



STATE OF WISCONSIN Assembly Journal

Ninety–Second Regular Session

TUESDAY, January 2, 1996

The Chief Clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly amendment 1 to **Assembly Bill 314** offered by committee on **Tourism and Recreation**.

Assembly amendment 2 to Assembly amendment 1 to **Assembly Bill 314** offered by committee on **Tourism and Recreation**.

Assembly substitute amendment 1 to **Assembly Bill 658** offered by committee on **Health**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 94–205

Relating to building and paying for electric distribution service extensions.

Submitted by Public Service Commission.

Report received from Agency on December 22, 1995.

To committee on **Environment and Utilities**.

Referred on January 2, 1996.

Assembly Clearinghouse Rule 95–146

Relating to work recruitment schemes.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency on December 21, 1995.

To committee on **Consumer Affairs**.

Referred on January 2, 1996.

Assembly Clearinghouse Rule 95–147

Relating to atrazine use restrictions.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency on December 27, 1995.

To committee on **Agriculture**.

Referred on January 2, 1996.

Assembly Clearinghouse Rule 95–167

Relating to food processing plants.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency on December 21, 1995.

To committee on **Consumer Affairs**.

Referred on January 2, 1996.

Assembly Clearinghouse Rule 95–184

Relating to certification of traffic safety programs and instructions.

Submitted by Department of Transportation.

Report received from Agency on December 22, 1995.

To committee on **Highways and Transportation**.

Referred on January 2, 1996.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 68

Relating to: congratulating the University of Wisconsin–Eau Claire for its excellent undergraduate and graduate programs.

By Representatives Kreibich, Coleman, Plombon, Zukowski, Green, Musser, Dobyns, Goetsch, Baldwin, Klusman, Harsdorf, Ainsworth, Owens, Porter, Walker, Lazich, Wasserman, Skindrud, Seratti, Olsen, Grothman, Baldus, Ryba, Johnsrud, Lorge, Dueholm and Kreuser; cosponsored by Senators Moen, Zien, Breske, Darling, Weeden, Jauch and Burke.

To committee on **Colleges and Universities**.

Assembly Bill 759

Relating to: requirements for person applying for a funeral director's license; inactive license status for funeral directors; public accountants practicing under a certificate of authority; qualifications for applicants for a certificate as a certified public accountant; continuing education requirements for physicians; the denial of applications for a credential by the optometry examining board; the continuing education requirements for certain optometrists; and examination requirements for a pharmacist who fails to renew his or her license (suggested as remedial legislation by the department of regulation and licensing).

By Law Revision Committee.

To committee on **Consumer Affairs**.

Assembly Bill 760

Relating to: bringing honeybees and related items into this state and granting rule-making authority.

By Representatives Hutchison, Ott, Green, Grothman, Kelso, Lorge, Otte, Owens, Vrakas and Zukowski; cosponsored by Senators Welch, A. Lasee and Schultz.

To committee on **Agriculture**.

Assembly Bill 761

Relating to: allowing individuals, shareholders in tax-option corporations and partners to claim the income tax and franchise tax credit for sales taxes and use taxes paid on fuel and electricity that are used in manufacturing.

By Representatives Brancel, Freese, Hahn, Otte, Ainsworth, Harsdorf, Zukowski, Ziegelbauer, Foti, Skindrud, Musser, Goetsch, Grothman, Schneiders, Klusman, Underheim, Olsen, Springer and Albers; cosponsored by Senators Fitzgerald, Schultz, Welch and Buettner.

To committee on **Ways and Means**.

Assembly Bill 762

Relating to: collection of admission fees to state trails and Heritage Hill State Park.

By Representatives Huber, Hutchison, Johnsrud, Krug, Musser, Ryba, Zukowski, Springer, Powers, Ainsworth, Plombon, Porter, Kreuser, Boyle, Seratti, Gronemus, Goetsch, Albers, Otte, Ott and Brandemuehl; cosponsored by Senators Cowles, Clausing, Rude, Breske, Buettner, Decker, Moen and Chvala.

To committee on **Tourism and Recreation**.

Assembly Bill 763

Relating to: notice of application of pesticides to railroad rights-of-way.

By Representatives Huber, Plache, Zukowski, Grobschmidt, Bell, Seratti, Baldwin, Wirsch, Bock, Notestein, R. Young, Coggs, Boyle, Gronemus and Cullen; cosponsored by Senators Clausing, Decker and Burke.

To committee on **Natural Resources**.

Assembly Bill 764

Relating to: creating a property tax exemption for ski trail grooming equipment owned by nonprofit ski clubs or nonprofit ski hills.

By Representatives Ourada, Handrick, Seratti, Ainsworth, Baldus, Boyle, Goetsch, Gronemus, Grothman, Huber, Johnsrud, Kreuser, Olsen, Owens and Silbaugh.

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

Assembly Bill 765

Relating to: clarifying the required grade point average for academic excellence higher education scholarships (suggested as remedial legislation by the higher educational aids board).

By Law Revision Committee.

To committee on **Colleges and Universities**.

Assembly Bill 766

Relating to: creating a wood energy producers' income tax and franchise tax credit.

By Representatives Ainsworth, Musser, Owens, Albers, Hahn, Hasenohrl, Ott, Ward, Seratti, Silbaugh, Freese, Ourada and Springer; cosponsored by Senator Drzewiecki.

To committee on **Rural Affairs**.

Assembly Bill 767

Relating to: an endangered resources income tax check-off.

By Representatives Robson, Bock, Notestein, Lorge, Huber and Ryba; cosponsored by Senators Clausing, C. Potter, Burke and Breske.

To committee on **Ways and Means**.

Assembly Bill 768

Relating to: the taxation of nonresident gambling winnings.

By Representative Otte; cosponsored by Senator Huelsman, by request of the Department of Revenue.

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

Assembly Bill 769

Relating to: operation of personal watercraft on certain lakes.

By Representatives Hubler, Bell, Kreuser, La Fave and R. Young; cosponsored by Senator Jauch.

To committee on **Natural Resources**.

COMMITTEE REPORTS

The joint committee on *Audit* reports and recommends:

Assembly Bill 664

Relating to: legislative oversight of the investment board, structure and composition of the investment board, regulation of certain investments by the investment board, granting rule-making authority and making an appropriation.

Assembly amendment 1 adoption:

Ayes: 9 – Representatives Lazich, Kelso, Brancel, Plache and Huber; and Senators Rosenzweig, Weeden, Decker and Wineke.

Noes: 0.

Assembly amendment 2 adoption:

Ayes: 9 – Representatives Lazich, Kelso, Brancel, Plache and Huber; and Senators Rosenzweig, Weeden, Decker and Wineke.

Noes: 0.

Assembly amendment 3 adoption:

Ayes: 9 – Representatives Lazich, Kelso, Brancel, Plache and Huber; and Senators Rosenzweig, Weeden, Decker and Wineke.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Lazich, Kelso, Brancel, Plache and Huber; and Senators Rosenzweig, Weeden, Decker and Wineke.

Noes: 0.

To joint committee on **Finance**.

MARY LAZICH

Assembly Chairperson

Joint committee on Audit

The committee on *Health* reports and recommends:

Assembly Bill 658

Relating to: do-not-resuscitate orders in certain hospital and nonhospital situations, granting rule-making authority and providing a penalty.

Assembly substitute amendment 1 adoption:

Ayes: 17 – Representatives Underheim, Urban, Freese, Walker, Lazich, Zukowski, Jensen, F. Lasee, Handrick, Robson, Carpenter, Bock, Huber, Springer, Wirch, Meyer and Wasserman.

Noes: 1 – Representative Johnsrud.

Passage as amended:

Ayes: 14 – Representatives Underheim, Freese, Zukowski, Jensen, F. Lasee, Handrick, Robson, Carpenter, Bock, Huber, Springer, Wirch, Meyer and Wasserman.

Noes: 4 – Representatives Urban, Johnsrud, Walker and Lazich.

To Committee on **Rules**.

GREGG UNDERHEIM
Chairperson
Committee on Health

The committee on *Highways and Transportation* reports and recommends:

Assembly Bill 151

Relating to: weight and length limitations for vehicles and combinations of vehicles transporting potatoes.

Assembly substitute amendment 1 adoption:

Ayes: 13 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 1 – Representative Baumgart.

Passage as amended:

Ayes: 13 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 1 – Representative Baumgart.

To Committee on **Rules**.

Assembly Bill 438

Relating to: the improper use of radios, electric sound amplification devices and other sound-producing devices, the imposition of vehicle owner liability for improper use of a horn, other warning device, radio or other electric sound amplification device and providing a penalty.

Assembly amendment 1 to Assembly substitute amendment 2 adoption:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 0.

Assembly amendment 2 to Assembly substitute amendment 2 adoption:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 0.

Assembly amendment 3 to Assembly substitute amendment 2 adoption:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 0.

Assembly amendment 4 to Assembly substitute amendment 2 adoption:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 0.

Assembly substitute amendment 2 adoption:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 0.

To Committee on **Rules**.

Assembly Bill 534

Relating to: permitting the use of a green light on fire department command post vehicles.

Assembly amendment 1 adoption:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.

Noes: 0.

To Committee on **Rules**.

Assembly Bill 570

Relating to: retention of special motor vehicle registration plates related to the armed services.

Passage:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.
Noes: 0.

To Committee on **Rules**.

Assembly Bill 625

Relating to: special distinguishing registration plates payments to authorized special groups, granting rule-making authority and making appropriations.

Assembly amendment 1 adoption:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.
Noes: 0.

Assembly amendment 2 adoption:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.
Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Brandemuehl, Otte, Silbaugh, Hahn, Zukowski, Musser, Lehman, Hasenohrl, Baumgart, Turner, L. Young, Ryba, Riley and Kreuser.
Noes: 0.

To joint committee on **Finance**.

DAVID BRANDEMUEHL
Chairperson
Committee on Highways and
Transportation

The committee on *Insurance, Securities and Corporate Policy* reports and recommends:

Assembly Bill 588

Relating to: state life insurance fund.

Passage:

Ayes: 8 – Representatives Albers, F. Lasee, Underheim, Kreibich, Lazich, Hoven, Green and Ziegelbauer.
Noes: 4 – Representatives Baldus, Notestein, Robson and Cullen.

To joint committee on **Finance**.

Senate Bill 361

Relating to: immunity for persons who report insurance fraud.

Concurrence:

Ayes: 12 – Representatives Albers, F. Lasee, Underheim, Kreibich, Lazich, Hoven, Green, Baldus, Notestein, Robson, Cullen and Ziegelbauer.
Noes: 0.

To Committee on **Rules**.

Senate Bill 362

Relating to: grounds, and notice requirements, for rescission of insurance contracts.

Concurrence:

Ayes: 12 – Representatives Albers, F. Lasee, Underheim, Kreibich, Lazich, Hoven, Green, Baldus, Notestein, Robson, Cullen and Ziegelbauer.
Noes: 0.

To Committee on **Rules**.

SHERYL ALBERS
Chairperson
Committee on Insurance, Securities and
Corporate Policy

The committee on *Natural Resources* reports and recommends:

Assembly Bill 634

Relating to: issuance of special deer hunting permits to certain minors.

Assembly substitute amendment 1 adoption:

Ayes: 14 – Representatives Johnsrud, Powers, Ainsworth, Ott, Albers, Brandemuehl, Gunderson, Hutchison, Black, Bock, Boyle, Cullen, Baumgart and Springer.
Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Johnsrud, Powers, Ainsworth, Ott, Albers, Brandemuehl, Gunderson, Hutchison, Black, Bock, Boyle, Cullen, Baumgart and Springer.
Noes: 0.

To Committee on **Rules**.

DUWAYNE JOHNSRUD
Chairperson
Committee on Natural Resources

The joint survey committee on *Tax Exemptions* reports and recommends:

Assembly Bill 545

Relating to: tax-exempt individual employe medical savings accounts established by employers or self-employed persons with the difference between the cost of catastrophic and comprehensive health care coverage.

Adoption of report:

Ayes: 5 – Representatives Zukowski and Foti; Senators Petak and Farrow; and Secretary Bugher.

Noes: 3 – Representative Bell; Senator Wineke; and Mr. Sosnowski.

To committee on **Insurance, Securities and Corporate Policy.**

ROBERT ZUKOWSKI
Assembly Chairperson
Joint survey committee on Tax Exemptions

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

Assembly Bill 314

Relating to: electric receptacles at campsites in state parks.

Assembly amendment 1 to Assembly amendment 1 adoption:

Ayes: 7 – Representatives Hahn, Handrick, Hutchison, Skindrud, Gard, Hubler and Dueholm.

Noes: 3 – Representatives Musser, Baumgart and Reynolds.

Assembly amendment 2 to Assembly amendment 1 adoption:

Ayes: 7 – Representatives Hahn, Handrick, Hutchison, Skindrud, Gard, Hubler and Dueholm.

Noes: 3 – Representatives Musser, Baumgart and Reynolds.

Assembly amendment 1 adoption:

Ayes: 7 – Representatives Hahn, Handrick, Hutchison, Skindrud, Gard, Hubler and Reynolds.

Noes: 3 – Representatives Musser, Baumgart and Dueholm.

Passage as amended:

Ayes: 7 – Representatives Hahn, Hutchison, Musser, Gard, Hubler, Baumgart and Reynolds.

Noes: 3 – Representatives Handrick, Skindrud and Dueholm.

To joint committee on **Finance.**

EUGENE HAHN
Chairperson
Committee on Tourism and Recreation

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>Assembly Bill No.</u>	<u>Act Number</u>	<u>Publication Date</u>
583 (partial veto)	116	January 3, 1996
607	117	January 3, 1996

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin
Joint Legislative Council
Madison

December 29, 1995

Mr. Charles Sanders
Assembly Chief Clerk
1 East Main Street, Suite 402
Madison, WI 53702

Dear Charlie:

I am pleased to transmit to you the following report to the 1995 Legislature on legislation introduced by the Joint Legislative Council:

RL 95-9 Legislation on School Health Services
(1995 Senate Bill 469)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council Staff offices, One East Main, Suite 401.

Sincerely,
DAVID J. STUTE
Director

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Public Instruction
Madison

December 18, 1995

To the Honorable, the Legislature:

The department is pleased to submit the 1995 Annual Report on the Status of Bilingual-Bicultural Education programs, as required under s. 115.996, Wisconsin Statutes.

The report provides a review of the state's administration and funding of bilingual education in Wisconsin and factors contributing to program expansion and the resulting continuously lower annual reimbursement rates for school districts. The number of pupils served from minority languages, the locations of the state-funded programs during the 1995 fiscal year (July 1, 1994, through June 30, 1995), and staff-related data are included in the report to inform those with responsibilities for ensuring the continued success of bilingual education programs in Wisconsin. I am confident that you will find the report informational, useful and of concern given the rising numbers of pupils to be served absent a corresponding increase in fiscal support by the state.

If you have questions on any aspect of this report, please contact Dr. William J. Erpenbach, director, divisionwide

planning and process, 267–1072. He will be happy to discuss these with you at your convenience.

Sincerely,
JOHN T. BENSON
State Superintendent

Referred to committee on **Education**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

December 19, 1995

To the Honorable, the Legislature:

We have completed an evaluation of methods for allocating district attorney positions, as requested by the Joint Legislative Audit Committee. District attorney positions were transferred from county to state employment in 1990.

Currently, there are 360.5 authorized full-time equivalent state prosecutor positions. State expenditures for prosecutorial responsibilities totaled \$28.4 million in fiscal year 1994–95. The current distribution of district attorney positions is largely a result of county staffing decisions made before the transfer to state employment. Although there has been an 8.6 percent increase in positions since 1990, the majority of requests have been denied, in part because of insufficient information about district attorney workload and questions concerning the accuracy of available information in portraying actual workload.

We include a number of recommendations to make the existing caseload measures more accurate by including more types of cases in the measure, recognizing the effect of homicides on case weights, and improving reporting to make data more comparable among counties. Once the caseload measure is made more accurate, it could be used to compare actual workload against a standard in order to evaluate position increase requests. To do so, a workload goal or standard would need to be established, similar to workload standards established for circuit court judges.

We also note that under current statutes, legislative control over the authorization of additional prosecutor positions can be bypassed by appointment and local funding of certain special prosecutor positions. If the Legislature wishes to restrict such activity in order to maintain property tax relief efforts by ensuring that only state funds are used for prosecutors, statutes governing the appointment and funding of public service special prosecutors need to be modified.

We appreciate the courtesy and cooperation extended to us by State Prosecutors Office staff, district attorneys, and court staff throughout the state. The response of the State Prosecutors Office is Appendix V.

Respectfully submitted,
DALE CATTANACH
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

December 21, 1995

To the Honorable, the Legislature:

We have completed an audit of the Office of the State Treasurer, covering the period July 1, 1994 to June 30, 1995, as part of our audit of the State's comprehensive financial statements for fiscal year 1994–95 and to fulfill our audit responsibilities under s. 13.94, Wis. Stats.

A principal responsibility of the Office is to collect the State's portion of various fees, fines, forfeitures, assessments, taxes, and other remittances due from counties and other municipalities, including cities, villages, and towns. We found that while the Office has taken reasonable steps to ensure it receives monthly and quarterly collections reports from the counties, effective procedures are not in place to ensure the receipt of all payments due. For example, Milwaukee County has not remitted the State's share of required marriage license fees for at least five years; its unremitted marriage license fees estimated to total \$1 million in general purpose revenue. Milwaukee County has, however, recently remitted \$24,000 in general program revenue for past-due dog license fees as a result of our audit work.

We also found that Racine and Lafayette counties have not remitted either marriage or dog license fees that are at least one year past due and may include an additional \$80,000 in general purpose and program revenues, and that Marathon County's remittance of \$21,900 in marriage license fees, which the Office should have recorded as general purpose revenue, was instead mistakenly recorded as program revenue from dog license fees. The recording error has since been corrected. Our report recommends steps by which the Office can ensure receipt of appropriate payments from counties and municipalities.

The Office of the State Treasurer also administers the Unclaimed Property program, through which it attempts to return cash, investment securities, and other property left with banks and insurance companies to the rightful owners. In prior audit reports, we discussed the needs for improving security over unclaimed property by limiting access to computer records and establishing additional verification procedures. The Office has since addressed most of our concerns, although it still needs to reconcile its unclaimed property records to those maintained on the State's central accounting system.

We appreciate the courtesy and cooperation extended to us by the Office's staff during the audit. The State Treasurer's response is the appendix.

Respectfully submitted,
DALE CATTANACH
State Auditor