



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fourth Regular Session

12:25 P.M.

TUESDAY, April 11, 2000

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

Representative Hoven in the chair.

The Assembly dispensed with the call of the roll.

### COMMUNICATIONS

State of Wisconsin  
Office of the Secretary of State  
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Assembly Bill 903	33	April 7, 2000
Assembly Bill 904	34	April 7, 2000
Assembly Bill 905	35	April 7, 2000
Assembly Bill 906	36	April 7, 2000
Assembly Bill 907	37	April 7, 2000
Assembly Bill 908	38	April 7, 2000
Assembly Bill 909	39	April 7, 2000
Assembly Bill 910	40	April 7, 2000
Assembly Bill 919	41	April 7, 2000
Assembly Bill 911	42	April 7, 2000

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

### SPEAKER'S APPOINTMENTS

April 7, 2000

The Honorable Steve Kestell  
Wisconsin State Assembly  
The Capitol, Room 17 West  
Madison, WI 53703

Dear Representative Kestell:

As Assembly Speaker, it is my privilege to appoint you to the state Child Abuse and Neglect Prevention Board. The

board administers a matching grant program for early childhood family education centers and recommends public policies designed to reduce child abuse. You will replace Representative Huebsch on the board and your appointment is effective immediately. Thank you in advance for your service.

If you have any questions, please contact Adam Peer in my office. Thank you again for your service to the people of Wisconsin and the State Assembly.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

### REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Health and Family Services  
Madison

February 2000

To the Honorable, the Legislature:

The Bureau of Health Information is pleased to submit to the Governor and to the Legislature the *Uncompensated Health Care Report* for fiscal year 1997. The data for this report were collected under Section 153.05, Wisconsin Statutes, and are published as annual hospital utilization staffing, fiscal, and uncompensated data reported to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals in Wisconsin.

This report sets forth the total charges for charity care, bad debt, and total uncompensated health care for fiscal year 1997. It also shows the projected number of patients and the projected charges for charity care, bad debt, and total uncompensated health care in fiscal year 1998.

Sincerely,  
*BARBARA A. RUDOLPH, PHD.*  
DIRECTOR  
Bureau of Health Information

Referred to committee on **Health**.

State of Wisconsin  
Department of Administration  
Madison

March 29, 2000

To the Honorable, the Legislature:

This report is transmitted as required by sec. 20.002(11)(f), Wis. Stats. (for distribution to the appropriate standing committees under sec. 13.172(3), Wis. 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 February 2000.

On February 1, 2000 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$7 thousand. This shortfall increased to -\$12 thousand on February 22, 2000 and to -\$28 thousand on February 28, 2000. This shortfall decreased to -\$6 thousand on February 29, 2000 and continued into the month of March. As of the date of this letter, it is expected to be resolved soon. This shortfall is due to the timing of revenues.

On February 1, 2000 the **Wisconsin Health Insurance Risk Sharing Plan Fund** balance was -\$138 thousand. This shortfall increased to -\$145 thousand on February 11, 2000 and continued until February 15, 2000 when the balance reached \$5 thousand. This shortfall was due to the timing of revenues.

On February 2, 2000 the **University Trust-Income Fund** balance was -\$26 thousand. This shortfall increased to -\$50 thousand on February 3, 2000 and continued until February 4, 2000 when the balance reached \$1.96 million. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund, Wisconsin Health Insurance Risk Sharing Plan Fund, and University Trust-Income 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,  
*GEORGE LIGHTBOURN*  
Secretary

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

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**DATE:** March 31, 2000  
**TO:** Charles Sanders  
Assembly Chief Clerk  
Donald J. Schneider  
Senate Chief Clerk  
**FROM:** Brenda J. Blanchard, Secretary  
Department of Commerce  
**SUBJECT:** Department Evaluation of Certified Capital  
Company Program

In accordance with s. 560.38, Wis. Stats., I am pleased to provide the Department's evaluation of the Certified Capital Company (CAPCO) program as of December 31, 1999. As you are aware, the CAPCO program was created by [1997 Wisconsin Act 215](#) to stimulate the development of small high-growth businesses in Wisconsin by improving access to venture capital. The program went into effect July 1, 1999.

In its first year, the accomplishments of the CAPCO program may be categorized in the following areas: creation of administrative rules; certification of certified capital companies; certification of certified capital investments; and investments of certified capital.

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

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State of Wisconsin  
Technical College System Board  
Madison

April 4, 2000

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). The reporting requirement was established in the 1997-99 biennial budget ([1997 Wisconsin Act 27](#)).

This is the third year that the WTCS Board has issued a report under this provision. This report provides enrollment information from the 1998-99 fiscal year. The prior two reports covered fiscal years 1996-97 and 1997-98, respectively.

In summary, the report indicates that the number of technical college courses taken by high school students continues to grow each year, especially under the Youth Options program. For 1998-99, the following level of activity occurred:

\* Nearly 3,600 high school students attended the WTCS under the 118.15 Compulsory Education Option.

- \* 1,542 high school students attended the WTCS under the Youth Options Program (formerly known as the Postsecondary Enrollment Options Program) compared to 624 students in 1997-98. In addition, the number of WTCS courses and credits taken under the Youth Options Program was three times greater in 1998-99 than in 1997-98. This significant growth was due in part to the changes made to the program that were enacted in the 1997-99 biennial budget.
- \* Over 6,700 high school students enrolled in WTCS postsecondary level courses through means other than 118.15 Compulsory Education or Youth Options.

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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State of Wisconsin  
Medical College of Wisconsin  
Madison

April 7, 2000

Mr. Charles R. Sanders  
Assembly Chief Clerk  
1 East Main Street  
P.O. Box 8952  
Madison, WI 53708

Dear Mr. Sanders:

Enclosed is the biennial report of the Medical College of Wisconsin, prepared according to the statutory requirement under section 13.106. This report covers the period ending July 31, 1999, and contains information in the following areas:

- \* Minority student recruitment policies and programs, and the number of minority students enrolled
- \* Number and percentages of Wisconsin residents enrolled
- \* Average faculty salaries compared to national averages
- \* Development of cooperative educational programs with other institutions throughout the state
- \* Placement of graduates of doctor of medicine and residency training programs
- \* Cost of undergraduate medical education for fiscal years 1995/97

Please feel free to contact me at (414) 456-8217 if you have any questions or would like additional information.

Sincerely,  
*DONNA K. GISSEN*  
Assistant Vice President, Planning and  
Government Affairs

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

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

March 29, 2000

To the Honorable, the Legislature:

We have completed an evaluation of the Special Needs Adoption program, as requested by the Joint Legislative Audit Committee. The Department of Health and Family Services arranges adoptions for children determined to have special needs because of disability, age, ethnicity, or other factors that may make placement difficult.

Since we last reviewed this program, the Department has increased the number of children placed for adoption from 273 in fiscal year 1993-94 to 415 in calendar year 1998. However, because of changes in federal law that are designed to reduce the amount of time children spend in foster care, caseloads of children awaiting placement are likely to increase in the future.

The Department has used available federal funding to hire project staff, contract with private agencies for placement services, and contract for aggressive promotional efforts to attract adoptive families. These efforts are positive and may eventually increase placements. Nevertheless, our audit identified a number of program inefficiencies that continue to hamper prompt, appropriate placement of children and equitable treatment of families. For example, the Department's processes for evaluating potential adoptive families have not been applied consistently. Consequently, some families have been rejected while others have been approved despite receiving lower or identical scores. In addition, information about available qualified families and children in need of placement is not shared systematically among the Department's five regions to help speed placements.

Our report includes a number of recommendations to the Department for improving program management and increasing the efficiency with which children can leave foster care and be placed with families that meet the Department's standards.

We appreciate the courtesy and cooperation extended to us by the Department of Health and Family Services. The Department's response is Appendix IV.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

## RULING ON THE POINT OF ORDER

On Wednesday, March 29 (page 879 of the Assembly Journal), Representative Black rose to the point of order that Assembly substitute amendment 2 to **Assembly Bill 941** was not properly before the Assembly.

Speaker Pro Tempore Freese ruled the point of order **not well taken**.

The full text of Speaker Pro Tempore Freese's ruling follows:

"The rules clearly indicate that by adding an appropriation it does not expand the scope of the bill. This is a germane amendment. That's very clear from this Chair's perspective, under the rules.

The Chair is prepared to rule on the point of order. I appreciate the fact that the gentleman from the 77th gave me the heads up on this particular point of order to be raised so that I could do a little bit of research in order to be able to act on this in a relatively timely fashion. In checking with the previous Rulings of the Chair there is no clear case on this issue at all. There is no item where we refer to changing an appropriation into a tax exemption or taking a tax exemption and changing it into something else. There just isn't a case that has ever come before the Assembly that deals with this issue, so this will be precedent ruling on this particular issue. I did consult with Peter Dykman in trying to better understand exactly where we go with this matter. His memo to me dealt with the fact that there is no clear answer to your question regarding germaneness of an amendment adding a tax exemption to a new bill.

The gentleman from the 77th pointed to Section 13.52(6), which clearly, if the bill is introduced with a tax exemption in it, it is required to go to the Joint survey committee on Tax Exemptions and there must be a report before we can take it up for consideration. Nowhere in the bill do I find a tax exemption; therefore it is not bound by Section 13.52(6).

The gentleman pointed to Assembly Rule 54(1) which related to a different subject that would require a substantial change of the relating clause making it a different subject. When I look at both the sub and the amendment, there really are five words that differ between the sub and the amendment. For the most part the relating clause is the same. The amendment deals with financial assistance for an air carrier that operates from a hub facility, creating an airport financing committee, granting rule making authority and making an appropriation. The sub deals with a property tax exemption for an air carrier that operates from a hub facility, creating an airport financing committee, granting rule making authority and making an appropriation. So the key words here are property tax exemption versus financial assistance. There is no fiscal estimate prepared for the sub, nor is one required to be prepared for the sub, but clearly there is a fiscal estimate for the bill which results in \$1.5 million.

The gentleman from the 77th also pointed to Assembly Rule 54(3)(f) dealing with expanding the scope of the bill.

The sub relates to a property tax exemption and the amendment to financial assistance.

And finally, the gentleman from the 77th referred to a March 1986 ruling relating to a point of order dealing with a tax exemption bill for non-profits and then adding for-profit performing arts studios to the definition. I believe that clearly in this regard a specific group of people is defined and the point of order noted that the amendment expanded the definition to a much larger group of people. The March 1986 ruling is really not comparable from the standpoint that we're dealing with an air carrier that operates from a hub facility creating an airport finance committee and granting rule making authority. The criteria in this matter is the same in both the sub and the amendment. The March 1986 ruling dealt with two different categories and I believe we aren't comparing apples to apples.

The gentleman went on in his point of order to talk about the issue of same subject of air carriers operating from a hub facility, creating an airport financing committee and granting rule making authority. On that, it is the actual assistance being changed to a property tax exemption which I see as just a particularized detail. He compared to Assembly Rule 54(4)(b), an amendment which accomplishes the same purpose in a different manner.

I'm glad that the gentleman allowed me the opportunity to do a little bit of research beforehand. Unfortunately the research is not crystal clear. I would point out that there was a point of order raised regarding 1991 Assembly Bill 485. I had an opportunity to have Assembly Bill 485 messaged to me as well as the amendment that brought forth the point of order. The ruling was made by Speaker Pro Tempore David Clarenbach on a point of order dealing with Assembly Bill 485 offered by Representative Kunicki and Representative Prosser. The bill included language on tax exemptions, providing a property tax exemption, sales tax exemption, issuing bonds, economic development authority, and a whole series of items. An amendment offered by Representative Wineke would have added a new component dealing with the lease of sky boxes or private luxury boxes by professional sports teams, an item not touched upon in the original bill. The Speaker Pro Tempore at that point in time ruled that the point of order was not well taken. And that ruling, in and of itself, doesn't give us a clear direction on the matter raised by the gentleman from the 77th either. It does show that there are enough examples on both sides of the matter, but no clear controlling legal authority.

It is the opinion of the Chair that the point of order raised by the gentleman from the 77th is not well taken. It is indeed an amendment that accomplishes the same purpose in a different manner. It's providing thereabouts \$1.5 million in assistance to an air carrier that operates from a hub facility in Wisconsin. So I would make the ruling that the point of order is not well taken.

When a member raises a point of order, they will use a variety of criteria in the point of order and I may not necessarily agree with all the criteria. You will have, from time to time, sections of the statutes that are clearly different as in the example I gave of 1991 Assembly Bill 485. The components that were being added dealt with the lease of sky boxes or private luxury boxes — a whole series of different

statutes. Now you might have a bill that deals specifically with personal care and it deals with all of those relating issues and then an amendment that would add abortion but does not include a personal care component which goes into a whole different set of statutes. That would be a substantial expansion of the scope of the bill because it doesn't conform with the same statutes, or even the same subject matter. But there will be times—it is this Chair's opinion—and there's ample precedent that has been established, that by simply changing and going into a different section of statutes does not preclude an amendment from being germane. It's just a different area of the statutes. It will be unclear and it will really be based on the actual amendment in the bill that will be before us as to whether it will be germane or not germane based on the subject matter of the statutes. We are able now

with new technology to determine whether or not the statutes relate or not with just a click of the computer mouse.”

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### ADJOURNMENT

Representative M. Lehman moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, April 13.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

12:26 P.M.