



# STATE OF WISCONSIN

# Assembly Journal

## Ninety–Third Regular Session

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THURSDAY, December 11, 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 289** offered by committee on **Judiciary**.

Assembly amendment 1 to **Assembly Bill 415** offered by committee on **Judiciary**.

Assembly amendment 1 to **Assembly Bill 496** offered by committee on **Highways and Transportation**.

Assembly amendment 1 to **Assembly Bill 554** offered by committee on **Highways and Transportation**.

Assembly amendment 2 to **Assembly Bill 554** offered by committee on **Highways and Transportation**.

Assembly substitute amendment 1 to **Assembly Bill 554** offered by committee on **Highways and Transportation**.

Assembly substitute amendment 1 to **Assembly Bill 585** offered by Representative Meyer.

Assembly amendment 1 to **Assembly Bill 588** offered by Representative Wasserman.

Assembly substitute amendment 1 to **Assembly Bill 588** offered by Representative Underheim.

Assembly amendment 1 to **Assembly Bill 633** offered by committee on **Ways and Means**.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 96–106**

Relating to contributions from conduit accounts.  
Submitted by Elections Board.  
Report received from Agency, December 2, 1997.  
To committee on **Elections and Constitutional Law**.  
Referred on December 11, 1997.

#### **Assembly Clearinghouse Rule 96–107**

Relating to filing campaign finance reports.  
Submitted by Elections Board.  
Report received from Agency, December 2, 1997.  
To committee on **Elections and Constitutional Law**.  
Referred on December 11, 1997.

#### **Assembly Clearinghouse Rule 96–108**

Relating to the identification of the source of communications paid for with money raised for political purposes.  
Submitted by Elections Board.  
Report received from Agency, December 2, 1997.  
To committee on **Elections and Constitutional Law**.  
Referred on December 11, 1997.

#### **Assembly Clearinghouse Rule 96–109**

Relating to conduit registration and reporting requirements.  
Submitted by Elections Board.  
Report received from Agency, December 2, 1997.  
To committee on **Elections and Constitutional Law**.  
Referred on December 11, 1997.

#### **Assembly Clearinghouse Rule 96–169**

Relating to notice of receipt of an application to incidentally take an endangered or threatened species.  
Submitted by Department of Natural Resources.  
Report received from Agency, December 5, 1997.  
To committee on **Natural Resources**.  
Referred on December 11, 1997.

#### **Assembly Clearinghouse Rule 97–120**

Relating to waters classified as outstanding resource waters.  
Submitted by Department of Natural Resources.  
Report received from Agency, December 5, 1997.  
To committee on **Natural Resources**.  
Referred on December 11, 1997.

#### **Assembly Clearinghouse Rule 97–121**

Relating to commercial clamming on the Wisconsin–Iowa boundary waters.  
Submitted by Department of Natural Resources.  
Report received from Agency, December 5, 1997.  
To committee on **Natural Resources**.  
Referred on December 11, 1997.

#### **Assembly Clearinghouse Rule 97–122**

Relating to relicensing Lake Michigan commercial fishers.  
Submitted by Department of Natural Resources.  
Report received from Agency, December 5, 1997.  
To committee on **Natural Resources**.  
Referred on December 11, 1997.

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## INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

### Assembly Joint Resolution 85

Relating to: requesting a study of the current mission of the Wisconsin School for the Visually Handicapped and the impact that closing the Wisconsin School for the Visually Handicapped would have on the lives of blind and visually impaired persons.

By Representatives Wood, Plale, Reynolds, L. Young, Gronemus, Hasenohrl, Ziegelbauer, Ward, Ainsworth, La Fave, Black, Notestein, Bock, Williams, Turner, Boyle, Kreuser, Robson, Hanson, Baldwin, Carpenter, Albers, Musser, Kaufert, Lorge, Sykora, Ryba, Wasserman, Walker, Ott, Gard, Kedzie, Nass, Meyer, Porter, Dobyns, Klusman, Staskunas, Harsdorf, Ladwig, Johnsrud, Plouff, Vrakas, Powers, Murat and Goetsch; cosponsored by Senators Weeden, Wirch, Plache, Rosenzweig, Moore, Adelman, A. Lasee, Welch, Farrow, Drzewiecki, Grobschmidt, Fitzgerald and Darling.

To committee on **Education**.

Referred on December 8, 1997.

### Assembly Bill 652

Relating to: point-of-service coverage options, requirements for and certification of health care plans and utilization review programs, prohibiting certain employment terminations, prohibiting requiring prior authorization for emergency services and granting rule-making authority.

By Representatives Urban, Ladwig, Johnsrud, Wasserman, Bock, Lorge, Vrakas, Robson, Lazich, Brandemuehl, Owens, Musser, Hasenohrl, Gunderson, Baumgart, Porter, Powers, Sykora, J. Lehman, Goetsch and Baldwin; cosponsored by Senators Welch, Rosenzweig, C. Potter, Roessler, Wirch, Darling and A. Lasee.

To committee on **Health**.

### Assembly Bill 653

Relating to: sentencing of a person convicted of driving while under the influence of an intoxicant or other drug, the counting of the period of imprisonment when determining a penalty for driving while under the influence of an intoxicant or other drug and providing a penalty.

By Representatives Huber, Goetsch, Murat, Dobyns, Ziegelbauer, Walker, Baumgart, Schafer, Reynolds, Ainsworth, Staskunas, Grothman, Wasserman and Gunderson; cosponsored by Senators Burke, Huelsman, Decker, Rosenzweig, Wirch, Darling and Plache.

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

### Assembly Bill 654

Relating to: the rate for the tax on cider.

By Representatives Hutchison, Huebsch, Meyer, Ainsworth, Gronemus, Porter, Plouff, Ryba, Seratti and Hasenohrl; cosponsored by Senators Jauch, Panzer, Rude, Breske, Shibilski, Roessler and Moen.

To committee on **Ways and Means**.

### Assembly Bill 655

Relating to: qualifications for registration as an architect or landscape architect and qualifications for a permit as a designer of engineering systems.

By Representative Otte, by request of Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors.

To committee on **Consumer Affairs**.

### Assembly Bill 656

Relating to: interdepartmental coordination of certain environmental protection measures applicable to transportation projects.

By committee on Highways and Transportation.

To committee on **Highways and Transportation**.

### Assembly Bill 657

Relating to: membership of the council on veterans programs.

By Representatives Zukowski, Ryba, Goetsch, Hasenohrl, Gronemus, Sykora, Otte, Kreuser, Lazich, Plouff, Seratti, Hahn and Powers; cosponsored by Senators Zien, Breske and Roessler.

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

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## COMMITTEE REPORTS

The committee on **Corrections Facilities** reports and recommends:

### Assembly Bill 486

Relating to: holding juveniles in municipal lockup facilities and granting rule-making authority.

Passage:

Ayes: 5 – Representatives Walker, Goetsch, Owens, Huber and Staskunas.

Noes: 0.

To committee on **Rules**.

*SCOTT WALKER*

Chairperson

Committee on Corrections Facilities

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The committee on **Urban and Local Affairs** reports and recommends:

### Assembly Bill 453

Relating to: the publication of a noxious weeds notice by a city, village or town.

Passage:

Ayes: 8 – Representatives Gunderson, Schafer, Goetsch, Wieckert, Riley, Williams, Staskunas and J. Lehman.

Noes: 1 – Representative Brandemuehl.

To committee on **Rules**.

### Assembly Bill 462

Relating to: limiting certain local residency requirements.

Passage:

Ayes: 6 – Representatives Gunderson, Schafer, Goetsch, Brandemuehl, Wieckert and J. Lehman.

Noes: 3 – Representatives Riley, Williams and Staskunas.

To committee on **Rules**.

*SCOTT GUNDERSON*  
Chairperson  
Committee on Urban and Local Affairs

**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>
<b>Assembly Bill 532</b>	..... 29	..... December 3, 1997

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

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>Joint Res. Number</u>	<u>Enrolled Number</u>	<u>Pub. Date</u>
<b>Assembly Joint Res. 69</b>	..... 7	..... Not published

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

December 3, 1997

Scott Jensen  
Assembly Speaker  
211 West, State Capitol  
Madison, WI 53708

Dear Speaker Jensen:

I have had the good fortune to be appointed as a Commissioner to the Labor and Industry Review Commission. I have greatly enjoyed 27 wonderful years as a member of the Wisconsin State Assembly. I thank my constituents for their many years of support and the many Assembly colleagues and staff that have made my tenure very satisfying.

Therefore, I hereby resign as State Representative to the 82nd Assembly District effective 11:59 P.M. on Sunday, December 7, 1997.

Sincerely,  
*JAMES A. RUTKOWSKI*  
State Representative  
82nd Assembly District

**SPEAKER'S APPOINTMENTS**

December 9, 1997

Charles Sanders  
Chief Clerk, State Assembly  
One East Main Street, Suite 402  
Madison, WI 53702

Dear Mr. Sanders:

I am pleased to appoint Representative Greg Huber as a member of the Assembly Judiciary Committee to fill the vacancy created by the recent resignation of Representative Jim Rutkowski.

Please make this appointment effective as of December 9, 1997.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

**COMMUNICATIONS**

December 8, 1997

Speaker Scott Jensen  
Assembly Speaker  
211 West, State Capitol  
Madison, WI 53702

Dear Speaker Jensen:

This is to notify you I am resigning my position as Chair and member of the Committee on Managed Care. My resignation is effective immediately.

Sincerely,  
*JOHN G. GARD*  
State Representative

December 8, 1997

Speaker Scott Jensen  
Assembly Speaker  
211 West, State Capitol  
Madison, WI 53702

Dear Speaker Jensen:

This is to notify you I am resigning my position as Chair and member of the Committee on Wisconsin Works Oversight. My resignation is effective immediately.

Sincerely,  
*JOHN G. GARD*  
State Representative

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December 8, 1997

Speaker Scott Jensen  
Assembly Speaker  
211 West, State Capitol  
Madison, WI 53702

Dear Speaker Jensen:

This is to notify you I am resigning my position as Vice-chair and member of the Committee on Aging and Long-Term Care. My resignation is effective immediately.

Sincerely,  
*JOHN G. GARD*  
State Representative

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December 8, 1997

Speaker Scott Jensen  
Assembly Speaker  
211 West, State Capitol  
Madison, WI 53702

Dear Speaker Jensen:

This is to notify you I am resigning my position as member of the Committee on Mandates. My resignation is effective immediately.

Sincerely,  
*JOHN G. GARD*  
State Representative

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December 8, 1997

Speaker Scott Jensen  
Assembly Speaker  
211 West, State Capitol  
Madison, WI 53702

Dear Speaker Jensen:

This is to notify you I am resigning my position as member of the Committee on Tourism and Recreation. My resignation is effective immediately.

Sincerely,  
*JOHN G. GARD*  
State Representative

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December 3, 1997

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

Dear Charlie:

Please make the following changes in seating on the floor of the State Assembly:

Move Speaker Jensen from seat 24 to seat 5.  
Move Representative Duff from seat 23 to seat 24.  
Move Representative Handrick from seat 75 to seat 23.

Seat 75 will remain open pending the outcome of the special election in the 42nd Assembly District.

Thank you for your assistance.

Sincerely,  
*MARK GREEN*  
Majority Caucus Chair

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State of Wisconsin  
Joint Legislative Council  
Madison

December 3, 1997

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 reports to the 1997 Legislature on legislation introduced by the Joint Legislative Council:

RL 97-4 Legislation on Adoption Laws, Adoption Assistance and Long-Term Kinship Care.  
(1997 Assembly Bill's 600, 601 and 602)  
RL 97-5 Legislation on Teacher Preparation, Licensure and Regulation.  
(1997 Senate Bill 364)

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

Sincerely,  
*DAVID J. STUTE*  
Director

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### REFERRAL OF AGENCY REPORTS

Milwaukee Public Schools  
Office of Governmental Relations  
Milwaukee

December 10, 1997

To the Honorable, the Assembly:

Enclosed you will find a copy of the report entitled "State-Funded High/Scope All-Day Five-Year-Old

Kindergarten Program and State–Funded High/Scope First Grade Program.” This report summarizes the projects and data collected for the 1996–1997 school year.

This report was prepared in response to Sections 119.71, 119.73, and 119.75 of the current state statutes.

Sincerely,  
*DOUGLAS HASELOW*  
Chief Lobbyist  
Office of Governmental Relations.

Referred to committee on **Education**.

State of Wisconsin  
Department of Commerce  
Madison

November 20, 1997

To the Honorable, the Assembly:

In accordance with s. 560.03(15), the Department of Commerce is required to submit an annual report to the legislature analyzing the use of IRB financing authorized under Section 66.521 of Wisconsin Statutes, and report on the benefits of that use. The Department of Commerce is also required to submit a summary of the employment impact estimates required under Section 560.034(2) of Wisconsin Statutes.

I am respectfully submitting the attached Industrial Revenue Bond Activity Report. If you have any question concerning the report or would like to obtain copies, please contact Deb Daly in the Division of Community Development at 608/267–3895.

Sincerely,  
*WILLIAM J. MCCOSHEN*  
Secretary

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

**AGENCY REPORTS**

State of Wisconsin  
Ethics Board  
Madison

October 23, 1997

To the Honorable, the Assembly:

I am please to provide you with the accompanying report of the State of Wisconsin Ethics Board’s activities for the year July 1996 through June 1997. This report provides information on the Board’s operations and contains the texts of Wisconsin’s Ethics Code and lobbying law. It also includes a description of complaints and investigations pursued by the

Ethics Board, and summaries of advisory opinions issued by the Board during the year.

Sincerely,  
*R. ROTH JUDD*  
Executive Director

State of Wisconsin  
Legislative Audit Bureau  
Madison

November 25, 1997

To the Honorable, the Legislature:

As directed by the Joint Legislative Audit Committee, we have completed an evaluation of state corrections costs. Expenditures for incarcerating adults in state correctional facilities have increased 129.4 percent in the past ten years, from \$121.6 million in fiscal year (FY) 1985–86 to \$279 million in FY 1995–96. This increase accounts for a growing proportion of state general purpose revenue spending, and the Department of Corrections predicts both expenditures and adult inmate populations will continue to increase into the foreseeable future.

Wisconsin’s per inmate costs are slightly higher than the national average but close to the average of other midwestern states. Security staff costs are the largest component of overall costs, and while Wisconsin’s inmate–to–staff ratio of 4.5 to 1 was the same as the national average, it is slightly below the midwestern average of 4.8 to 1. Shortcomings in the Department’s record–keeping systems prevent detailed analyses of other departmental costs, such as rehabilitation or social services programs, or comparisons of such costs and services among institutions. For example, although we estimate the Department spends approximately \$16.2 million annually on non–work rehabilitation programs, neither the effect of these programs nor why some inmates’ rehabilitation needs are met and others are not can be readily determined.

In an effort to reduce overcrowding and reduce expenditures, the Department is increasingly contracting both to house inmates in non–department facilities and for food, health, and other services within its own facilities. Daily costs to house inmates in Texas jails and federal prison are lower than the Department’s housing costs, while daily costs to house inmates in Wisconsin county jails are higher. In addition, the cost of contracting for health and food services at the Prairie du Chien facility exceeds the Department’s average cost for direct provision of those services at facilities of similar size. Because bids have not yet been sought for services at the new Boscobel facility, these contracting costs cannot be analyzed. We have included suggestions for contracting guidelines to ensure that future contracts better meet the goals of the State.

We appreciate the courtesy and cooperation extended to us by the Department of Corrections. The Department’s response is the Appendix.

Respectfully submitted,  
*DALE CATTANACH*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

December 2, 1997

To the Honorable, the Legislature:

We have completed an evaluation of the Department of Health and Family Services' handling of complaints of abuse, neglect, or theft by certified nurse aides, as requested by the Joint Legislative Audit Committee. These aides provide routine care to nursing home residents and recipients of other health care services. Since 1992, the Department has had responsibility for investigating complaints of nurse aide misconduct to determine whether evidence shows "willful and wanton" misconduct, which the Department has found in 439 cases. Notation of such misconduct on a registry prevents the individual's future employment as a nurse aide by any nursing home in the state that receives federal reimbursement. Nurse aides are allowed to continue employment until cases are resolved.

The federal government requires the "timely review and swift investigation" of such complaints, and Wisconsin Administrative Code directs completion within 60 days of filing. However, of the 1,918 complaints investigated, the Department has resolved only 4.2 percent within 60 days; average disposition exceeded 11 months. By January 1997, the backlog of cases pending had reached 477.

The delay has resulted from inadequate management of the program, including understaffing and reliance on temporary staff as investigators, a lack of written investigative procedures for staff, limited staff training, inadequate supervision, and a time-consuming internal review process. The Department assigned additional staff in 1997 and could eliminate the case backlog by March 1998. However, the need for management improvements will become more important because the Department has been given, by [1997 Wisconsin Act 27](#), the 1997-99 biennial budget, responsibility for resolution of complaints of misconduct by more types of health care employees in a larger number of facilities and services.

We appreciate the courtesy and cooperation extended to us by the Department of Health and Family Services and by the health care providers we visited. The Department's response is the Appendix.

Respectfully submitted,  
*DALE CATTANACH*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

December 4, 1997

To the Honorable, the Legislature:

We have completed an evaluation of consumer protection programs administered by the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Justice (DOJ), as directed by the Joint Legislative Audit Committee. [1995 Wisconsin Act 27](#) consolidated most consumer protection activities in DATCP effective July 1, 1996, but DOJ retains responsibility for enforcing laws related to telecommunication and deceptive advertising and for litigating cases brought to it by DATCP and others. In fiscal year (FY) 1996-97, DATCP expenditures for consumer protection totaled an estimated \$3.9 million. During the same period, DOJ expenditures for this purpose totaled an estimated \$742,000.

DATCP and DOJ have different approaches to delivering consumer protection services. DATCP emphasizes providing information to assist consumers in resolving their complaints independently. If, however, disputes involve alleged illegal activities, DATCP emphasizes administrative actions such as mediation and warnings to businesses, an approach that has meant fewer complaints are resolved through court action. DOJ emphasizes strong enforcement action to halt illegal practices and recover financial losses on behalf of consumers. DOJ is concerned DATCP is not aggressively investigating and referring for court action telemarketing and other scams perpetrated by out-of-state businesses against Wisconsin consumers. In FY 1996-97, less than 5 percent of the investigations initiated by DATCP were in business areas for which DOJ had exclusive responsibilities before consolidation. Instead, more than 68 percent of DATCP's investigations were in six business activities, such as home repair, that have always been DATCP's responsibility. Each agency believes its own approach is most effective, but both need to do more to measure the effectiveness of their programs.

We attempted to measure the level of consumer satisfaction with state consumer protection programs by surveying 1,000 randomly selected consumers who filed complaints between October 1995 and September 1996. We found no significant difference in the level of satisfaction between those individuals filing complaints with DATCP and those filing with DOJ.

We appreciate the courtesy and cooperation extended to us by officials of both agencies. Responses from DATCP and DOJ are Appendix IV and Appendix V, respectively.

Respectfully submitted,  
*DALE CATTANACH*  
State Auditor