



STATE OF WISCONSIN Assembly Journal

Ninety-Fifth Regular Session

TUESDAY, February 12, 2002

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 348** offered by Representatives Underheim and Wasserman.

Assembly amendment 1 to **Assembly Bill 393** offered by Representative Urban.

Assembly amendment 1 to **Assembly Bill 615** offered by Representative Gard.

Assembly amendment 1 to **Assembly Bill 739** offered by Representative J. Lehman.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 790

Relating to: funding related to forestry for the department of natural resources and making appropriations.

By Representatives Ainsworth, Friske, J. Lehman, Lippert, Owens, Seratti, Sykora and Albers.

To committee on **Rural Affairs and Forestry**.

Assembly Bill 791

Relating to: the provision of fire protection by towns and villages and removing the attorney general's review of interstate compacts relating to fire fighting and emergency medical services.

By Representatives Starzyk, Powers, Gronemus, Steinbrink, Loeffelholz, Krawczyk, Musser, Jeskewitz, Ladwig, Olsen, Huebsch, Skindrud, Nass, Freese, Owens, M. Lehman, Gunderson, Urban, Ainsworth, Seratti, Johnsrud, Townsend, Miller, Grothman, Hahn, Sykora, Vrakas, Jensen, Ryba and Shilling; cosponsored by Senators Zien, Wirsch and Roessler.

To committee on **Urban and Local Affairs**.

Assembly Bill 792

Relating to: authorizing a retail establishment to adopt a policy permitting exclusion of a customer who is not properly attired.

By Representatives Olsen, Rhoades, Ziegelbauer, Suder, Bies, Musser, D. Meyer, Hahn, J. Fitzgerald, Staskunas, Ryba, Krawczyk, Huebsch, Vrakas, Lassa, Gunderson, Ward, Loeffelholz, Plale, Walker, Gard, Kaufert, Gronemus, Shilling, Sykora, Townsend, Pettis, Freese, Hines, Lippert, Stone and Albers; cosponsored by Senators Erpenbach, Darling, Moen, Rosenzweig, Huelsman, Cowles, Welch, Breske, Burke, Kanavas, M. Meyer and Roessler.

To committee on **Small Business and Consumer Affairs**.

Assembly Bill 793

Relating to: the sale or distribution of mercury thermometers and providing a penalty.

By Representatives Plouff, Wasserman, Gronemus, Boyle, Shilling, Musser, Ryba, Bock, Ott, F. Lasee, Huber, Pohan, Urban, Miller and Berceau; cosponsored by Senators Robson, Burke, Cowles, Roessler and Wirsch.

To committee on **Natural Resources**.

Assembly Bill 794

Relating to: authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance projects related to cultural facilities.

By Representatives Wieckert, Suder, Miller, Krawczyk, Ladwig, Urban, Sykora, McCormick, Hines, Plale, Ott and Berceau; cosponsored by Senators Risser, Burke, Darling, Plache, Rosenzweig, Roessler and Grobschmidt.

To committee on **Government Operations**.

Assembly Bill 795

Relating to: an omnibus measure affecting the provision and administration of benefits provided to participants in the Wisconsin retirement system and granting rule-making authority.

By Representative Vrakas; cosponsored by Senator Wirsch.

To joint survey committee on **Retirement Systems**.

Assembly Bill 796

Relating to: battery and providing a penalty.

By Representatives Shilling, Musser, Kreuser, La Fave, Gunderson, Stone, Wasserman, J. Lehman, Gronemus,

Miller, Berceau and Lassa; cosponsored by Senators Burke, Darling, Kanavas, Rosenzweig and Roessler.

To committee on **Criminal Justice**.

Assembly Bill 797

Relating to: temporary alcohol beverage licenses for caterers.

By Representatives Underheim, Owens, Townsend, Lassa, Grothman, Hines, McCormick and Turner; cosponsored by Senators Roessler and Kanavas.

To committee on **State Affairs**.

Assembly Bill 798

Relating to: thumbprints on motor vehicle operators' licenses and identification cards.

By Representatives Underheim, Musser, Starzyk and Townsend; cosponsored by Senators Roessler and Ellis.

To committee on **Transportation**.

Assembly Bill 799

Relating to: the Type 1 motorcycle, moped, and motor bicycle safety program; registration fees for motorcycles and mopeds, and making an appropriation.

By Representatives Seratti, Stone, Albers, Berceau, Black, Gronemus, Grothman, Hines, Kaufert, Kestell, Krawczyk, Lassa, J. Lehman, M. Lehman, McCormick, Plouff, Rhoades, Ryba, Sykora and Urban; cosponsored by Senators Breske, S. Fitzgerald, Grobschmidt, M. Meyer, Moen and Schultz.

To committee on **Transportation**.

Assembly Bill 800

Relating to: fees and surcharges related to pesticides, fertilizer, and feed, reimbursement under the agricultural chemical cleanup program, transfers from the agricultural management fund to the environmental fund, and the required balance in the agricultural chemical cleanup fund.

By Representatives Ott, Olsen, Hines, Petrowski, Vrakas, Sykora, Gunderson and Miller; cosponsored by Senators Hansen and Schultz.

To committee on **Agriculture**.

Assembly Bill 801

Relating to: campaign financing, official action in return for providing or withholding political contributions, services, or other things of value, lobbying regulation, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, staffing of the elections board, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations, and providing penalties.

By Representatives Travis, Meyerhofer, Berceau, Black, Boyle, Carpenter, Cullen, Hebl, J. Lehman, Miller, Musser, Plouff, Reynolds, Schooff, Sinicki, Steinbrink, Turner and Kaufert; cosponsored by Senators Ellis, Erpenbach, Cowles, George, M. Meyer, Decker, Harsdorf, Moen, Plache, Robson, Schultz and Wirch.

To committee on **Campaigns and Elections**.

Assembly Bill 802

Relating to: minimum staffing requirements for nursing homes that do not primarily serve the developmentally disabled, requiring audits by the legislative audit bureau, requiring reports, and requiring the exercise of rule-making authority.

By Representatives Krusick, Berceau, Black, Bock, Carpenter, Coggs, La Fave, Lassa, J. Lehman, Miller, Morris-Tatum, Pohan, Powers, Richards, Ryba, Schneider, Sherman, Sinicki, Staskunas, Steinbrink, Travis, Turner, Walker, Wasserman and Young; cosponsored by Senators Burke, Erpenbach, Grobschmidt, Plache and Shibilski, by request of Service Employees International Union – Wisconsin State Council, Coalition of Wisconsin Aging Groups, AARP, Board on Aging and Long Term Care, AFSCME Council 11, Wisconsin State AFL-CIO, Wisconsin Federation of Nurses and Health Professionals, Wisconsin Citizen Action, and Allied Council of Senoir Citizens of Wisconsin.

To committee on **Aging and Long-Term Care**.

Assembly Bill 803

Relating to: assuring financial responsibility for the operation of motor vehicles, granting rule-making authority, and providing a penalty.

By Representatives J. Lehman, Krug, Cullen, Ryba, Gunderson, Miller and Black; cosponsored by Senators Grobschmidt, Kanavas, Decker, Plache, Roessler and Erpenbach.

To committee on **Transportation**.

Assembly Bill 804

Relating to: professional land surveyors and the practice of professional land surveying and granting rule-making authority.

By Representatives Jeskewitz, Ainsworth, Hahn, Lippert, Miller, Albers, Sherman, Vrakas and La Fave; cosponsored by Senators Shibilski, Welch, Burke, George and Risser.

To committee on **Small Business and Consumer Affairs**.

Assembly Bill 805

Relating to: investigations to determine compliance with certain prohibitions against selling or giving cigarettes and tobacco products to minors, requiring retailers to provide training to their employees on compliance with those prohibitions, authorizing counties and municipalities to enact ordinances prohibiting minors from purchasing or possessing cigarettes and tobacco products, requiring certain information to be included on an application for a license to sell, expose for sale, possess with intent to sell, exchange, barter, dispose of, or give cigarettes or tobacco products to a person, and providing an exemption from rule-making procedures.

By Representatives Lippert, Urban, Suder, Shilling, Jeskewitz, Albers, Hundertmark, Hines, McCormick, Ryba, Vrakas, Wasserman, Krawczyk, Kreibich, Walker, Ott, Staskunas, Berceau, Miller, Turner, Underheim, La Fave and J. Lehman; cosponsored by Senators Robson, Roessler, Cowles and Darling.

To committee on **Public Health**.

Assembly Bill 806

Relating to: providers of medical assistance and requiring the exercise of rule-making authority.

By Representatives Johnsrud, Musser, Huber, J. Lehman, Sykora, Urban, Starzyk, Hines and Albers; cosponsored by Senators M. Meyer, Wirch, Schultz and Roessler.

To committee on **Health**.

Assembly Bill 807

Relating to: various changes regarding the department of financial institutions and persons regulated by the department of financial institutions and granting rule-making authority (suggested as remedial legislation by the department of financial institutions).

By Law Revision Committee.

To committee on **Financial Institutions**.

Assembly Bill 808

Relating to: credit union reserve accounts.

By Representative Grothman; cosponsored by Senator M. Meyer.

To committee on **Financial Institutions**.

Assembly Bill 809

Relating to: permanency planning for a child placed outside the home, required juvenile court findings when a child is placed outside the home, the expiration date of a juvenile court order placing or continuing the placement of a child outside the home, the requirement that a termination of parental rights petition be filed under certain circumstances, statements by foster parents at juvenile court hearings, and prohibiting a person who has committed an alcohol-related felony within the last 5 years from being licensed to operate a foster home or treatment foster home.

By Representative Kestell; cosponsored by Senator Robson.

To committee on **Children and Families**.

Assembly Bill 810

Relating to: transporting people to visit state prison inmates.

By Representatives Suder, Loeffelholz, Kestell, Ryba, D. Meyer, Owens, Ladwig, Townsend, Ainsworth, Grothman, Starzyk, Skindrud, Krawczyk, Vrakas, Gunderson, Sykora, Nass, Gundrum, Hines, Freese and Petrowski; cosponsored by Senators Welch, Darling, Kanavas and Schultz.

To committee on **Corrections and the Courts**.

Assembly Bill 811

Relating to: disclosures required in certain campaign advertisements.

By Representatives Pocan, Shilling, Black, Travis, Boyle, Carpenter, Lassa, J. Lehman, Berceau, Bock, Plouff, Musser, Miller, Sherman, Kreuser, La Fave, Coggs, Seratti, Meyerhofer, Turner, Cullen and Wasserman; cosponsored by Senators Erpenbach, Burke, Moen, Wirch and Hansen.

To committee on **Campaigns and Elections**.

Assembly Bill 812

Relating to: the requirement that an unemancipated minor obtain parental or other consent or a judicial waiver of that consent requirement before she may have an abortion.

By Representatives Leibham, Plale, Kedzie, Suder, Duff, Owens, Gundrum, Kreibich, Albers, Nass, Hahn, Urban, Ott, J. Fitzgerald, Freese, Grothman, Petrowski, Kestell, Ryba, Gunderson, Vrakas, Loeffelholz and Sykora; cosponsored by Senators Welch, Roessler, S. Fitzgerald, Zien and Lazich.

To committee on **Judiciary**.

Assembly Bill 813

Relating to: the beginning date authorized for the hunting of antlerless deer in October.

By joint committee for review of Administrative Rules.

To committee on **Natural Resources**.

Assembly Bill 814

Relating to: requirements for registering deer killed under the authority of a deer hunting license.

By joint committee for review of Administrative Rules.

To committee on **Natural Resources**.

Assembly Bill 815

Relating to: authorization to operate motorcycles.

By Representative Grothman; cosponsored by Senator M. Meyer.

To committee on **Transportation**.

COMMITTEE REPORTS

The committee on **Education Reform** reports and recommends:

Assembly Bill 607

Relating to: open enrollment in public schools and granting rule-making authority.

Assembly substitute amendment 2 adoption:

Ayes: 7 – Representatives Nass, Olsen, Grothman, Stone, Cullen, Sinicki and J. Lehman.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Nass, Olsen, Grothman, Stone, Cullen, Sinicki and J. Lehman.

Noes: 0.

To committee on **Rules**.

STEPHEN NASS

Chairperson

Committee on Education Reform

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

Assembly Bill 655

Relating to: testing of donors of human ova for the presence of human immunodeficiency virus; membership of the council on developmental disabilities; and changing the

term used to describe a residential facility operated by a child welfare agency for the care and maintenance of children (suggested as remedial legislation by the department of health and family services).

Passage:

Ayes: 14 – Representatives Underheim, Urban, Johnsrud, F. Lasee, Lippert, Walker, Wieckert, Wasserman, Carpenter, La Fave, Miller, Schooff, Colon and Shilling.

Noes: 0.

To committee on **Rules**.

GREGG UNDERHEIM
Chairperson
Committee on Health

The committee on **Personal Privacy** reports and recommends:

Assembly Bill 645

Relating to: publication of the street address of a person who provides day care in the person’s home.

Passage:

Ayes: 8 – Representatives Powers, Montgomery, Nass, Owens, Friske, Sinicki, Shilling and Schneider.

Noes: 0.

To committee on **Rules**.

MICHAEL POWERS
Chairperson
Committee on Personal Privacy

ENROLLED BILLS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

Assembly Bill 358

JOHN A. SCOCOS
Assembly Chief Clerk

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 742

Presented to the Governor on Monday, February 11, 2002.

JOHN A. SCOCOS
Assembly Chief Clerk

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

February 12, 2002

To the Honorable Members of the Assembly:

The following bill, originating in the Assembly, has 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>
Assembly Bill 742	43	February 12, 2002

Respectfully submitted,
SCOTT MCCALLUM
Governor

SPEAKER’S COMMUNICATIONS

February 12, 2002

The Honorable John Scocos
Assembly Chief Clerk
John.Scocos@legis.state.wi.us

Dear Chief Clerk:

As Assembly Speaker, I have created from the Committee on Natural Resources the Select Subcommittee on Boating Recreation Safety. The subcommittee shall report to the committee on legislation and issues relating to the personal safety of youth on recreational boats and watercraft. Additionally, I have appointed Representatives Krawczyk - chair, Pettis - vice-chair, and Gronemus to the subcommittee.

Please afford them all due consideration and accommodations by custom and rule. If you have any questions, please contact Adam Peer in my office.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

COMMUNICATIONS

February 8, 2002

John Scocos
Assembly Chief Clerk

Dear John:

I wish to have my name added as a co-sponsor of Assembly Resolution 51.

Thank you.

Sincerely,
SPENCER BLACK
State Representative

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health and Family Services
Madison

February 6, 2002

To the Honorable, the Assembly:

The Department of Health and Family Services is pleased to submit to the Governor and the Legislature the Guide to Wisconsin Hospitals, Fiscal Year 2000. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.21, Wisconsin Administrative Code.

The report provides summary and detailed information about fiscal, utilization, and staffing data at Wisconsin hospitals, and sets forth comparisons among hospitals of increases or decreases in gross revenues, net revenue, and expenditures.

Sincerely,
PHYLLIS J. DUBE
Secretary

Referred to committee on **Health**.

State of Wisconsin
Department of Corrections
Bureau of Correctional Enterprises
Madison

February 2002

To the Honorable, the Legislature:

This year we saw the Bureau's implementation of a proactive public relations plan. In an effort to increase public understanding of and support for the positive goals and benefits of inmate work programs, the Bureau working with Wisconsin Public Television, created *Partnerships for Success*. This educational video focuses on how the Bureau's work programs benefit the state, the environment and the inmates.

The 2001 *Annual Report* provides an overview of the video. If interested, contact the Bureau for a presentation of the video; they look forward to telling their story.

I also want to take this opportunity to thank the dedicated staff and inmate employees of the Bureau. Their commitment to providing quality products and superior customer service is evident in their many successes.

It is a pleasure to introduce this year's *Annual Report*. As always, we look forward to your comments.

Sincerely,
JON E. LITSCHER
Secretary

Referred to committee on **Corrections and the Courts**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

February 12, 2002

To the Honorable, the Legislature:

As requested by the Joint Legislative Audit Committee, we have completed an evaluation of the Forestry Account, which supports forestry and other activities in the Department of Natural Resources (DNR) and eight other state agencies. In fiscal year (FY) 2000-01, revenues deposited to this account totaled \$69.0 million. Over 80 percent of these revenues were generated by a statewide forestry mill tax of \$0.20 per \$1,000 of property value, which is imposed on all owners of taxable property. The forestry mill tax is the only property tax levied by the State.

Revenues from the Forestry Account support a variety of activities designed to protect and enhance the 16.0 million acres of private and public forestland in Wisconsin. Most Forestry Account expenditures are for forestry activities such as forest fire prevention and control and assisting with management of county forests. However, a substantial amount of Forestry Account expenditures also fund DNR administrative costs. In FY 2000-01, \$18.7 million was spent for administration, representing 27.8 percent of DNR's Forestry Account expenditures. This total included \$6.5 million in administrative costs for forestry activities, which was charged directly to the Forestry Account, and \$12.2 million in department-wide administration and support services costs. DNR expenditures from the Forestry Account supported a total of 644.1 full-time equivalent DNR employees, of which 449.7 worked directly in support of forestry activities. We note \$4.5 million in Forestry Account expenditures by DNR and other state agencies supported programs that had no direct relationship to forestry.

The Managed Forest Law program provides property tax relief to owners of forestland in exchange for commitments to implement sound forestry practices on their land. The program has grown rapidly: applications increased from 1,831 in 1997 to 3,251 in 2001, or by 77.6 percent. As a result of Managed Forest Law program growth, DNR staff have not been able to address their ongoing management responsibilities and, as of August 2, 2001, over 12,000 practices related to sound forest management on 187,165 acres had not been completed in the years specified by the forestry management plans. The increasing number of program participants has also increased DNR's workload. In 2001, the Legislature authorized 23.0 additional full-time equivalent positions to address ongoing workload concerns.

We appreciate the courtesy and cooperation extended to us by the Department of Natural Resources. The Department's response is Appendix 4.

Respectfully submitted,
JANICE MUELLER
State Auditor