



STATE OF WISCONSIN

Assembly Journal

Ninety-Fourth Regular Session

10:22 A.M.

WEDNESDAY, February 2, 2000

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 Hundertmark.

Representative Ryba 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 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, 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 – 97.

Absent with leave – Representatives Ainsworth and Seratti – 2.

Vacancies – None.

LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for today's session for Representatives Ainsworth and Seratti. Granted.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 684** offered by committee on **Natural Resources**.

Assembly amendment 1 to **Assembly Bill 701** offered by Representative Suder.

Assembly amendment 2 to **Assembly Bill 701** offered by Representatives Walker and Sherman.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 708

Relating to: applicability of the local governmental unit negotiation and cost–recovery process for contaminated property.

By Representatives Jensen, Vrakas, Pettis, Kelso, Stone, Gundrum, Kedzie, Ladwig, Owens, Duff, Hoven, Olsen, Walker, Staskunas, Musser, Kreibich, Sykora, Spillner, Albers, Porter, Turner and Kreuser; cosponsored by Senators Wirth, Huelsman and Schultz.

To committee on **Environment**.

Assembly Bill 709

Relating to: regulation of athletic agents, granting rule–making authority and providing a penalty.

By Representatives Wieckert, Underheim, Kreibich, Suder, Ott, Hahn, Albers, Goetsch, Sykora, Musser, Owens, Olsen, Huebsch, Kreuser, Kelso, Pettis, Seratti, Miller, Vrakas, Ainsworth, Kaufert and Plouff; cosponsored by Senators Grobschmidt, Roessler, Welch and Rosenzweig.

To committee on **Labor and Employment**.

Assembly Bill 710

Relating to: the reorganization and modernization of chapter 66 of the statutes.

By Joint Legislative Council.

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

COMMITTEE REPORTS

The committee on **Rural Affairs and Forestry** reports and recommends:

Assembly Bill 669

Relating to: failure to pay owners of raw forest products.

Passage:

Ayes: 9 – Representatives Ainsworth, Musser, Rhoades, Freese, Klusman, Hubler, Gronemus, Hasenohrl and Sherman.

Noes: 0.

To joint committee on **Finance**.

JOHN AINSWORTH
Chairperson
Committee on Rural Affairs and Forestry

The joint survey committee on **Tax Exemptions** reports and recommends:

Assembly Bill 456

Relating to: creating an individual income tax subtract modification for amounts spent on medical insurance premiums by certain individuals.

Adoption of Report:

Ayes: 5 – Representatives Hahn and Hebl, Senators Decker and Breske, and Mr. Paul Vrakas.

Noes: 4 – Senator Cowles, Representative M. Lehman, Ms. Secretary Cate Zeuske and Mr. Alan Lee, Department of Justice.

To committee on **Rules**.

EUGENE HAHN
Assembly Chairperson
Joint survey committee on Tax Exemptions

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 448

SPEAKER'S COMMUNICATIONS

February 1, 2000

Charles Sanders
Assembly Chief Clerk
1 East Main Street, Suite 402
Madison, Wisconsin 53708

Dear Mr. Sanders:

On January 31, 2000, **Assembly Bill 694**, relating to bonding authority of the Wisconsin health and educational facilities authority was referred to the Joint Committee on Finance. Pursuant to Assembly Rule 42 (3)(c), I hereby withdraw **Assembly Bill 694** from the Joint Committee on

Finance and re-refer that bill to the Assembly Committee on Health.

Representative Gard has been notified of this change and approves.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

February 2, 2000

To the Honorable, the Legislature:

We have completed an evaluation of the Milwaukee Parental Choice Program, as required by s. 119.23(9), Wis. Stats. This program provides publicly funded private school tuition for low-income children in Milwaukee and was established in 1990. After the Wisconsin Supreme Court affirmed the constitutionality of religious schools' participation in 1998, and the United States Supreme Court allowed that decision to stand, Choice enrollment increased significantly. In the 1999-2000 school year, approximately 8,000 pupils are enrolled in 91 private schools, which will receive an estimated \$38.9 million in publicly funded tuition payments.

Some hopes for the program – most notably, that it would increase participating pupils' academic achievement – cannot be documented, largely because uniform testing is not required in participating schools. However, the program is serving low-income children and is serving a population whose ethnic composition is similar to that in Milwaukee Public Schools. Participating schools are located throughout the city and appear to be providing a variety of educational options. The application and admissions process has drawn criticism; we include alternatives to modify that process and to improve applicants' knowledge of program requirements.

Seventy-six of the 86 schools participating in the program in 1998-99 reported some form of independent quality review or performance measurement, such as accreditation by the Wisconsin Nonpublic School Accrediting Association or other organizations. All participating schools are required to meet statutory requirements intended to promote educational quality, such as a requirement to provide instruction in reading, language arts, mathematics, social studies, science, and health, and all schools have submitted information indicating compliance.

We appreciate the courtesy and cooperation extended to us by the Department of Public Instruction, Milwaukee Public Schools, the participating private schools, and the families that responded to our survey concerning participation in the Choice program. The Department's response is Appendix VIII.

Respectfully submitted,
JANICE MUELLER
State Auditor

SPECIAL GUEST

Representatives Urban and Gundrum introduced Miss Wisconsin Mary-Louise Kurey from Brookfield, who addressed the members from the rostrum.

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

The Assembly stood recessed.

10:50 A.M.

RECESS

12:40 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Meyer moved that the rules be suspended and that **Assembly Bill 630** be withdrawn from the committee on **Health** and taken up at this time.

Representative Foti asked unanimous consent to move to the thirteenth order of business. Granted.

Assembly Bill 630

Relating to: designating personal care shortage areas, reimbursement for losses in the provision of personal care services, providing a supplement for hourly medical assistance reimbursement rates for in-home personal care services workers, providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority and making appropriations.

POINT OF ORDER

Representative Duff rose to the point of order that the motion to withdraw **Assembly Bill 630** from the committee on **Health** was not in order under s. 13.093 (2)(a), Wisconsin Statutes, because a fiscal estimate had not been received.

Speaker Pro Tempore Freese took the point of order under advisement.

CALENDAR OF WEDNESDAY, FEBRUARY 2

Assembly Bill 267

Relating to: the use and regulation of electronic signatures, providing an exemption from emergency rule procedures and granting rule-making authority.

The question was: Shall Assembly amendment 1 to **Assembly Bill 267** be adopted?

Motion carried.

Representative Hutchison asked unanimous consent that Assembly amendment 2 to **Assembly Bill 267** be laid on the table. Granted.

The question was: Shall **Assembly Bill 267** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 267** be given a third reading. Granted.

The question was: **Assembly Bill 267** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 267** be immediately messaged to the Senate. Granted.

Assembly Bill 331

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 331** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 331** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 331** be given a third reading. Granted.

The question was: **Assembly Bill 331** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Balow, Berceau, Bock, Boyle, Carpenter, Colon, Duff, Foti, Freese, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Meyer, Meyerhofer, Miller, Musser, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Vrakas, Walker, Wasserman, Waukau, Wieckert, Young and Speaker Jensen – 76.

Noes – Representatives Black, Brandemuehl, Coggs, Cullen, Goetsch, Hundertmark, Kedzie, Kelso, Kestell, Klusman, Montgomery, Morris-Tatum, Nass, Olsen, Ott, Porter, Urban, Ward, Williams, Wood and Ziegelbauer – 21.

Absent or not voting – Representatives Ainsworth and Seratti – 2.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 331** be immediately messaged to the Senate. Granted.

Assembly Bill 583

Relating to: changes to the treatment of documents by a register of deeds.

The question was: Shall Assembly amendment 1 to **Assembly Bill 583** be adopted?

Motion carried.

The question was: Shall Assembly amendment 2 to **Assembly Bill 583** be adopted?

Motion carried.

The question was: Shall Assembly amendment 3 to **Assembly Bill 583** be adopted?

Motion carried.

The question was: Shall Assembly amendment 4 to **Assembly Bill 583** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 583** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 583** be given a third reading. Granted.

The question was: **Assembly Bill 583** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 583** be immediately messaged to the Senate. Granted.

Assembly Bill 606

Relating to: expanding the definition of “bed and breakfast establishment”.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 606** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 606** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 606** be given a third reading. Granted.

Representative Kedzie asked unanimous consent to be made a coauthor of **Assembly Bill 606**. Granted.

The question was: **Assembly Bill 606** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 606** be immediately messaged to the Senate. Granted.

Assembly Bill 654

Relating to: the college tuition prepayment program, creating a college savings program board and college savings program, granting rule-making authority and making an appropriation.

Representative Kreibich asked unanimous consent that Assembly amendment 1 to **Assembly Bill 654** be laid on the table. Granted.

Assembly amendment 2 to **Assembly Bill 654** offered by Representative Kreibich.

The question was: Shall Assembly amendment 2 to **Assembly Bill 654** be adopted?

Motion carried.

Assembly amendment 3 to **Assembly Bill 654** offered by Representative Kreibich.

The question was: Shall Assembly amendment 3 to **Assembly Bill 654** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 654** be ordered engrossed and read a third time?

Motion carried.

LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for part of today’s session for Representative Underheim. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 654** be given a third reading. Granted.

The question was: **Assembly Bill 654** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives 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, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 96.

Noes – None.

Absent or not voting – Representatives Ainsworth, Seratti and Underheim – 3.

Motion carried.

Representative Grothman asked unanimous consent to be recorded as voting “No” on the previous question. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 654** be immediately messaged to the Senate. Granted.

Senate Bill 176

Relating to: interstate emergency management assistance compact.

The question was: Shall **Senate Bill 176** be ordered to a third reading?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 176** be given a third reading. Granted.

The question was: **Senate Bill 176** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 176** be immediately messaged to the Senate. Granted.

Representative Duff withdrew his point of order that **Assembly Bill 630** was not in order because a fiscal estimate has not been received.

Representative Meyer moved that the rules be suspended and that **Assembly Bill 630** be withdrawn from the committee on **Health** and taken up at this time.

Assembly Bill 630

Relating to: designating personal care shortage areas, reimbursement for losses in the provision of personal care services, providing a supplement for hourly medical assistance reimbursement rates for in–home personal care services workers, providing an exemption from emergency rule procedures, requiring the exercise of rule–making authority and making appropriations.

The question was: Shall the rules be suspended and **Assembly Bill 630** be withdrawn from the committee on **Health** and taken up at this time?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyer, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Waukau, Williams, Wood, Young and Ziegelbauer – 45.

Noes – Representatives Albers, Brandemuehl, Duff, Foti, Freese, Gard, Goetsch, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hoven, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Porter, Powers, Rhoades, Skindrud, Spillner, Stone, Suder, Sykora, Townsend, Urban, Vrakas, Walker, Ward, Wieckert and Speaker Jensen – 51.

Absent or not voting – Representatives Ainsworth, Seratti and Underheim – 3.

Motion failed.

ANNOUNCEMENTS

Representative Coggs asked unanimous consent that the Assembly adjourn in honor of Fredrick Douglas “Fritz” Pollard, the first African American to play in the Rose Bowl’s debut, the first to become a player in the National Football League and the first to become an NFL’s coach. Granted.

Representative Morris-Tatum asked unanimous consent that the Assembly adjourn in memory of Frederick Douglass, who was a 19th century civil rights leader. Granted.

Representative Schooff asked unanimous consent that the Assembly adjourn in honor of his sister, Susan Schooff, who is the Co-chair of the Chippewa Valley Rally. Granted.

REFERENCE BUREAU CORRECTIONS

Assembly Bill 710

1. Page 374, line 12: delete “(gs) of the” and substitute “(gs) of the”.

Senate Bill 136

1. Page 5, line 14: delete “act first applies to” and substitute “act”.

VISITORS

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

Tom and Carol Kurey from Brookfield, guests of Representative Urban.

Larry Eckert, Register of Deeds from Jefferson County, guest of Representatives Ward, Nass and Foti.

Jane Licht, Register of Deeds from Dane County, guest of Representative Hebl.

Mark Ladd, Register of Deeds from Racine County, guest of Representatives Ladwig, J. Lehman, Turner, Porter, Gunderson and Stone.

Cathy Williquette, Register of Deeds from Brown County, guest of Representative Montgomery.

Charles Grossklaus from Eau Claire, guest of Representative Kreibich.

Sara Brodenbers, a freshman from Edgewood College, guest and intern of Representative Schooff.

Jodie Helgeson, Register of Deeds from Adams County, guest of Representative Schneider.

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 9:30 A.M. tomorrow.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

1:45 P.M.