



STATE OF WISCONSIN Assembly Journal

Ninety-Fourth Regular Session

11:02 A.M.

TUESDAY, September 21, 1999

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

Speaker Pro Tempore Freese in the chair.

The prayer was offered by Representative Klusman.

Representative Gronemus led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Balow, Berceau, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Colon, Cullen, Duff, Foti, Freese, Gard, Goetsch, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Porter, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Absent with leave – None – 0.

Vacancies – None.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 465** offered by committee on **Criminal Justice**.

Assembly amendment 2 to **Assembly Bill 465** offered by committee on **Criminal Justice**.

Assembly amendment 3 to **Assembly Bill 465** offered by committee on **Criminal Justice**.

Assembly amendment 4 to **Assembly Bill 465** offered by committee on **Criminal Justice**.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 77

Relating to: reform of the federal milk marketing system.

By Representatives Ott and Reynolds.

To committee on **Rules**.

COMMITTEE REPORTS

The committee on **Corrections and the Courts** reports and recommends:

Assembly Bill 95

Relating to: prohibiting or restricting use of or access to the internet by persons who have committed certain crimes and who are on parole, probation or other type of supervised or conditional release.

Assembly substitute amendment 1 adoption:

Ayes: 9 – Representatives Walker, Goetsch, Hoven, Hahn, Gundrum, Balow, Coggs, Pocan and Staskunas.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Walker, Hoven, Hahn, Gundrum, Balow, Coggs and Staskunas.

Noes: 2 – Representatives Goetsch and Pocan.

To committee on **Rules**.

Assembly Bill 328

Relating to: admitting certain police identification reports at preliminary examinations.

Passage:

Ayes: 9 – Representatives Walker, Goetsch, Hoven, Hahn, Gundrum, Balow, Coggs, Pocan and Staskunas.

Noes: 0.

To committee on **Rules**.

SCOTT WALKER

Chairperson

Committee on Corrections and the Courts

The committee on **Criminal Justice** reports and recommends:

Assembly Bill 37

Relating to: burglary and providing a penalty.

Assembly substitute amendment 1 adoption:

Ayes: 9 – Representatives Goetsch, Walker, Stone, F. Lasee, Gundrum, Gunderson, Berceau, Huber and Wood.

Noes: 4 – Representatives Suder, Colon, Richards and Young.

Passage as amended:

Ayes: 7 – Representatives Goetsch, Walker, Stone, Suder, F. Lasee, Gundrum and Gunderson.

Noes: 6 – Representatives Colon, Berceau, Huber, Richards, Wood and Young.

To committee on **Rules**.

Assembly Bill 169

Relating to: domestic abuse and providing a penalty.

Assembly substitute amendment 1 adoption:

Ayes: 11 – Representatives Goetsch, Walker, Stone, Suder, F. Lasee, Gundrum, Gunderson, Berceau, Huber, Wood and Young.

Noes: 2 – Representatives Colon and Richards.

Passage as amended:

Ayes: 7 – Representatives Goetsch, Walker, Stone, Suder, F. Lasee, Gundrum and Gunderson.

Noes: 6 – Representatives Colon, Berceau, Huber, Richards, Wood and Young.

To committee on **Rules**.

Assembly Bill 465

Relating to: classification and elements of felony offenses and certain misdemeanor offenses; modification of a bifurcated sentence in certain cases; revocation of extended supervision; the creation of a sentencing commission and temporary sentencing guidelines; making an appropriation; and providing penalties.

Assembly amendment 3 adoption:

Ayes: 13 – Representatives Goetsch, Stone, Owens, F. Lasee, Jeskewitz, Gundrum, Gunderson, Colon, Berceau, Huber, Richards, Wood and Young.

Noes: 1 – Representative Walker.

Assembly amendment 4 adoption:

Ayes: 14 – Representatives Goetsch, Walker, Stone, Owens, F. Lasee, Jeskewitz, Gundrum, Gunderson, Colon, Berceau, Huber, Richards, Wood and Young.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Goetsch, Walker, Stone, Owens, Jeskewitz, Gundrum, Gunderson, Huber, Richards and Wood.

Noes: 4 – Representatives F. Lasee, Colon, Berceau and Young.

To committee on **Rules**.

ROBERT GOETSCH

Chairperson

Committee on Criminal Justice

The committee on **Highway Safety** reports and recommends:

Assembly Bill 311

Relating to: strobe lights on motor trucks traveling slowly on certain highways.

Assembly amendment 1 adoption:

Ayes: 6 – Representatives Stone, Townsend, Brandemuehl, Hasenohrl, Ryba and Young.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Stone, Townsend, Brandemuehl, Hasenohrl, Ryba and Young.

Noes: 0.

To committee on **Rules**.

Assembly Bill 335

Relating to: allowing municipal courts to hold refusal hearings.

Assembly amendment 1 adoption:

Ayes: 6 – Representatives Stone, Townsend, Brandemuehl, Hasenohrl, Ryba and Young.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Stone, Townsend, Brandemuehl, Hasenohrl, Ryba and Young.

Noes: 0.

To committee on **Rules**.

JEFF STONE

Chairperson

Committee on Highway Safety

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

Assembly Bill 223

Relating to: drug paraphernalia.

Passage:

Ayes: 8 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Hebl and Staskunas.

Noes: 1 – Representative Colon.

To committee on **Rules**.

Assembly Bill 315

Relating to: prohibiting the department of transportation from providing information compiled and maintained by the department that contains the personal identifiers of 10 or more people.

Assembly substitute amendment 1 adoption:

Ayes: 6 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman and Colon.
Noes: 3 – Representatives Sherman, Hebl and Staskunas.

Passage as amended:

Ayes: 8 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon and Hebl.
Noes: 1 – Representative Staskunas.

To committee on **Rules**.

Assembly Bill 357

Relating to: the proper chemical name of the controlled substance gamma-butyrolactone (suggested as remedial legislation by the department of justice).

Passage:

Ayes: 9 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.
Noes: 0.

To committee on **Rules**.

Assembly Bill 380

Relating to: powers, responsibilities and appointment of court commissioners.

Assembly amendment 2 adoption:

Ayes: 9 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.
Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.
Noes: 0.

To committee on **Rules**.

Assembly Bill 386

Relating to: the impression on the seal or imprint of the rubber stamp of a notary public (suggested as remedial legislation by the secretary of state).

Passage:

Ayes: 9 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.
Noes: 0.

To committee on **Rules**.

Assembly Bill 391

Relating to: disposable earning exempt from garnishment.

Assembly amendment 1 adoption:

Ayes: 9 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.
Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.
Noes: 0.

To committee on **Rules**.

Senate Bill 46

Relating to: disposal of documents containing personal information.

Assembly substitute amendment 1 adoption:

Ayes: 7 – Representatives Huebsch, Walker, Suder, Grothman, Sherman, Hebl and Staskunas.
Noes: 2 – Representatives Gundrum and Colon.

Concurrence as amended:

Ayes: 7 – Representatives Huebsch, Walker, Suder, Sherman, Colon, Hebl and Staskunas.
Noes: 2 – Representatives Gundrum and Grothman.

To committee on **Rules**.

MICHAEL HUEBSCH

Chairperson

Committee on Judiciary and Personal Privacy

SPEAKER'S APPOINTMENTS

September 21, 1999

Charles Sanders
Assembly Chief Clerk
1 E. Main, #402
Madison, WI 53703

Dear Charlie:

This letter is to advise you that I am re-appointing Representatives Bonnie Ladwig and Stephen Freese to serve on the Committee on Rules for the remainder of the 1999-2000 legislative session. They will be replacing Representatives John Gard and Scott Walker. These appointments are effective immediately.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

September 21, 1999

State Representative Carol Owens
Wisconsin State Assembly
Room 105 West, State Capitol
Madison, Wisconsin 53702

Dear Carol:

This letter is to advise you that I am re-appointing you to serve on the Committee on Criminal Justice for the remainder of the 1999-2000 legislative session. You will be replacing Rep. Suder. This appointment is effective immediately.

Thank you in advance for your time and service to the State.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

September 17, 1999

To the Honorable, the Legislature:

We have completed our fifth biennial program evaluation of the Wisconsin Lottery, as required by s. 13.94(1)(em), Wis. Stats. Since the Wisconsin Lottery began operations in September 1988, it has been under the management of three state agencies: the Lottery Board, the Gaming Commission, and, since August 1995, the Department of Revenue.

From the Lottery's inception through fiscal year (FY) 1998-99, ticket sales have provided approximately \$1.5 billion in net proceeds for property tax relief. However, from FY 1994-95 through FY 1997-98, ticket sales declined by \$100.4 million. Sales increased by \$9.8 million, or 2.3 percent, during FY 1998-99, but it is not clear that the previous decline in sales has been permanently reversed.

In response to declining ticket sales, the 1997-99 Biennial Budget Act provided the Department with 18 additional marketing positions and authorized 12 telemarketing sales representative positions to be reclassified to improve retailer support. However, not all of the positions granted by the Legislature have been filled in a timely manner, and the number of retailers selling lottery tickets has continued to decline.

Nationwide, lottery sales in states with lotteries have tended to decline over time. The Department's efforts to increase sales have emphasized frequent introductions of new scratch games. For example, during a one-year period we reviewed, 35 new scratch games were introduced and 39 older games were also offered for sale. Our analysis of sales data confirmed that the new games sell significantly better than older games do.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue. The Department's response is Appendix IV.

Respectfully submitted,
JANICE MUELLER
State Auditor

CALENDAR OF TUESDAY, SEPTEMBER 21

Assembly Resolution 10

Relating to: the life and service to the people of the state of Wisconsin of Walter Bresette.

The question was: Shall **Assembly Resolution 10** be adopted?

Motion carried.

Assembly Joint Resolution 56

Relating to: the life and public service of Robert E. Behnke.

The question was: Shall **Assembly Joint Resolution 56** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 56** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 67

Relating to: the life and public service of former Representative Robert M. Thompson.

The question was: Shall **Assembly Joint Resolution 67** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 67** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 68

Relating to: the life and public service of Delmar E. DeLong.

The question was: Shall **Assembly Joint Resolution 68** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 68** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 69

Relating to: the life and public service of Lynn E. Stalbaum.

The question was: Shall **Assembly Joint Resolution 69** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 69** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 73

Relating to: the life and public service of Lawrence P. Kelly.

The question was: Shall **Assembly Joint Resolution 73** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 73** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 74

Relating to: the death of ironworkers Jerome Starr, Jeffrey Wischer, and William DeGrave while building Miller Park.

Representative M. Lehman asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 74**. Granted.

The question was: Shall **Assembly Joint Resolution 74** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 74** be immediately messaged to the Senate. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 75** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 75

Relating to: the life and public service of Merrill E. Stalbaum.

The question was: Shall **Assembly Joint Resolution 75** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 75** be immediately messaged to the Senate. Granted.

Representative Vrakas asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

11:35 A.M.

RECESS

12:50 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Assembly Bill 279

Relating to: school district boundary disputes.

The question was: Shall **Assembly Bill 279** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 279** be given a third reading. Granted.

The question was: **Assembly Bill 279** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 279** be immediately messaged to the Senate. Granted.

Assembly Bill 370

Relating to: distribution of certain state documents; school district reports on programs for school age parents and on special transfer programs; the supervision of nurses and dentists employed by a school board; and the term "limited-English speaking" (suggested as remedial legislation by the department of public instruction).

The question was: Shall **Assembly Bill 370** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 370** be given a third reading. Granted.

The question was: **Assembly Bill 370** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 370** be immediately messaged to the Senate. Granted.

Assembly Bill 446

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unpardoned felon.

Representative Ladwig asked unanimous consent that **Assembly Bill 446** be placed at the foot of today's calendar. Granted.

Assembly Bill 447

Relating to: the conditional early reinstatement to school of a pupil who has been expelled from school.

The question was: Shall **Assembly Bill 447** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 447** be given a third reading. Granted.

The question was: **Assembly Bill 447** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 447** be immediately messaged to the Senate. Granted.

Assembly Bill 449

Relating to: the effective date of the requirement that entities that provide care for children or adults conduct background investigations of their current employees.

The question was: Shall **Assembly Bill 449** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 449** be given a third reading. Granted.

The question was: **Assembly Bill 449** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 449** be immediately messaged to the Senate. Granted.

Assembly Bill 446

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unpardoned felon.

The question was: Shall Assembly amendment 3 to **Assembly Bill 446** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 77** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 77

Relating to: reform of the federal milk marketing system.

Representative Ott asked unanimous consent that the members of the Committee on **Agriculture** (Representatives Petrowski, Hahn, Kestell, Spillner, Suder, Ainsworth, Sykora, Gronemus, Hebl, Lassa, Plouff, Steinbrink and Waukau) be made coauthors of **Assembly Joint Resolution 77**. Granted.

Representative Ott asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 77**. Granted.

The question was: Shall **Assembly Joint Resolution 77** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 77** be immediately messaged to the Senate. Granted.

Assembly Bill 446

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unpardoned felon.

Assembly substitute amendment 1 to **Assembly Bill 446** offered by Representatives Riley, Black, Coggs and Morris-Tatum.

Representative Petrowski moved that Assembly substitute amendment 1 to **Assembly Bill 446** be laid on the table.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 446** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Brandemuehl, Duff, Foti, Freese, Gard, Goetsch, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Hubler, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Kreuser, Krusick, La Fave, Ladwig, F. Lasee, Lassa, M. Lehman, Leibham, Meyer, Meyerhofer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Porter, Powers, Rhoades, Schooff, Seratti, Sherman, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert, Wood, Ziegelbauer and Speaker Jensen – 75.

Noes – Representatives Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Huber, Krug, J. Lehman, Miller, Morris-Tatum, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Sinicki, Travis, Turner, Williams and Young – 24.

Motion carried.

The question was: Shall **Assembly Bill 446** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 446** be given a third reading. Granted.

The question was: **Assembly Bill 446** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Brandemuehl, Colon, Cullen, Duff, Foti, Freese, Gard, Goetsch, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Kreuser, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Meyer, Meyerhofer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Porter, Powers, Reynolds, Rhoades, Ryba, Schneider, Schooff, Seratti, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert, Wood, Ziegelbauer and Speaker Jensen – 85.

Noes – Representatives Berceau, Black, Bock, Boyle, Carpenter, Coggs, Krug, Miller, Morris–Tatum, Pocan, Richards, Riley, Williams and Young – 14.

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 446** be immediately messaged to the Senate. Granted.

ANNOUNCEMENTS

Representative Schneider asked unanimous consent that the Assembly adjourn in honor of Commander Lloyd “Pete” Bucher and the crew of the U.S.S. Pueblo, for heroism to their country above and beyond the call of duty in 1968. Granted.

Representative Urban asked unanimous consent that the Assembly adjourn in honor of his twentieth grandchild, Peter James Bloomberg, born on July 31. Granted.

Representative Ladwig asked unanimous consent that the Assembly adjourn in honor of the birthday of Representative John Ainsworth. Granted.

Representative Montgomery asked unanimous consent that the Assembly adjourn in honor of his wife, Lisa, who celebrated her fortieth birthday on September 15. Granted.

VISITORS

During today’s session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Brent Emons, the Business Agent for the Ironworkers Union Local 8, guest of Representative Bock.

John Roth, from Lake Geneva Schools, guest of Representative Porter.

ADJOURNMENT

Representative Ladwig moved that the Assembly stand adjourned until 10:00 A.M. tomorrow.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

2:30 P.M.