



# STATE OF WISCONSIN

# Assembly Journal

## Ninety–Third Regular Session

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MONDAY, April 28, 1997

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

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### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 35** offered by committee on **Highways and Transportation**.

Assembly amendment 1 to **Assembly Bill 83** offered by Representative Vander Loop.

Assembly substitute amendment 1 to **Assembly Bill 144** offered by Representative Springer.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 50**

Relating to: proclaiming “Law Enforcement Week” and “Law Enforcement Memorial Day”.

By Representative Dobyns; cosponsored by Senator Zien.  
To committee on **Rules**.

#### **Assembly Joint Resolution 51**

Relating to: state sovereignty.

By Representatives Porter, Underheim, F. Lasee, Schneider, Hoven, Huebsch, Handrick, Ziegelbauer, Ladwig, Skindrud, Sykora, Zukowski, Musser, Owens, Green, Grothman, Goetsch, Seratti, Nass, Walker, Albers, Otte and Gunderson; cosponsored by Senators Drzewiecki and Zien.

To committee on **Elections and Constitutional Law**.

#### **Assembly Joint Resolution 52**

Relating to: memorializing Congress to begin the process of amending the constitution to enable Congress and the states to enact legislation prohibiting the desecration of the American flag.

By Representatives Zukowski, Handrick, Huebsch, Hoven, Porter, Otte, Gard, Hahn, Grothman, Ladwig, Musser, Brandemuehl, Dobyns, Freese, Goetsch, Owens, Vrakas, Kreuser, Gunderson, Green, Lorge, Ainsworth, Lazich and Ryba; cosponsored by Senators Zien, Welch, Drzewiecki, Fitzgerald and Buettner.

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

#### **Assembly Bill 319**

Relating to: leaves of absence for certain state employees to participate in providing certain disaster relief services.

By Representatives Schneider, Musser, Hasenohrl, Boyle, Bock and Gronemus; cosponsored by Senator Buettner.

To committee on **Government Operations**.

#### **Assembly Bill 320**

Relating to: calculation of interest expense of affiliated entities under medical assistance.

By Representatives Notestein and Carpenter; cosponsored by Senators Grobschmidt, Burke and Huelsman.

To committee on **Health**.

#### **Assembly Bill 321**

Relating to: home inspection trade practices, granting rule–making authority and providing a penalty.

By Representatives Bock, Freese, Travis, Ryba, Powers, Goetsch, R. Young, Notestein and Murat; cosponsored by Senators Burke and Grobschmidt.

To committee on **Housing**.

#### **Assembly Bill 322**

Relating to: requiring headlights and other required lamps on vehicles to be lighted while windshield wipers are being used.

By Representatives Baumgart, Ainsworth, Bock, Dobyns, Dueholm, Kelso, F. Lasee, Ott and Reynolds; cosponsored by Senators Rude, Breske and A. Lasee.

To committee on **Highways and Transportation**.

#### **Assembly Bill 323**

Relating to: immunity of providers and supervisors of, and participants in, recreational activities.

By Representatives Otte, Gronemus, Goetsch, Ryba, Grothman, Powers, Porter, Musser, Ainsworth, Olsen, Sykora, Ott, Kelso and Seratti; cosponsored by Senators C. Potter, Drzewiecki, Buettner, A. Lasee and Farrow.

To committee on **Tourism and Recreation**.

#### **Assembly Bill 324**

Relating to: permitting a child who is the custodial parent of a nonmarital child and whose parent, guardian or legal custodian is not exercising care, custody and control over him or her to be taken into and held in custody, to be found to be in need of protection or services and to have a guardian appointed for him or her.

By Representatives Porter and F. Lasee.

To committee on **Children and Families**.

**Assembly Bill 325**

Relating to: operating a motor vehicle while under the influence of an intoxicant or drugs or both.

By Representatives Foti, M. Lehman, Urban, Carpenter, Schafer, Kreibich, Ott, Staskunas, Bock, Powers, Ladwig, Kaufert, Gunderson, Otte, Hanson, Notestein, La Fave, Vrakas, Olsen, Kelso, Wasserman, Morris–Tatum and Robson; cosponsored by Senators Farrow, Rosenzweig, Huelsman and Weeden.

To committee on **Highways and Transportation**.

**Assembly Bill 326**

Relating to: the disposition of unclaimed funds in a public treasury.

By Representatives La Fave, Riley and Hasenohrl.

To committee on **Government Operations**.

**Assembly Bill 327**

Relating to: misrepresentations of the locations of businesses and providing a penalty.

By Representatives Harsdorf, Powers, M. Lehman, La Fave, Albers, Freese, Plouff, Sykora, Krug, Wood, Porter, Hanson, Skindrud, J. Lehman, Hasenohrl, Ladwig, Seratti, Ott, Schafer, Vrakas and Gronemus; cosponsored by Senators Jauch, Panzer, Clausing, Wineke, Buettner, Breske, Moen, Schultz and Decker.

To committee on **Consumer Affairs**.

**Assembly Bill 328**

Relating to: libelous electronic material and radio or television defamation.

By Representatives F. Lasee, Green, Porter, Duff, Urban, Goetsch, Freese, M. Lehman, Ainsworth, Wasserman, Seratti, Brandemuehl, Ladwig, Jensen, Handrick, Dobyns, Boyle, Harsdorf, Nass, Kelso and Hahn; cosponsored by Senators Adelman, Huelsman, Rude, Buettner, Panzer, Zien, Cowles and Drzewiecki.

To committee on **Judiciary**.

**Assembly Bill 329**

Relating to: excluding agricultural transactions from the Wisconsin Consumer Act.

By Representatives Hoven, Kaufert, Meyer, Plale, Vrakas, Skindrud, La Fave and Ward; cosponsored by Senators Shibilski, Wineke, Zien, Fitzgerald, C. Potter, Rude and Welch.

To committee on **Financial Institutions**.

**Assembly Bill 330**

Relating to: exempting sales to cities, villages, towns, counties and school districts from the motor vehicle fuel tax and from the alternate fuel tax.

By Representatives Travis, Ainsworth, Baumgart, Bock, Dobyns, Gronemus, Handrick, Hanson, Huber, Kaufert, F. Lasee, J. Lehman, Musser, Notestein, Olsen, Powers, Skindrud, Staskunas, Urban and Vander Loop; cosponsored by Senators Wirch, Grobschmidt, A. Lasee, Plache and Weeden.

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

**COMMITTEE REPORTS**

The committee on **Elections and Constitutional Law** reports and recommends:

**Assembly Bill 30**

Relating to: filing of declarations of candidacy and recording of votes received by write-in candidates in certain elections.

Assembly amendment 1 adoption:

Ayes: 9 – Representatives Walker, Handrick, Duff, Klusman, Freese, Baldwin, Huber, Meyer and Kreuser.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Walker, Handrick, Duff, Klusman, Freese, Baldwin, Huber, Meyer and Kreuser.

Noes: 0.

To committee on **Rules**.

*SCOTT WALKER*

Chairperson

Committee on Elections and Constitutional Law

The committee on **Environment** reports and recommends:

**Assembly Bill 80**

Relating to: reimbursement of costs incurred because of discharges from heating oil tanks that serve buildings primarily used for religious worship and heating oil tanks that serve nonprofit private schools.

Assembly amendment 1 adoption:

Ayes: 10 – Representatives Duff, Hoven, Johnsrud, Hahn, Seratti, Kedzie, Bock, Robson, Black and La Fave.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Duff, Hoven, Johnsrud, Hahn, Seratti, Kedzie, Bock, Robson, Black and La Fave.

Noes: 0.

To joint committee on **Finance**.

**Assembly Bill 187**

Relating to: the imposition of service charges for a storm water and surface water sewerage system.

Assembly amendment 1 adoption:

Ayes: 10 – Representatives Duff, Hoven, Johnsrud, Hahn, Seratti, Kedzie, Bock, Robson, Black and La Fave.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Duff, Hoven, Hahn, Seratti, Kedzie, Bock, Robson, Black and La Fave.

Noes: 1 – Representative Johnsrud.

To committee on **Rules**.

**Assembly Bill 197**

Relating to: abating nuisances caused by solid waste resulting from manufacturing tires.

Passage:

Ayes: 10 – Representatives Duff, Hoven, Johnsrud, Hahn, Seratti, Kedzie, Bock, Robson, Black and La Fave.  
Noes: 0.

To joint committee on **Finance**.

*MARC DUFF*  
Chairperson  
Committee on Environment

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The joint committee on **Finance** reports and recommends:

**Assembly Bill 152**

Relating to: a grant to a minority nonprofit association and making appropriations.

Assembly substitute amendment 1 adoption:

Ayes: 10 – Representatives Jensen, Harsdorf, Albers, Linton and Coggs; and Senators Burke, Jauch, Wineke, Shibilski and Panzer.

Noes: 5 – Representatives Ourada, Porter and Kaufert; and Senators Decker and Cowles.

Passage as amended:

Ayes: 10 – Representatives Jensen, Harsdorf, Kaufert, Linton and Coggs; and Senators Burke, Jauch, Wineke, Shibilski and Panzer.

Noes: 5 – Representatives Ourada, Albers and Porter; and Senators Decker and Cowles.

To committee on **Rules**.

*SCOTT JENSEN*  
Assembly Chairperson  
Joint committee on Finance

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The committee on **Health** reports and recommends:

**Assembly Bill 174**

Relating to: regulation of physician assistants and the authority of physician assistants to prescribe drugs and devices.

Assembly amendment 1 adoption:

Ayes: 15 – Representatives Underheim, Urban, Johnsrud, Walker, Lazich, Handrick, F. Lasee, Olsen, Wieckert, Robson, Bock, Springer, Meyer, La Fave and Wasserman.

Noes: 0.

Passage as amended:

Ayes: 15 – Representatives Underheim, Urban, Johnsrud, Walker, Lazich, Handrick, F. Lasee, Olsen, Wieckert, Robson, Bock, Springer, Meyer, La Fave and Wasserman.

Noes: 0.

To committee on **Rules**.

*GREGG UNDERHEIM*  
Chairperson  
Committee on Health

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

**Assembly Bill 79**

Relating to: hunting of antlerless deer by certain holders of certificates of accomplishment issued under the hunter education and firearm safety program.

Assembly substitute amendment 1 adoption:

Ayes: 10 – Representatives Hahn, Handrick, Musser, Gard, Skindrud, Hubler, Vander Loop, Baumgart, Dueholm and Steinbrink.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Hahn, Handrick, Musser, Gard, Skindrud, Hubler, Vander Loop, Baumgart, Dueholm and Steinbrink.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 127**

Relating to: regulatory signs along snowmobile trails and routes.

Assembly amendment 1 adoption:

Ayes: 10 – Representatives Hahn, Handrick, Musser, Gard, Skindrud, Hubler, Vander Loop, Baumgart, Dueholm and Steinbrink.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Hahn, Musser, Gard, Hubler, Vander Loop, Baumgart, Dueholm and Steinbrink.

Noes: 2 – Representatives Handrick and Skindrud.

To committee on **Rules**.

**Assembly Bill 132**

Relating to: barricades around ice holes.

Passage:

Ayes: 10 – Representatives Hahn, Handrick, Musser, Gard, Skindrud, Hubler, Vander Loop, Baumgart, Dueholm and Steinbrink.

Noes: 0.

To committee on **Rules**.

*EUGENE HAHN*  
Chairperson  
Committee on Tourism and Recreation

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

**Assembly Bill 178**

Relating to: providing a homestead credit household income deduction for a claimant's spouse.

Passage:

Ayes: 15 – Representatives M. Lehman, Jeskewitz, Gard, Owens, Seratti, Huebsch, F. Lasee, Powers, Wood, Black, Krug, R. Young, Turner, Ziegelbauer and Morris–Tatum.

Noes: 1 – Representative Goetsch.

To joint committee on **Finance**.

**Assembly Bill 287**

Relating to: voting on legislation that increases certain tax rates.

Passage:

Ayes: 10 – Representatives M. Lehman, Jeskewitz, Goetsch, Gard, Owens, Seratti, Huebsch, F. Lasee, Powers and Ziegelbauer.

Noes: 5 – Representatives Wood, Black, Krug, R. Young and Turner.

To committee on **Rules**.

*MICHAEL LEHMAN*  
Chairperson  
Committee on Ways and Means

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**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison

April 28, 1997

To the Honorable, the Legislature:

The following bill(s), originating in the Senate or the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>AB 145</b> .....	2 .....	April 28, 1997

Respectfully submitted,  
*TOMMY G. THOMPSON*  
Governor

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**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Department of Natural Resources  
Department of Administration  
Madison

March 19, 1997

RE: Clean Water Fund Program Biennial Finance Plan Revisions

To the Honorable, the Assembly:

The attached information regarding the Wisconsin Clean Water Fund Biennial Finance Plan is submitted in accordance with subsection 281.59 (3) (bm) of the Wisconsin statutes.

That subsection requires the Department of Natural Resources and the Department of Administration to submit to the legislature and the Building Commission any amendments to the Biennial Finance Plan which are necessary to reflect material approved by the Governor for inclusion in the biennial budget.

After the biennial budget is enacted a revised version of the Biennial Finance Plan will be distributed with changes which reflect actions taken in the budget.

If you have any questions regarding the Biennial Finance Plan, please contact Kathryn A. Curtner at 266–0860 or Frank Hoadley at 266–2305.

Sincerely,  
*KATHRYN A. CURTNER*  
Director, Bureau of Community Financial Assistance, DNR  
*FRANK R. HOADLEY*  
Capital Finance Director, DOA

Referred to committee on **Environment**.

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State of Wisconsin  
Department of Administration  
Madison

March 31, 1997

To the Honorable, the Legislature:

As required by s. 16.045(5), I am submitting the fifth Wisconsin Gasahol and Alternative Fuel Use Report for distribution to the appropriate standing committees.

Should you or legislative members have questions, please contact the Division of Energy and Intergovernmental Relations, Nathaniel E. Robinson, Administrator, at 608/266–7257.

Sincerely,  
*MARCH D. BUGHER*  
Secretary, DOA

Referred to committee on **Environment**.

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State of Wisconsin  
Department of Revenue  
Madison

April 3, 1997

RE: Wisconsin Lottery Quarterly Report

To the Honorable, the Legislature:

Included with this correspondence, I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending March 31, 1997. As required by s. 565.37 (3), Wis. Stats., the attached materials contain Wisconsin Lottery year to date sales and financial information.

If you have any questions or comments regarding this report, please do not hesitate to contact me at (608) 266-6466.

Sincerely,  
*CATE ZEUSKE*  
Secretary, DOR

Referred to committee on **State Affairs**.

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DATE: April 14, 1997

TO: Charles R. Sanders  
Assembly Chief Clerk

FROM: Katharine C. Lyall, President  
University of Wisconsin System

RE: Report pursuant to s. [36.25\(14m\)\(c\)](#), [Wis. Stats.](#)

At its meeting April 11, 1997, the Board of Regents accepted the attached report for submission to the chief clerk of each house of the legislature for distribution to the appropriate standing committee under s. [13.172 \(3\)](#).

Section [36.25 \(14m\)\(c\)](#), Wis. Stats., requires the Board of Regents to submit a report to the governor and to the chief clerk of each house of the Legislature annually by April 15 on its precollege, recruitment, and retention plan for minority and disadvantaged students. The report must also include information on financial aid programs serving those students. The report for 1995-96 is attached.

If you need additional information regarding this report, please contact Andrea-Teresa Arenas at 262-8636.

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

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DATE: April 14, 1997

TO: Charles R. Sanders  
Assembly Chief Clerk

FROM: Katharine C. Lyall, President  
University of Wisconsin System

RE: Report pursuant to s. [36.11\(22\)\(b\)](#), [Wis. Stats.](#)

At its meeting April 11, 1997, the Board of Regents accepted the attached report for submission to the chief clerk of each house of the legislature for distribution to the appropriate standing committee under s. [13.172 \(3\)](#).

Section [36.11 \(22\) \(b\)](#), Wis. Stats., requires the Board of Regents to submit a report to the chief clerk of each house of the Legislature annually on the methods each UW System institution used to disseminate information to students on sexual assault and sexual harassment.

The law requires UW System institutions to incorporate into their orientation programs for newly entering students oral and written information on sexual assault and sexual harassment, including information on: 1) sexual assault by

acquaintances of the victims; 2) the legal definitions and penalties for sexual assault; 3) generally available national, state, and campus statistics on sexual assault; 4) the rights of victims; and 5) protective behaviors including methods of recognizing and avoiding sexual assault and sexual harassment. In addition, each institution must annually supply to all students enrolled in the institution printed material that includes information on all of these topics.

This law was enacted in April 1990 and this is the sixth report to be compiled for the Legislature since its enactment.

If you need additional information regarding this report, please contact Mark A. Schemmel at 262-5504.

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

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## AGENCY REPORTS

State of Wisconsin  
Investment Board  
Madison

March 18, 1997

To the Honorable, the Legislature:

As provided under section [25.17\(14m\)](#) of the Statutes, attached is the Investment Board's annual performance report to the Legislature. This report discusses our progress in meeting investment goals, the types of investments managed by the Board, our performance in 1996 and investments in Wisconsin.

Key points of note in this report:

- \* The Fixed (or balanced) Retirement Fund returned 14.4% in 1996. The Fund outperformed its investment benchmark for the one-, five- and ten-year periods. SWIB's performance over the benchmark resulted in \$1.5 billion in added returns for the Fixed Fund over the last five years. Gains in the Fixed Fund surpassed the 14.24% median return for a peer group of public funds in 1996. Additional performance information and cost of management data for our peers should be available within the next several months.
- \* The Variable Retirement Fund returned 19.8% for the year as compared to 23.0% for the S&P 500. The Variable Fund is primarily a stock fund but is diversified into a number of markets which are not represented in the S&P 500, including smaller company stocks, international stocks, venture capital and emerging markets. On a risk adjusted basis, the Variable Fund outperformed the S&P 500 index over five years.
- \* The Board continues to give priority to strengthening systems for measuring and managing investment risk. The planned upgrade of our information systems includes automated tracking of risk across portfolios. We currently monitor the volatility of returns, interest rate sensitivity, foreign currency exposure, emerging market risk, liquidity and the use of derivatives. There has been no significant overall change in these risk

elements for the Fixed and Variable Retirement Funds since our report to the Legislature in July 1996.

- \* The State Investment Fund (SIF) returned 5.3% for the year and outperformed its benchmark for the one-, five- and ten-year periods. The SIF is the short-term cash management fund for local governments, state agencies and the Fixed and Variable Trust Funds. The SIF return ranked second out of 227 government funds in the IBC/Donoghue Government Index and 95th out of 813 money market funds in the IBC/Donoghue All Taxable Money Market Index.
- \* SWIB's investments in companies headquartered in Wisconsin totaled \$1.9 billion as of June 30, 1996. An additional \$6.1 billion was invested in companies not headquartered here but with 20 or more Wisconsin employees. Our investments in Wisconsin are made within the context of our fiduciary responsibility to the Retirement Funds.

The additional resources we received in 1996 were an important factor in our solid returns last year. We greatly appreciate the support of the Governor and Legislature in addressing those needs.

Please contact me if you have any questions about this report or other matters.

Sincerely,  
*PATRICIA LIPTON*  
Executive Director, SWIB

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State of Wisconsin  
Investment Board  
Madison

April 14, 1997

To the Honorable, the Legislature:

Section 25.17 (14r) of the Statutes requires that the State of Wisconsin Investment Board (SWIB) submit a report to the Joint Committee on Audit, Joint Committee on Finance, and Chief Clerks of each House summarizing any change in the board's investment policies, upon adoption of the change.

On April 2, 1997, the Board approved the attached modifications to the Investment Policy Guidelines for certificates of deposit (CDs) purchased by the State Investment Fund (SIF) from Wisconsin banks and thrifts. Additions to the previous guidelines are shaded and deletions are stricken material. The guidelines for the Wisconsin Bank

Program" have been replaced by the guidelines entitled Wisconsin Certificate of Deposit Program".

- \* The new guidelines simplify the process for judging the credit quality of banks and thrifts who want to participate in the CD program. Eligibility is now based upon whether the bank/thrift qualifies for pass-through" insurance by the Federal Deposit Insurance Corporation (FDIC). That determination is made by the FDIC according to whether the bank/thrift is well capitalized " or adequately capitalized". this change enables each public depositor and retirement fund participant to have FDIC coverage for up to \$100,000. Combined with the State's guarantee fund, this would make available to each public depositor up to \$500,000 of insurance coverage.

The new process enables SWIB to eliminate a bank/thrift evaluation program that was being provided by an outside vendor. As a result, there will be an annual cost savings of \$4,000.

- \* The maximum exposure which SIF may have to any bank or thrift has been reduced from the lesser of \$25 million or 3% of assets to the lesser of \$10 million or 3% of assets. This change was made to ensure that larger banks would not dominate the program.
- \* Under the previous guidelines, the maximum maturity for a CD purchased by SIF was three years. Under the new guidelines, the amount of exposure which SIF may have to CDs with maturities of up to three years is also limited to address concerns about control over duration of the overall SIF portfolio.
- \* The \$100,000 minimum size requirement for CDs purchased by SIF has been eliminated. We anticipate that the new minimum size will be \$25,000 as part of a plan to use an outside vendor in administering the CD program. The authority for the Investment Director to use third-party vendors is explicitly stated in the Guidelines. We continue to have discussions about ways that third-party vendors could play a role that would make the program more attractive to banks and thrifts without impairing our ability to earn a competitive rate of return.

These changes will simplify and improve the program. Please contact me if you have any questions.

Sincerely,  
*PATRICIA LIPTON*  
Executive Director, SWIB