindrud and Pettis; cosponsored by Senators Moen and Roessler.

To committee on **State Affairs**.

Assembly Bill 407

Relating to: sale of cigarettes or tobacco products to minors and providing a penalty.

By Representatives Morris-Tatum, Black, Wasserman, Turner and Coggs; cosponsored by Senators Rosenzweig and Darling.

To committee on **Public Health**.

Assembly Bill 408

Relating to: the volume of malt liquor containers and providing a penalty.

By Representative Morris-Tatum.

To committee on **State Affairs**.

Assembly Bill 409

Relating to: the coverage of the prevailing wage and hours of labor law, the definition of prevailing hours of labor, the determination of prevailing wage rates and granting rule-making authority.

By Representatives Vrakas, Turner, Nass, Bock, Owens, Schooff, M. Lehman, Plouff, Musser, Pocan, Gunderson, Berceau, Huebsch and Brandemuehl; cosponsored by Senators Baumgart, Wirch, Grobschmidt and Erpenbach, by request of Department of Workforce Development.

To committee on **Labor and Employment**.

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Employment Relations
Madison

July 2, 1999

To the Honorable, the Legislature:

[1997 Wisconsin Act 307](#), signed into law by Governor Thompson on June 30, 1998, and effective July 5, 1998, requires the Department of Employment Relations (DER) to evaluate the impact of flexible certification procedures on state government affirmative action policy and the affirmative action plans of state agencies. These new procedures allow DER to provide agencies with larger numbers of qualified applicants to interview for civil service vacancies. Under the law, DER must submit the results of the evaluation to the Legislature and the Governor no later than one year after the effective date of the new law.

We are pleased to present the report summarizing our experience with the new certification procedures. Prior to the amendment enacted by Wisconsin Act 307, agency managers could interview only the top-scoring 10 percent of qualified applicants, with a minimum of 5 and a maximum of 10

applicants. Under the amended law, these arbitrary restrictions have been eliminated. Now, the DER Administrator of the Division of Merit Recruitment and Selection (DMRS) can determine the number of names to certify using sound statistical methods and personnel management principles to maximize the number of names that are appropriate for a specific vacancy.

As of June 30, 1999, 20 state agencies have reported using flexible certification to staff 218 vacancies in 164 job classifications. While this is only a small percentage of the up to 3,000 new hires state agencies make each year, we are pleased that agencies are using this new flexibility. In fiscal year 2000 and beyond, as agencies become comfortable with this new approach and the new Shared Human Resource System is fully implemented, we believe that agencies will make full use of the new certification flexibility.

Sincerely,
PETER D. FOX
Secretary

ROBERT J. LAVIGNA
Administrator, Division of Merit
Recruitment and Selection

Referred to committee on **Labor and Employment.**

State of Wisconsin
Department of Administration
Madison

June 25, 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 May 1999.

On May 1, 1999 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$3 thousand. This shortfall increased to -\$5 thousand on May 11, 1999. This shortfall

continued into June but is expected to be resolved before the end of the month. This shortfall is due to the timing of revenues.

On May 19, 1999 the **Wisconsin Petroleum Inspection Fund** balance was -\$4.63 million. This shortfall increased to -\$4.95 million on May 20, 1999 and continued until May 21, 1999 when the balance reached \$3.66 million. This shortfall was due to the timing of revenues.

On May 1, 1999 the **Wisconsin Health Insurance Risk Sharing Plan Fund** was -\$2 thousand. This shortfall increased to -\$19 thousand on May 17, 1999 and to -\$20 thousand on May 20, 1999. This shortfall continued until June 8, 1999 when the balance reached \$18 thousand. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund, Wisconsin Petroleum Inspection Fund, and Wisconsin Health Insurance Risk Sharing Plan Fund shortfalls were 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.**

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, July 13.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

11:16 A.M.