



# STATE OF WISCONSIN

# Assembly Journal

## Ninety-Fourth Regular Session

10:00 A.M.

THURSDAY, August 19, 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 Bill 380** offered by Representative Walker.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 99-005**

Relating to agricultural chemical cleanup surcharge fees. Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 10, 1999.

To committee on **Agriculture**.

Referred on August 19, 1999.

#### **Assembly Clearinghouse Rule 99-038**

Relating to the regulation and licensure of podiatrists. Submitted by Department of Regulation and Licensing.

Report received from Agency, August 13, 1999.

To committee on **Health**.

Referred on August 19, 1999.

#### **Assembly Clearinghouse Rule 99-085**

Relating to humane officer training and certification.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 13, 1999.

To committee on **Agriculture**.

Referred on August 19, 1999.

#### **Assembly Clearinghouse Rule 99-092**

Relating to the approval of continuing education courses for pharmacists.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 10, 1999.

To committee on **Health**.

Referred on August 19, 1999.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 429**

Relating to: the placement of water ski platforms and jumps.

By joint committee for review of Administrative Rules.

To committee on **Natural Resources**.

#### **Assembly Bill 430**

Relating to: prohibiting managed care plans from requiring referrals for obstetric or gynecologic services.

By Representatives Sinicki, J. Lehman, Young, Bock, Richards, Pocan and Boyle; cosponsored by Senators Robson, Clausing and Wirch.

To committee on **Health**.

#### **Assembly Bill 431**

Relating to: confidentiality of documents reviewed by notary publics.

By Representatives Staskunas, Schneider, Huebsch, Kelso, Goetsch, Stone, Pettis, Seratti, Ryba, Ladwig, M. Lehman, Musser, J. Lehman, F. Lasee, Sykora, Coggs, Nass, Meyerhofer, Hasenohrl and Kedzie; cosponsored by Senators Roessler, Rude, Huelsman and Farrow.

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

#### **Assembly Bill 432**

Relating to: auditing University of Wisconsin System and technical college system courses by persons who are 60 years of age or older.

By Representatives Huebsch, Kreibich, Olsen, Ladwig, Walker, Rhoades, Suder, Pettis, Montgomery, Townsend, Petrowski, Seratti, Kelso, Schneider, Gronemus, Kaufert, Sinicki, Young, J. Lehman, Lassa, Berceau, Pocan, Waukau, Boyle, Meyerhofer, Hutchison and Sykora; cosponsored by Senators Risser, Erpenbach, Rosenzweig, Wirch, Drzewiecki and Darling.

To committee on **Colleges and Universities**.

#### **Assembly Bill 433**

Relating to: the use of ethnic names, nicknames, logos and mascots by school boards, granting rule-making authority and providing a penalty.

By Representatives Boyle, Turner, Pocan, Young, La Fave and Carpenter; cosponsored by Senators George and Risser.  
To committee on **Education Reform**.

#### **Assembly Bill 434**

Relating to: absentee voting qualifications; late voter registration; location of polling places; reports on impediments to voting; selection of party committeemen and committeewomen; recount fees; delivery of recount petitions to affected candidates; minutes of recount proceedings; certifications by circulators of nomination papers and election-related petitions; presidential ballots; maintenance of poll lists in an electronic format; an elector's residency for voting purposes after municipal annexation; qualification of political parties for separate positions on partisan primary and election ballots; the date of special elections; the composition of the county board of canvassers; eligibility of adult children of overseas electors to vote in this state; reporting of election returns by ward; authorizing a county board of election commissioners to bring civil actions for violations of the campaign financing law; administration of elections for joint municipal judges; depositing ballots in ballot boxes; the time for a hearing on recount appeals; write-in absentee ballots; consolidated paper ballots; filing of referenda questions; ballot design; filing of declarations of candidacy and recording of votes received by write-in candidates in certain elections; the procedure for challenging electors; terms of office of town officers; requiring a referendum and granting rule-making authority.

By Joint Legislative Council.

To committee on **Campaigns and Elections**.

#### **Assembly Bill 435**

Relating to: the authorized positions for the elections board and making an appropriation.

By Joint Legislative Council.

To committee on **Campaigns and Elections**.

#### **Assembly Bill 436**

Relating to: limits on recovery for injuries from a motor vehicle accident.

By Representatives Ladwig, Petrowski, Pettis, Ainsworth, Brandemuehl, Goetsch, Huebsch, Hundertmark, Kaufert, Kelso, Kestell, Kreibich, F. Lasee, M. Lehman, Musser, Nass, Owens, Plale, Porter, Seratti, Stone and Vrakas; cosponsored by Senators Huelsman, Farrow, Darling and Drzewiecki.

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

#### **Assembly Bill 437**

Relating to: advertisements of auctions conducted by registered Wisconsin auctioneers and granting rule-making authority.

By committee on Small Business and Economic Development.

To committee on **Rules**.

## **COMMITTEE REPORTS**

The committee on **Small Business and Economic Development** reports and recommends:

#### **Assembly Bill 192**

Relating to: carcasses of deer left with venison processors for processing.

Assembly amendment 1 adoption:

Ayes: 10 – Representatives Seratti, Pettis, Hundertmark, Petrowski, Stone, Leibham, Townsend, Schooff, Lassa and Balow.

Noes: 1 – Representative J. Lehman.

Passage as amended:

Ayes: 10 – Representatives Seratti, Pettis, Hundertmark, Petrowski, Stone, Leibham, Townsend, Schooff, Lassa and Balow.

Noes: 1 – Representative J. Lehman.

To joint committee on **Finance**.

*LORRAINE SERATTI*

Chairperson

Committee on Small Business and Economic Development

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## **PETITIONS**

#### **Assembly Petition 2**

A petition submitted by Gary Ellingson of DeForest and signed by 283 citizens of Wisconsin in support of Assembly Bill 225, relating to attracting wild animals with bait.

By Representative Johnsrud.

To committee on **Natural Resources**.

#### **Assembly Petition 3**

A petition submitted by Glen Ogle of Medford and signed by 576 citizens of Wisconsin in opposition to Assembly Bill 225, relating to attracting wild animals with bait.

By Representative Johnsrud.

To committee on **Natural Resources**.

#### **Assembly Petition 4**

A petition submitted by Jim Vandenack of Green Bay and signed by 59 citizens of Wisconsin in opposition to Assembly Bill 225, relating to attracting wild animals with bait.

By Representative Johnsrud.

To committee on **Natural Resources**.

#### **Assembly Petition 5**

A petition submitted by Dave Schmidt of Whielaw and signed by 582 citizens of Wisconsin in opposition to Assembly Bill 225, relating to attracting wild animals with bait.

By Representative Johnsrud.

To committee on **Natural Resources**.

#### **Assembly Petition 6**

A petition signed by 289 citizens of Wisconsin in opposition to Assembly Bill 225, relating to attracting wild animals with bait.

By Representative Johnsrud.  
To committee on **Natural Resources**.

**Assembly Petition 7**

A petition signed by 43 citizens of Wisconsin in opposition to Assembly Bill 225, relating to attracting wild animals with bait.

By Representative Johnsrud.  
To committee on Natural Resources.

were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,  
*JOE LEEAN*  
Secretary

Referred to committee on **Health**.

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**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Department of Administration  
Madison

August 9, 1999

To the Honorable, the Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period April, 1999 through June, 1999 is attached.

Sincerely,  
*MARK D. BUGHER*  
Secretary

Referred to committee on **State Affairs**.

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State of Wisconsin  
Department of Health and Family Services  
Madison

August 12, 1999

To the Honorable, the Assembly:

As required in Sections 227.485(9) and 814.245(10) of the Wis. Stats., I am submitting the report concerning decisions and resulting payments of Attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. Payments for SFY 1999 are shown on the attached schedule.

In addition, the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. If the hearing examiner determines that the motion of the opposing party in any Chapter 227 contested case is frivolous, the examiner may award the state agency all reasonable costs in responding to the motion. In SFY 1999, no motions of opposing parties

State of Wisconsin  
Department of Administration  
Madison

August 13, 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 July, 1999.

On July 1, 1999 the **University Trust-Principal Fund** balance was -\$204 thousand. This shortfall continued until July 6, 1999 when the balance reached \$187 thousand. This shortfall was due to the timing of revenues.

On July 6, 1999 the **Support Collection Trust Fund** balance was -\$5.50 million. This shortfall continued until July 7, 1999 when the balance reached \$837 thousand. On July 8, 1999 the balance was -\$2.30 million. This shortfall continued until July 9, 1999 when the balance reached \$1.03 million. On July 14, 1999 the balance was -\$1.36 million. This shortfall continued until July 15, 1999 when the balance reached \$1.51 million. These shortfalls were due to the timing of revenues.

On July 14, 1999 the **Wisconsin Health Insurance Risk Sharing Plan Fund** balance was -\$15 thousand. This shortfall continued until July 26, 1999 when the balance reached \$27 thousand. This shortfall was due to the timing of revenues.

The University Trust-Principal Fund, Support Collection Trust 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**.

## AGENCY REPORTS

Southeast Wisconsin  
Professional Baseball Park District  
Milwaukee

August 19, 1999

To the Honorable, the Legislature:

Enclosed please find the Miller Park monthly progress report for the month of July 1999 for your review and consideration.

As I have consistently reported in all of our previous monthly progress reports, prior to the July 14 tragic crane accident, the Miller Park project was on time and within budget, and running very smoothly due to a focussed effort by the entire project team. Bolstered by the tremendous community outpouring of compassion, patience, and support through this difficult time, we are convinced that we will recapture that effort and focus again.

Nothing can erase the loss of the three ironworkers who lost their lives during construction of Miller Park. We continue to keep the workers, their families and those close to them in our thoughts and prayers. William DeGrave, Jerome Starr and Jeffery Wischer were a credit to their trade, and Miller Park will be a lasting monument to their memory.

As we've paid our respects, witnessed the grief of the workers' families and friends, and absorbed the outpouring of public response, two messages have emerged very clearly. The first is that this tragedy has deeply touched the heart and soul of our community. The second is that the resolve to complete Miller Park is stronger than ever. As you and other Board members have clearly stated, we will build Miller Park, and build it well and safely.

On behalf of the district Board, we want to thank the community for its patience and unflagging support. As we work together to move Miller Park forward, those qualities will become even more valuable. For our part, we at the Southeast Wisconsin Professional Baseball Park District promise to provide this community with a premier facility, second to none in all of baseball. Our workers deserve no less.

As always, please feel free to contact me if you should have any questions or comments regarding the enclosed report.

Very truly yours,  
*MICHAEL R. DUCKETT, P.E., R.L.S.*  
Executive Director

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## ADJOURNMENT

Representative Ott moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, August 24.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:01 A.M.