



STATE OF WISCONSIN Assembly Journal

Ninety–Second Regular Session

10:10 A.M.

THURSDAY, January 18, 1996

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

Speaker Pro Tempore Freese in the chair.

The Assembly dispensed with the call of the roll.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 788

Relating to: reducing the primary ceiling cost per member if the state fails to pay 66.7% of partial school revenues.

By Representatives Harsdorf, Brancel, Brandemuehl, Ourada, Kreibich, Lehman, Musser, Plombon, Goetsch, Ainsworth and Olsen.

To committee on **Ways and Means**.

Assembly Bill 789

Relating to: the number of licenses that a municipality may issue for the sale of alcohol beverages for consumption off of the premises.

By Representatives Skindrud, Musser, Ainsworth, Urban, Hasenohrl, Powers, Ryba and Hanson; cosponsored by Senators Breske and Schultz.

To committee on **State Affairs**.

Assembly Bill 790

Relating to: disciplinary actions against physicians, fees for renewal of physicians' licenses, requiring a report on disciplinary actions against physicians, granting rule-making authority and providing a penalty.

By Representatives Urban, Prosser, Green, Skindrud, Lehman, Robson, Freese, Gunderson, Schneiders, Goetsch, Ott, Lazich, F. Lasee and Hahn; cosponsored by Senators Huelsman, Schultz and Welch.

To committee on **Consumer Affairs**.

Assembly Bill 791

Relating to: insurance coverage of the diagnosis and treatment of infertility.

By Representatives Vrakas, Hanson, Plombon, Black, Plache, Krusick, Olsen, Baldwin and Wasserman; cosponsored by Senators Adelman and Grobschmidt.

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

Assembly Bill 792

Relating to: membership of the state emergency response board.

By Representatives Harsdorf, Hahn, Ainsworth, Green, Albers, Olsen, Musser, Baldus, Schneiders, Lazich, Brandemuehl, Otte and Seratti; cosponsored by Senator Zien.

To committee on **Government Operations**.

Assembly Bill 793

Relating to: giving full faith and credit to orders providing protection to individuals.

By Representatives Krug, Rutkowski, Albers, Baldwin, Boyle, Goetsch, Green, Gronemus, Hanson, Kreuser, La Fave, Musser, Notestein, Olsen, Owens, Plache, R. Potter, Robson, Ryba, Schneiders, Wirch, R. Young, Ziegelbauer, Klusman, Baldus, Plombon and Riley; cosponsored by Senators Huelsman, Buettner, Burke, Clausing, Darling, Drzewiecki, Farrow, Grobschmidt, A. Lasee, Panzer and Rosenzweig.

To committee on **Judiciary**.

Assembly Bill 794

Relating to: the treatment of special assessments under school district revenue limits.

By Representatives Schneider and Olsen, by request of Wisconsin Rapids Public Schools Board of Education.

To committee on **Ways and Means**.

Assembly Bill 795

Relating to: requiring motor vehicles being used to enforce state or local traffic laws to display Wisconsin registration plates.

By Representatives Schneider, Hanson, Albers, Coleman, Goetsch, Grothman, Kaufert, Lorge, Olsen, Riley, Schneiders and Zukowski; cosponsored by Senator Rude.

To committee on **Criminal Justice and Corrections**.

Assembly Bill 796

Relating to: motor vehicle, boating, all-terrain vehicle and snowmobiling offenses; habitual criminality; and providing penalties.

By Representative Schneider, by request of Mark Thibodeau – Adams County District Attorney.

To committee on **Criminal Justice and Corrections**.

Assembly Bill 797

Relating to: notifying taxpayers of higher property tax assessments.

By Representatives Hubler, Huebsch, Ainsworth, Baldwin, Baldus, Bell, Boyle, Hasenohrl, Hutchison, F.

Lasee, Musser, Notestein, Plache, R. Potter, Ryba, Seratti, Wasserman, Wilder, Ziegelbauer and Ott; cosponsored by Senators Buettner, Burke, Clausing, Darling, Huelsman, Moen and Rude.

To committee on **Ways and Means**.

Assembly Bill 798

Relating to: smoking or using tobacco products at or near a school and providing a penalty.

By Representatives Schneider, Boyle, Gard, Olsen, Otte, Owens, Ryba, Williams, Wirsch and Ott.

To committee on **State Affairs**.

COMMITTEE REPORTS

The committee on *Consumer Affairs* reports and recommends:

Assembly Bill 616

Relating to: the regulation of the sale of merchandise below cost and providing a penalty.

Passage:

Ayes: 5 – Representatives Skindrud, Johnsrud, Kreibich, Coleman and Hasenohrl.

Noes: 3 – Representatives Urban, Williams and La Fave.

To committee on **Rules**.

RICK SKINDRUD

Chairperson

Committee on Consumer Affairs

The committee on *Education* reports and recommends:

Assembly Bill 400

Relating to: procedures to create a school district out of the territory of one or more existing school districts and information provided to persons filing a petition for a referendum on the detachment of large territory from one school district and its attachment to another school district.

Assembly amendment 1 to Assembly substitute amendment 1 adoption:

Ayes: 14 – Representatives Coleman, Nass, Brandemuehl, Duff, Otte, Ward, Ainsworth, Olsen, Schneider, Cullen, Ziegelbauer, Baldwin, Plombon and Dueholm.

Noes: 0.

Assembly amendment 2 to Assembly substitute amendment 1 adoption:

Ayes: 14 – Representatives Coleman, Nass, Brandemuehl, Duff, Otte, Ward, Ainsworth, Olsen, Schneider, Cullen, Ziegelbauer, Baldwin, Plombon and Dueholm.

Noes: 0.

Assembly amendment 3 to Assembly substitute amendment 1 adoption:

Ayes: 14 – Representatives Coleman, Nass, Brandemuehl, Duff, Otte, Ward, Ainsworth, Olsen, Schneider, Cullen, Ziegelbauer, Baldwin, Plombon and Dueholm.

Noes: 0.

Assembly amendment 4 to Assembly substitute amendment 1 adoption:

Ayes: 14 – Representatives Coleman, Nass, Brandemuehl, Duff, Otte, Ward, Ainsworth, Olsen, Schneider, Cullen, Ziegelbauer, Baldwin, Plombon and Dueholm.

Noes: 0.

Assembly substitute amendment 1 adoption:

Ayes: 14 – Representatives Coleman, Nass, Brandemuehl, Duff, Otte, Ward, Ainsworth, Olsen, Schneider, Cullen, Ziegelbauer, Baldwin, Plombon and Dueholm.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Coleman, Brandemuehl, Duff, Otte, Ward, Ainsworth, Olsen, Cullen, Ziegelbauer, Baldwin, Plombon and Dueholm.

Noes: 2 – Representatives Nass and Schneider.

To committee on **Rules**.

Assembly Bill 718

Relating to: alcohol testing of public school students.

Assembly substitute amendment 1 adoption:

Ayes: 13 – Representatives Coleman, Nass, Brandemuehl, Duff, Otte, Ward, Ainsworth, Olsen, Schneider, Ziegelbauer, Baldwin, Plombon and Dueholm.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Coleman, Nass, Brandemuehl, Duff, Otte, Ward, Ainsworth, Olsen, Schneider, Cullen, Ziegelbauer and Plombon.

Noes: 2 – Representatives Baldwin and Dueholm.

To committee on **Rules**.

CHARLES COLEMAN

Chairperson

Committee on Education

The committee on *Government Operations* reports and recommends:

Assembly Bill 504

Relating to: a reporting procedure for firearm injuries, safety devices for firearms, granting rule-making authority and providing penalties.

Assembly substitute amendment 1 adoption:

Ayes: 10 – Representatives Dobyns, Olsen, Ladwig, Musser, Ott, Powers, La Fave, Schneider, Bock and Murat.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Dobyms, Olsen, Ladwig, Ott, Powers, La Fave, Schneider, Bock and Murat.

Noes: 1 – Representative Musser.

To joint committee on **Finance**.

JOHN DOBYNS
Chairperson
Committee on Government Operations

The committee on *Ways and Means* reports and recommends:

Assembly Bill 346

Relating to: the retailer's discount for the sales tax and use tax.

Assembly substitute amendment 1 adoption:

Ayes: 18 – Representatives Lehman, Kelso, Klusman, Coleman, Underheim, Seratti, Gard, Goetsch, Huebsch, Handrick, Bell, Wood, Travis, Robson, Turner, Hanson, Riley and Ziegelbauer.

Noes: 0.

Passage as amended:

Ayes: 18 – Representatives Lehman, Kelso, Klusman, Coleman, Underheim, Seratti, Gard, Goetsch, Huebsch, Handrick, Bell, Wood, Travis, Robson, Turner, Hanson, Riley and Ziegelbauer.

Noes: 0.

To joint committee on **Finance**.

MICHAEL LEHMAN
Chairperson
Committee on Ways and Means

MESSAGE FROM THE SENATE

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Bill 40
Assembly Bill 240
Assembly Bill 556
Assembly Bill 609

Concurred in as amended:

Assembly Bill 32 (Senate amendment 1 adopted)
Assembly Bill 185 (Senate amendment 1 adopted)
Assembly Bill 207 (Senate substitute amendment 1 adopted)

Passed and asks concurrence in:

Senate Bill 117
Senate Bill 256

Senate Bill 285
Senate Bill 313
Senate Bill 382
Senate Bill 391
Senate Bill 404
Senate Bill 408
Senate Bill 419
Senate Bill 437
Senate Bill 441

ACTION ON THE SENATE MESSAGE

Assembly Bill 32

Relating to: charging back personal property taxes.

By Representatives Ladwig, Seratti, Goetsch, Ott, Urban, Silbaugh, Wilder and Huber; cosponsored by Senators Petak, Drzewiecki and Darling.

Referred to committee on **Rules**.

Assembly Bill 185

Relating to: eliminating certain public service commission hearings.

By Representatives Duff, Ott, Porter, Lehman, Goetsch, Jensen, Hahn and Silbaugh; cosponsored by Senators Cowles, Farrow and Panzer.

Referred to **calendar**.

Assembly Bill 207

Relating to: access to public records.

By Representatives Goetsch, Wood, Kaufert, Owens, Ward, Otte, Underheim, Ainsworth, Hoven, Porter, Ziegelbauer, Foti, Lehman, F. Lasee, Schneiders, Brandemuehl, Duff, Ryba, Gard, Musser, Green, Dobyms, Ladwig, Jensen, Handrick, Seratti, Silbaugh, Lorge, Freese, Albers, Urban, Vrakas, Ott, Ourada, Grothman and Skindrud; cosponsored by Senators Drzewiecki, Fitzgerald, Huelsman, Schultz and Darling.

Referred to committee on **Rules**.

Senate Bill 117

Relating to: operating a motor vehicle while under the influence of an intoxicant when a minor is a passenger in the motor vehicle and providing penalties.

By Senators Farrow, Fitzgerald, Rosenzweig, Andrea and Buettner; cosponsored by Representatives Dobyms, Hanson, Grobschmidt, Owens, Gunderson, Ladwig, Olsen, Musser, Goetsch, Kreibich, Seratti, Bock, Nass, Ainsworth, Robson and Walker.

To committee on **Judiciary**.

Senate Bill 256

Relating to: annuities for eleemosynary institutions.

By Senators Huelsman and C. Potter; cosponsored by Representatives Albers and Baldus.

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

Senate Bill 285

Relating to: exemptions from certain state procurement procedures and waiver of state purchasing requirements to

permit purchases through contracts established by other governmental entities or certain consortia with 3rd parties.

By Senators Weeden, Ellis and Rude, by request of Governor Tommy G. Thompson.

To committee on **Government Operations**.

Senate Bill 313

Relating to: interest payments under a restitution order.

By Senators Jauch, Burke, C. Potter, Panzer, Petak, Moen, Cowles, Clausing and Drzewiecki; cosponsored by Representatives Boyle, Musser, Ainsworth, Ziegelbauer, Ryba, Seratti, Springer, Wirch, F. Lasee and Olsen.

To committee on **Judiciary**.

Senate Bill 382

Relating to: making victims of the crime of stalking eligible for crime victim compensation awards.

By Senators Burke, Buettner, Clausing, Darling, Jauch, Moen, Rosenzweig and Rude; cosponsored by Representatives Krug, Baldus, Baldwin, Bell, Black, Bock, Boyle, Coggs, Cullen, Grobschmidt, Hahn, Huber, F. Lasee, Lazich, Notestein, Plache, Wasserman, Wirch and L. Young, by request of Department of Justice.

To committee on **Judiciary**.

Senate Bill 391

Relating to: the effective date of acts affecting crimes.

By Senators Huelsman, A. Lasee and Rosenzweig; cosponsored by Representatives Krug, Lorge, Goetsch, Otte, Albers, Ladwig, Hahn, Olsen, Huber, F. Lasee, Brandemuehl, Schneiders, Grothman, Lehman, Seratti, Gunderson, Vrakas and Baldwin, by request of State Bar of Wisconsin.

To committee on **Criminal Justice and Corrections**.

Senate Bill 404

Relating to: homicide by intoxicated use of a vehicle and providing a penalty.

By Senators Huelsman, Petak, Fitzgerald, Rosenzweig, Darling and Panzer; cosponsored by Representatives Otte, Ainsworth, Walker, Kelso, Ward, Olsen, Coleman, Wirch, Ladwig, Robson and Klusman.

To committee on **Criminal Justice and Corrections**.

Senate Bill 408

Relating to: bonding authority for the University of Wisconsin System instructional technology improvements and granting bonding authority.

By Senator Weeden; cosponsored by Representative Brancel.

To committee on **Ways and Means**.

Senate Bill 419

Relating to: changing the name of the division of emergency government in the department of military affairs to the division of emergency management and changing references to local emergency government agencies and personnel to emergency management agencies and personnel.

By Joint Legislative Council .

To committee on **Veterans and Military Affairs**.

Senate Bill 437

Relating to: criminal slander of title, simulating legal process and falsely assuming to act as a public officer, public employe or utility employe and providing a penalty.

By Senators Huelsman, Rosenzweig, Buettner, Panzer and Fitzgerald; cosponsored by Representatives Nass, Schneiders, Goetsch, La Fave, Owens, Baldus, Ladwig, Wirch, Olsen and Wilder.

To committee on **Criminal Justice and Corrections**.

Senate Bill 441

Relating to: inspection of certain snowmobile trails by the department of natural resources.

By Senators Rude, Jauch, Schultz, Andrea, C. Potter, Huelsman, Fitzgerald, Panzer, Wineke, Moen and Breske; cosponsored by Representatives Seratti, Brandemuehl, Porter, Kaufert, Ainsworth, Handrick, Hasenohrl, Ourada, Coleman, Jensen, Ott, Albers, Zukowski, Plombon, La Fave, Baldus, Schneiders, Olsen, Lorge, Hahn, Dobyns, Reynolds, Freese, Skindrud, Goetsch, Huber and Nass.

To committee on **Natural Resources**.

SPEAKER'S APPOINTMENTS

January 18, 1996

Representative David Brandemuehl
Room 317 North, State Capitol
Madison, Wisconsin 53702

Dear Dave:

It is my pleasure to appoint you to the Transportation Finance Study Committee which was created in the 1995-97 transportation budget.

The study committee will certainly benefit from your many years of interest in transportation issues and your dedicated service as chair of the Highways and Transportation Committee.

Sincerely,
DAVID PROSSER, JR.
Assembly Speaker

AGENCY REPORTS

State of Wisconsin
Department of Industry, Labor and Human Relations
Madison

January 9, 1995

To the Honorable, the Legislature:

The 1995 biennial budget established the Council on Workforce Excellence to oversee the planning, coordination, administration and implementation of many of the State's employment and education programs. Appointment to the Council are expected shortly.

Sincerely,
CAROL SKORNICKA
Secretary, DILHR

State of Wisconsin
Department of Employment Relations
Madison

January 12, 1995

To the Honorable, the Assembly:

Please find enclosed three documents from the Education Commission of the States (ECS):

1. 1995 Annual Report
2. 1995 Education Agenda; and
3. A copy of the ECS bylaws with amendments, if any.

The ECS is required to file these with your office in order to meet its statutory requirements under ss. 39.75 and 39.76, Wis. Stats. If there are any questions please call me at 266-9820.

Sincerely,
JON E. LITSCHER
Secretary, DER

State of Wisconsin
Legislative Audit Bureau
Madison

January 12, 1995

To the Honorable, the Legislature:

We have completed a review of the dental education contract between the State of Wisconsin and the Marquette University School of Dentistry for the 1993-95 biennium, as required by s. 39.46, Wis. Stats. State capitation funds paid to the Marquette School of Dentistry for tuition aid totaled \$2,300,000 for the biennium.

Our review included tests to ensure that the Marquette University School of Dentistry has complied with contract

and statutory requirements set forth in s. 39.46, Wis. Stats. These tests included reviewing the residency certification and enrollment status for a sample of students claimed for tuition aid, the admissions preference given to Wisconsin residents, and the promotion of minority student access. We found that Marquette University was in compliance with s. 39.46, Wis. Stats., and that the state funds were expended only for the undergraduate dental school program, as required by statute.

We appreciate the courtesy and cooperation extended to us by Marquette University administrators and the staff of the Higher Educational Aids Board during this review.

Respectfully submitted,
DALE CATTANACH
State Auditor

REFERENCE BUREAU CORRECTIONS

Assembly Substitute Amendment 1 to **Assembly Bill 444**

1. Page 3, line 15: substitute "personalty" for "personality".
2. Page 7, line 8: substitute "county" for "bounty".

Assembly Bill 787

2. Page 1, line 3: delete "automobile".

ADJOURNMENT

Representative Green moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, January 23.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:11 A.M.