



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fifth Regular Session

THURSDAY, March 1, 2001

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

### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 4** offered by Representative Young.

Assembly substitute amendment 1 to **Assembly Bill 4** offered by Representative Staskunas.

Assembly amendment 1 to **Assembly Bill 50** offered by Representative Kreuser.

Assembly substitute amendment 1 to **Assembly Bill 54** offered by Representatives Plale and Jeskewitz.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 54** offered by committee on **Children and Families**.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 00-158**

Relating to the state jurisprudence examination.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, February 26, 2001.  
To committee on **Children and Families**.  
Referred on March 1, 2001.

#### **Assembly Clearinghouse Rule 00-170**

Relating to continuing education and temporary practice.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, February 26, 2001.  
To committee on **Health**.  
Referred on March 1, 2001.

#### **Assembly Clearinghouse Rule 00-182**

Relating to stale electronic food stamp accounts.  
Submitted by Department of Workforce Development.  
Report received from Agency, February 23, 2001.  
To committee on **Children and Families**.  
Referred on March 1, 2001.

#### **Assembly Clearinghouse Rule 01-001**

Relating to a motor vehicle emissions inspection program.  
Submitted by Department of Transportation.  
Report received from Agency, February 27, 2001.  
To committee on **Environment**.  
Referred on March 1, 2001.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Resolution 24**

Relating to: assembly confirmation of the governor's appointment of Senator Margaret A. Farrow as lieutenant governor.

By committee on Assembly Organization, by request of Governor Scott McCallum.

To committee on **Judiciary**.

#### **Assembly Resolution 25**

Relating to: the life and community service of Leo Frigo.

By Representatives Montgomery, Gard, Ainsworth, Albers, Bies, Gunderson, Jeskewitz, Krawczyk, Kreuser, Ladwig, Lippert, Meyerhofer, Miller, Owens, Petrowski, Plouff, Rhoades, Ryba, Townsend, Vrakas and Wade.

To committee on **Rules**.

#### **Assembly Joint Resolution 38**

Relating to: recognizing Ben Brancel for his 16 years of dedication and commitment to the state of Wisconsin and its people.

By Representatives Wade, Ott, Gard, Gunderson, Montgomery, Suder, Jeskewitz, Duff, Wasserman, Starzyk, Walker, McCormick, Olsen, Rhoades, Hundertmark, Huebsch, Foti, Hahn, Vrakas, Stone, Musser, Kestell, Urban, Turner, Ladwig, Staskunas, Cogs, Hoven, Plale, Townsend, Nass, Balow, Kaufert, Huber, J. Lehman, Lippert, Skindrud, Freese, Ward, Miller, Kedzie, Albers, Ainsworth, Ryba, Black, Pettis, Petrowski and Powers; cosponsored by Senators Welch, Panzer, Zien, Farrow, Decker, Lazich, Rosenzweig, Roessler, Harsdorf, Plache, Grobschmidt, Huelsman and Darling.

To committee on **Rules**.

#### **Assembly Joint Resolution 39**

Relating to: the life and community service of Leo Frigo.

By Representatives Montgomery, Gard, Albers, Bies, Gunderson, Jeskewitz, Krawczyk, Kreuser, Ladwig, Lippert, Meyerhofer, Miller, Owens, Petrowski, Plouff, Rhoades, Ryba, Townsend, Vrakas and Wade; cosponsored by Senators Cowles, Hansen, Plache and Darling.

To committee on **Rules**.

#### **Assembly Joint Resolution 40**

Relating to: the partial veto power of the governor (first consideration).

By Representatives Black, Cullen, Berceau, Bock, Boyle, Coggs, Lassa, Meyerhofer, Miller, Morris–Tatum, Plouff, Pocan, Staskunas, Turner and Wasserman; cosponsored by Senators Burke and Risser.

To committee on **Judiciary**.

#### **Assembly Joint Resolution 41**

Relating to: limiting the number of terms permitted for governors (first consideration).

By Representatives Meyerhofer, Bock, Richards, Schooff, Balow, Staskunas, Miller, Wasserman, Ryba, F. Lasee and Berceau; cosponsored by Senators Jauch, Burke and Schultz.

To committee on **Campaigns and Elections**.

#### **Assembly Joint Resolution 42**

Relating to: the life and accomplishments of Edwin Lee Mathews, Sr.

By Representatives Kedzie, Nass, Vrakas, Bock, Huber, Plouff, Rhoades, Hebl, Gunderson, Kreibich, Wade, Stone, Sykora, Schneider, Montgomery, Ryba, Ladwig, Olsen, Turner, Ott, M. Lehman, Urban, Musser, Coggs, D. Meyer, J. Lehman, Owens, Riley, Miller, Jeskewitz and Lippert; cosponsored by Senators Rosenzweig, Schultz, Plache, Grobschmidt, Burke, S. Fitzgerald, Darling, George and Decker.

To committee on **Rules**.

#### **Assembly Joint Resolution 43**

Relating to: the life and public service of Blair L. Testin.

By Representatives Vrakas, Black, Ladwig, Plale, Albers, Berceau, Bock, Boyle, Coggs, Freese, Gronemus, Gunderson, Hahn, Huber, Jensen, Jeskewitz, Krawczyk, Lassa, J. Lehman, Lippert, Loeffelholz, D. Meyer, Miller, Montgomery, Musser, Olsen, Ott, Owens, Plouff, Ryba, Schneider, Shilling, Townsend, Travis, Turner, Wade and Wood; cosponsored by Senators Wirch, Grobschmidt, Risser, Ellis, Burke, Breske, Cowles, Darling, Decker, Erpenbach, Farrow, Huelsman, Lazich, Moen, Plache and Roessler.

To committee on **Rules**.

#### **Assembly Bill 155**

Relating to: campaign financing, lobbying regulation, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, income and franchise tax deductions for certain business expenses related to lobbying, creating a nonrefundable individual income tax credit for certain campaign contributions, composition and staffing of the elections board, providing exemptions from emergency rule procedures, granting rule–making authority, and making appropriations.

By Representatives Musser, Travis and Bock; cosponsored by Senators Burke, Harsdorf, Erpenbach, Rosenzweig and Risser.

To committee on **Campaigns and Elections**.

#### **Assembly Bill 156**

Relating to: permitting certain individuals to subject another individual's blood to a test for the human immunodeficiency virus, requiring the withdrawal and preservation of a blood specimen from certain corpses, permitting certain persons to subject a corpse or blood

specimen withdrawn from a corpse to a test for the presence of the human immunodeficiency virus or other blood–borne pathogens, the recovery of costs of certain tests for the presence of the human immunodeficiency virus, and requiring a funeral director to obtain a release before embalming certain corpses.

By Representatives Wade, Hundertmark, Kestell, Musser, M. Lehman, Gronemus, Miller, Olsen, Freese, Albers, Gunderson, Shilling and Sykora; cosponsored by Senators Welch and Roessler.

To committee on **Public Health**.

#### **Assembly Bill 157**

Relating to: possession of body armor by persons convicted of or adjudicated delinquent for certain felony offenses and providing a penalty.

By Representatives La Fave, Kaufert, Suder, Bies, Vrakas, Huebsch, Stone, Gronemus, Ziegelbauer, Olsen, Riley, M. Lehman, Ryba, Ladwig, Musser, J. Lehman, Albers, Seratti, Gunderson, Lassa, Plouff, Townsend, Petrowski, Wade and Pettis; cosponsored by Senators Burke, Schultz, Roessler and Darling.

To committee on **Criminal Justice**.

#### **Assembly Bill 158**

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

By Representatives Skindrud, Ainsworth, Freese, Gronemus, Gunderson, Hahn, Jeskewitz, Kestell, Krawczyk, Loeffelholz, Musser, Ott, Petrowski, Ryba, Starzyk, Sykora, Townsend and Urban; cosponsored by Senators Darling and Roessler.

To committee on **Campaigns and Elections**.

#### **Assembly Bill 159**

Relating to: requiring public service commission approval of mergers, consolidations, and certain other transactions involving telecommunications utilities.

By Representatives Black, Powers, Shilling, Musser, Carpenter, Bock, Ryba, Berceau, Huber, La Fave, Young, Turner, Miller, J. Lehman and Cullen; cosponsored by Senators Baumgart, Robson and Erpenbach.

To joint committee on **Information Policy and Technology**.

#### **Assembly Bill 160**

Relating to: creating a nonrefundable individual income tax credit for certain expenses related to child or dependent care.

By Representatives Black, Musser, Plouff, J. Lehman, Morris–Tatum, La Fave, Shilling, Miller, Meyerhofer, Berceau, Turner, Wasserman, Pocan and Bock; cosponsored by Senators Robson, Risser, Plache, George, M. Meyer, Burke, Roessler, Baumgart and Hansen.

To committee on **Ways and Means**.

#### **Assembly Bill 161**

Relating to: exempting local governments from the motor vehicle fuel tax.

By Representatives Meyerhofer, Staskunas, Travis, Ziegelbauer, Musser, Turner, La Fave, Ryba, Ainsworth,

Berceau, Carpenter, Gronemus, Hebl, Huber, F. Lasee, Lassa, J. Lehman, M. Lehman, Miller, Olsen, Ott, Plale, Plouff, Pocan, Powers, Reynolds, Schooff, Gunderson, Hoven, Jeskewitz, Stone, Sinicki, Urban, Seratti, Hubler, Boyle, Friske, Loeffelholz, Kreuser, Townsend, Krawczyk, Shilling, D. Meyer, Steinbrink, Vrakas, Leibham and Freese; cosponsored by Senators Breske, A. Lasee, Hansen, Baumgart, Huelsman, Grobschmidt, George, Wirch and Farrow.

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

#### **Assembly Bill 162**

Relating to: expired onetime rebates.

By Representatives Wood, Plouff, Staskunas, Ryba, Young, Huebsch, Schneider, F. Lasee, Townsend, Shilling, Gronemus, Miller, Turner, Boyle, Sykora, Berceau, Riley, Wasserman, Hahn, Stone and Williams; cosponsored by Senators Lazich, Huelsman, Roessler and Schultz.

To committee on **Ways and Means**.

#### **Assembly Bill 163**

Relating to: the regulation of professional boxing contests.

By Representatives Colon, Gard, Coggs, Albers, Turner, Kreuser, Ryba, Townsend, Vrakas and Stone; cosponsored by Senators George, Zien, Burke, Plache and Schultz.

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

#### **Assembly Bill 164**

Relating to: public hearings on school starting dates.

By Representatives Nass, Kedzie, Musser, Ladwig, La Fave, Ward, Ainsworth, J. Lehman, Hoven, Albers, Schooff, Reynolds, Jeskewitz, Berceau, Kestell, Rhoades, Grothman, Wasserman and Miller; cosponsored by Senators Moen, Huelsman, Baumgart and Roessler.

To committee on **Education Reform**.

#### **Assembly Bill 165**

Relating to: the commencement of the school term in public schools.

By Representatives Nass, La Fave, Ainsworth, J. Lehman, Albers, Schooff, Reynolds, Berceau, Kestell, Rhoades, Miller and Jeskewitz; cosponsored by Senator Baumgart.

To committee on **Education Reform**.

#### **Assembly Bill 166**

Relating to: nonmoving traffic violations involving rented or leased motor vehicles.

By Representatives Duff, Stone, Montgomery, Urban, La Fave, Turner, Pettis, Kedzie, Gronemus, Nass, Vrakas, Ladwig, Townsend, Olsen, Gunderson, Powers, Grothman and Albers; cosponsored by Senators Wirch, Schultz, Farrow, Roessler, Burke and Huelsman.

To committee on **Highway Safety**.

#### **Assembly Bill 167**

Relating to: access by law enforcement agencies to photographs on motor vehicle operators' licenses and identification cards.

By Representatives Wieckert, Bies, Friske, La Fave, Suder, Wade, Gunderson, Ladwig, Nass, Duff, Ott, Stone, Huber, Krawczyk, Lippert, Huebsch, Loeffelholz, Hundertmark, Musser, Townsend, Jeskewitz and Lassa; cosponsored by Senators George, Burke, Huelsman, Cowles, Rosenzweig, Welch, Darling, Roessler and Harsdorf.

To committee on **Transportation**.

#### **Assembly Bill 168**

Relating to: employment discrimination based on creed and exemption from liability and discipline for physicians, nurses, pharmacists, other health care providers, and hospital employees who refuse to participate in sterilization, abortion, assisted suicide, and other procedures on moral or religious grounds.

By Representatives Walker, Staskunas, Albers, Colon, Duff, J. Fitzgerald, Freese, Gunderson, Gundrum, Hoven, Huebsch, Jeskewitz, Johnsrud, Kedzie, Krawczyk, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Montgomery, Nass, Ott, Owens, Petrowski, Pettis, Rhoades, Ryba, Starzyk, Stone, Suder, Sykora, Underheim, Urban, Vrakas, Wieckert and Ziegelbauer; cosponsored by Senators Breske, Roessler, Baumgart, Cowles, Farrow, S. Fitzgerald, Harsdorf, Lazich, Schultz and Welch.

To committee on **Labor and Workforce Development**.

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## **COMMITTEE REPORTS**

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

#### **Assembly Bill 4**

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

Passage:

Ayes: 8 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz and Owens.

Noes: 6 – Representatives Staskunas, Wood, Young, Colon, Sherman and Boyle.

To committee on **Rules**.

*SCOTT SUDER*

Chairperson

Committee on Criminal Justice

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

#### **Assembly Bill 45**

Relating to: fees paid to witnesses in courts other than municipal court.

Assembly amendment 1 adoption:

Ayes: 7 – Representatives Gundrum, McCormick, Grothman, Montgomery, Starzyk, Hebl and Staskunas.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Gundrum, McCormick, Grothman, Montgomery, Starzyk, Hebl and Staskunas.  
Noes: 0.

To committee on **Rules**.

*MARK GUNDRUM*  
Chairperson  
Committee on Judiciary

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## SPEAKER'S COMMUNICATIONS

February 26, 2001

Representative Hahn, Co-Chairperson  
Joint Survey Committee on Tax Exemptions  
State Capitol, Room 15 West

Senator Decker, Co-Chairperson  
Joint Survey Committee on Tax Exemptions  
State Capitol, Room 323 South

Dear Representative Hahn and Senator Decker:

Pursuant to Assembly Rule [42\(1\)\(am\)](#) and section 13.52(6), Wisconsin Statutes, the co-chairpersons of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Assembly Bill 155**, relating to campaign financing, lobbying regulation, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, income and franchise tax deductions for certain business expenses related to lobbying, creating a nonrefundable individual income tax credit for certain campaign contributions, composition and staffing of the elections board, providing exemptions from emergency rule procedures, granting rule-making authority, and making appropriations, as a matter of public policy.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

February 28, 2001

John A. Scocos  
Assembly Chief Clerk  
1 East Main Street, Suite 402

Dear Mr. Scocos:

On January 16, 2001, **Assembly Joint Resolution 9** relating to limiting the number of consecutive terms permitted for state constitutional officers and members of the state legislature (first consideration), was referred to the Assembly Committee on Government Operations. Pursuant to Assembly Rule [42 \(3\)\(c\)](#), I hereby withdraw **Assembly Joint Resolution 9** from the Assembly Committee on Government Operations and re-refer that joint resolution to the Assembly Committee on Campaigns and Elections.

Representative Wieckert has been notified of this re-referral and approves.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

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## SPEAKER'S APPOINTMENTS

February 27, 2001

The Honorable Marc Duff  
Wisconsin State Assembly  
The Capitol, Room 310 North  
Madison, WI 53703

Dear Representative Duff:

As Assembly Speaker, it is my pleasure to appoint you to the State Capitol and Executive Residence Board in accordance with §§[15.105\(5\)](#) and [16.83](#). Your term shall be concurrent with your last term and shall expire at the end of the 2001 biennium. The board is responsible for setting standards for design, composition, and appropriateness of repairs, replacements, and additions to the State Capitol and Executive Residence. Thank you in advance for your service.

If you have any questions, please feel free to contact Adam Peer in my office. Again, thank you for your service to the people of Wisconsin and the State Assembly.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

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The Honorable Tom Hebl  
Wisconsin State Assembly  
The Capitol, Room 304 West  
Madison, WI 53703

Dear Representative Hebl:

As Assembly Speaker, it is my pleasure to appoint you to the State Capitol and Executive Residence Board on the nomination of the Minority Leader and in accordance with §§[15.105\(5\)](#) and [16.83](#). Your term shall be concurrent with your last term and shall expire at the end of the 2001 biennium. The board is responsible for setting standards for design, composition, and appropriateness of repairs, replacements, and additions to the State Capitol and Executive Residence. Thank you in advance for your service.

If you have any questions, please feel free to contact Adam Peer in my office. Again, thank you for your service to the people of Wisconsin and the State Assembly.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

The Honorable Carol Owens  
Wisconsin State Assembly  
The Capitol, Room 105 West  
Madison, WI 53703

Dear Representative Owens:

As Assembly Speaker, it is my pleasure to appoint you to the State Capitol and Executive Residence Board in accordance with §§15.105(5) and 16.83. Your term shall be concurrent with your last term and shall expire at the end of the 2001 biennium. The board is responsible for setting standards for design, composition, and appropriateness of repairs, replacements, and additions to the State Capitol and Executive Residence. Thank you in advance for your service.

If you have any questions, please feel free to contact Adam Peer in my office. Again, thank you for your service to the people of Wisconsin and the State Assembly.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

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## EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison

February 28, 2001

To the Honorable, the Legislature:

Pursuant to Article XIII, Section 10(2), of the Wisconsin Constitution, I am pleased to announce the nomination of Senator Margaret A. Farrow to serve as Lieutenant Governor of the State of Wisconsin.

By this letter, I hereby submit her name for your consideration and request that you take up the matter of her confirmation as soon as practically possible.

Sincerely,  
*SCOTT MCCALLUM*  
Governor

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Madison

February 16, 2001

To the Honorable, the Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period October, 2000, through December 2000, is attached.

Sincerely,  
*GEORGE LIGHTBOURN*  
Secretary

Referred to committee on **State Affairs**.

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State of Wisconsin  
Department of Public Instruction  
Madison

March 1, 2001

To the Honorable, the Assembly:

Wisconsin school laws include the following provision in s. 115.45 (6)(b) and (c), Wis. Stats.:

SECTION 115.45 Grants for preschool to grade 5 programs.

(6) The state superintendent shall:

(b) By March 1, 1986, and annually thereafter, submit to the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a budget report detailing the grants he or she intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4) (b) and include a description of the guidelines used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

(c) Annually submit to the legislature under s. 13.172 (2) a report on the academic progress made by pupils enrolled in preschool to grade 5 programs under this section.

All Preschool-to-Grade-5 (P-5) evaluation reports for 1999-2000 are contained herein as well as a report on the academic progress for all schools funded by the P-5 program. If you have any questions, please contact my office or Sandra Dercole in the DPI Office of Urban Education (414-227-4942).

Sincerely,  
*JOHN T. BENSON*  
State Superintendent

Referred to committee on **Education**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

February 15, 2001

To the Honorable, the Legislature:

At the request of several legislators including Senator George, who first requested it, we have performed a limited review of the State's settlement with Fort James Corporation for natural

resource damages to the Fox River. A legal settlement between the Department of Natural Resources (DNR), the Wisconsin Department of Justice, and Fort James Corporation stipulated that the State will not sue Fort James for natural resource damages arising from the release of polychlorinated biphenyls (PCBs) into the Fox River. In exchange, Fort James has agreed to provide or fund several environmental restoration projects at a cost that has been estimated to be \$7.0 million. The settlement agreement, which was signed November 15, 2000, is subject to acceptance by the United States District Court for the Eastern District of Wisconsin.

Several aspects of the settlement agreement have been controversial, including the confidential nature of the negotiations that preceded the settlement; the use of consultants paid for by Fort James and other paper companies to value the environmental damages for which the State and local governments are to be compensated; the models used to value the environmental losses sustained; and the objections raised by the U.S. Fish and Wildlife Service, whose staff were not included in the negotiations. However, DNR strongly defends its approach as reasonable and effective. Based on our review, we have identified several issues that are contentious, may result in limited opportunities for legislative oversight, or are unresolved at this time.

We appreciate the courtesy and cooperation extended to us by DNR, the Department of Justice, and the Fish and Wildlife Service in conducting this review.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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Southeast Wisconsin  
Professional Baseball Park District  
Milwaukee

February 22, 2001

To the Honorable, the Legislature:

Enclosed please find the Miller Park Monthly Progress Report for the month of January 2001 for your review and consideration. As the enclosed report indicates, Miller Park continues to develop with the District Board's objectives of building the premier baseball facility in the country; scheduled for play on Opening Day 2001; within budget; and with meaningful community participation.

As always, please feel free to contact me if you should have any questions or comments regarding the enclosed report.

Very truly yours,  
*MICHAEL R. DUCKETT, P.E., R.L.S.*  
Executive Director

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State of Wisconsin  
Legislative Audit Bureau  
Madison

February 27, 2001

To the Honorable, the Legislature:

As required by [1999 Wisconsin Act 9](#), we have completed a limited-scope review of the fiscal year 1999-2000 funds provided to the University of Wisconsin-Madison Medical School's Center for Tobacco Research and Intervention. In the 1999-2001 biennial budget, the Center was appropriated \$1.0 million annually from the funds received as part of the State's lawsuit settlement with tobacco manufacturers, which is known as the Master Settlement Agreement. The Center uses the funds it receives to support education, outreach, and research activities related to tobacco prevention and cessation.

Overall, we found the Center has developed and implemented adequate procedures to help ensure compliance with legislative intent and general statutory requirements that funds be used only for tobacco prevention and cessation activities. However, because of delays in finalizing the State's 1999-2001 biennial budget, as well as the need for start-up time to develop the programs, few expenditures have been incurred to date. Therefore, it is too early to assess the effectiveness of the Center's programs.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin staff during our review.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor