



STATE OF WISCONSIN Assembly Journal

Ninety-Fifth Regular Session

THURSDAY, May 31, 2001

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 231** offered by committee on **State and Local Finance (Select)**.

Assembly substitute amendment 1 to **Assembly Bill 360** offered by Representative Kedzie.

Assembly amendment 1 to **Assembly Bill 374** offered by Representative Jeskewitz.

Assembly amendment 2 to **Assembly Bill 374** offered by Representative Jeskewitz.

Assembly amendment 1 to **Assembly Bill 423** offered by Representative Wieckert.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 00-169

Relating to health benefit plan grievance requirements and independent review organizations.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, May 24, 2001.

To committee on **Insurance**.

Referred on May 31, 2001.

Assembly Clearinghouse Rule 01-008

Relating to hunting, trapping and captive wildlife.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2001.

To committee on **Natural Resources**.

Referred on May 31, 2001.

Assembly Clearinghouse Rule 01-012

Relating to fishing on the inland, outlying and boundary waters of Wisconsin and fish rearing pond grants.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2001.

To committee on **Natural Resources**.

Referred on May 31, 2001.

Assembly Clearinghouse Rule 01-013

Relating to sport fishing on the inland, outlying and boundary waters and fish refuges on the inland waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2001.

To committee on **Natural Resources**.

Referred on May 31, 2001.

Assembly Clearinghouse Rule 01-022

Relating to resources for inmates.

Submitted by Department of Corrections.

Report received from Agency, May 24, 2001.

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

Referred on May 31, 2001.

Assembly Clearinghouse Rule 01-023

Relating to minimum equipment.

Submitted by Department of Regulation and Licensing.

Report received from Agency, May 22, 2001.

To committee on **Health**.

Referred on May 31, 2001.

Assembly Clearinghouse Rule 01-040

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, May 23, 2001.

To committee on **Transportation**.

Referred on May 31, 2001.

Assembly Clearinghouse Rule 01-041

Relating to investments in development companies.

Submitted by Department of Financial Institutions.

Report received from Agency, May 22, 2001.

To committee on **Financial Institutions**.

Referred on May 31, 2001.

Assembly Clearinghouse Rule 01-056

Relating to investments in development companies.

Submitted by Department of Financial Institutions.

Report received from Agency, May 22, 2001.

To committee on **Financial Institutions**.

Referred on May 31, 2001.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 53

Relating to: requesting appropriate action by the U.S. Congress to propose an amendment to the federal constitution empowering the Congress to prohibit physical desecration of the flag of the United States of America.

By Representatives Suder, Nass, Albers, Bies, J. Fitzgerald, Friske, Freese, Gard, Gunderson, Hahn, Hoven, Jensen, Jeskewitz, Kaufert, Kedzie, Kestell, Krawczyk, Ladwig, Leibham, McCormick, Musser, Pettis, Petrowski, Ryba, Skindrud, Sykora, Townsend, Urban, Vrakas, Ward and Ziegelbauer; cosponsored by Senators Zien, S. Fitzgerald, Huelsman, Roessler and Schultz.

To committee on **Judiciary**.

Assembly Bill 420

Relating to: creating an individual income tax checkoff for a breast cancer research program, creating a breast cancer research program, granting rule-making authority, and making appropriations.

By Representatives Cullen, Ladwig, Bock, Albers, Huber, Riley, Sykora, Musser, Sinicki, Carpenter, Young, Richards, Pocan, Ryba, Plouff, Turner, Shilling, Wasserman, Morris-Tatum, Kreuser, Lassa, Ott, Berceau and Boyle; cosponsored by Senators Plache, Burke, Darling, Rosenzweig and Roessler.

To committee on **Public Health**.

Assembly Bill 421

Relating to: county, city, town, and village authority to create local elections boards and to regulate the financing of campaigns for county, city, town, and village offices, duties of municipal and county boards of election commissioners, and granting rule-making authority.

By Representatives Pocan, Berceau, Miller, Black, Bock, Boyle, La Fave, J. Lehman, Richards, Turner and Wasserman; cosponsored by Senators Risser and Burke.

To committee on **Campaigns and Elections**.

Assembly Bill 422

Relating to: prohibiting insurers, risk-sharing plans, and certain self-insured plans from using social security numbers as personal identifiers.

By Representatives Wasserman, Powers, Berceau, Bock, Boyle, Coggs, Gronemus, Musser, Pettis, Ryba, Schneider and Skindrud; cosponsored by Senators Decker, Darling, George, Lazich, Plache and Roessler.

To committee on **Personal Privacy**.

Assembly Bill 423

Relating to: creating an individual and corporate income and franchise tax exemption for interest on bonds or notes issued by the Wisconsin Health and Educational Facilities Authority for purposes related to an educational facility and authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance a project undertaken by

the Wisconsin Association of Independent Colleges and Universities related to an educational facility.

By Representatives Wieckert, Plale, Jensen, McCormick, Suder, Montgomery, Townsend, J. Lehman, Powers, Ladwig, Vrakas, F. Lasee, Ott and Richards; cosponsored by Senators George, Wirsch, Hansen, Darling and Roessler.

To committee on **Colleges and Universities**.

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

Assembly Bill 424

Relating to: disciplinary procedures for certain local law enforcement officers and fire fighters.

By Representatives Bies, Friske, Ott, Starzyk, Travis, Turner, Boyle, Johnsrud, Kreibich, Lippert, Berceau, Pocan, Plale, Stone, Sykora, Ryba, Miller, J. Lehman and Lassa; cosponsored by Senators Burke, Welch, Shibilski, Breske, Decker, Erpenbach, George, Moen, Plache, Risser and Robson.

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

Assembly Bill 425

Relating to: substances used to induce false negative drug tests and providing a penalty.

By Representatives Walker, Suder, Albers, Jeskewitz, Krawczyk, Ladwig, McCormick, Nass, Owens, Stone, Sykora, Townsend and Vrakas; cosponsored by Senators Darling and Harsdorf.

To committee on **Criminal Justice**.

Assembly Bill 426

Relating to: the euthanization of animals in custody.

By Representatives Wieckert, Duff, Krawczyk, Musser, Townsend, Ainsworth, Plouff, Jeskewitz, Sykora, Vrakas, Kreibich, McCormick, Lassa and Ott; cosponsored by Senators Hansen, Cowles and Roessler.

To committee on **Public Health**.

Assembly Bill 427

Relating to: the requirements for examinations for nursing home administrator licenses and for reciprocal nursing home administrator licenses and granting rule-making authority.

By committee on Aging and Long-Term Care.

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

Assembly Bill 428

Relating to: creating an individual income tax deduction for classroom teachers who use their own funds to purchase classroom educational supplies.

By Representatives Wieckert, Krawczyk, Starzyk, D. Meyer, Walker, Jensen, Rhoades, Hahn, Musser, Nass, Kedzie, Ladwig, M. Lehman, J. Lehman, McCormick, Plouff, Wade, Jeskewitz, Sykora, Kestell, Suder, Vrakas, Townsend, Stone, Hundertmark, Shilling, Ott, Powers, Huebsch, Turner, Kaufert, Petrowski, Berceau, Gunderson, Lippert, Schooff and Pettis; cosponsored by Senators Hansen, Rosenzweig, Darling, Risser, Schultz, Roessler, Welch, George and Baumgart.

To committee on **Education**.

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

Assembly Bill 429

Relating to: raising the bidding threshold for public works contracts let by a town sanitary district.

By Representatives Powers, Hebl, Gronemus, Hahn, J. Lehman, Miller, Olsen, Owens, Petrowski, Sherman, Skindrud, Townsend and Pettis; cosponsored by Senators Erpenbach, Baumgart, Roessler and Schultz.

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

Assembly Bill 430

Relating to: prohibiting the sale of a product in a plastic container if the container does not consist of a percentage of postconsumer waste by weight and providing a penalty.

By Representatives Black, Johnsrud, Urban, J. Lehman, La Fave, Kreibich, Ott, Turner, Ryba, McCormick, Gunderson, Bock, Coggs, Hahn, Plouff, Musser, Huber, Miller, Freese, Pocan, Balow and Starzyk; cosponsored by Senators Baumgart, Cowles, Burke, Decker, Risser, Wirch, Hansen and Rosenzweig.

To committee on **Environment**.

Assembly Bill 431

Relating to: service rates of telecommunications utilities that are subject to price regulation.

By Representatives Black, Miller, J. Lehman, La Fave, Turner, Carpenter, Berceau and Powers.

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

COMMITTEE REPORTS

The committee on **Children and Families** reports and recommends:

Assembly Bill 169

Relating to: a child care career education and training scholarship program, the sale of commemorative birth certificates and marriage certificates to fund that program, and making an appropriation.

Assembly substitute amendment 1 adoption:

Ayes: 6 – Representatives Kestell, Lippert, Bies, Grothman, Jeskewitz and Miller.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Kestell, Lippert, Bies, Grothman, Jeskewitz and Miller.

Noes: 0.

To joint committee on **Finance**.

Assembly Bill 336

Relating to: the unlawful use of electronic mail and other computerized communication systems, transmitting information about a child on the Internet, and providing penalties.

Passage:

Ayes: 6 – Representatives Kestell, Lippert, Bies, Grothman, Jeskewitz and Miller.

Noes: 0.

To committee on **Rules**.

STEVE KESTELL

Chairperson

Committee on Children and Families

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

Assembly Bill 142

Relating to: following snowplows and providing a penalty.

Passage:

Ayes: 7 – Representatives Petrowski, Bies, Ainsworth, Musser, Urban, Young and Sherman.

Noes: 0.

To committee on **Rules**.

Assembly Bill 199

Relating to: vehicle owner liability for violations of certain traffic laws relating to railroad crossings and providing penalties.

Passage:

Ayes: 7 – Representatives Petrowski, Bies, Ainsworth, Musser, Urban, Young and Sherman.

Noes: 0.

To committee on **Rules**.

JERRY PETROWSKI

Chairperson

Committee on Highway Safety

The joint committee on **Information Policy and Technology** reports and recommends:

Assembly Bill 43

Relating to: the educational telecommunications access program.

Assembly amendment 1 adoption:

Ayes: 10 – Representatives Pettis, Hoven, Montgomery, Schneider and Plouff; Senators Jauch, Erpenbach, Shibilski, Lazich and Harsdorf.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Pettis, Hoven, Montgomery and Schneider; Senators Jauch, Erpenbach, Shibilski, Lazich and Harsdorf.

Noes: 0.

To committee on **Rules**.

MARK PETTIS

Assembly Chairperson

Joint committee on Information Policy and Technology

The committee on **Labor and Workforce Development** reports and recommends:

Assembly Bill 186

Relating to: permitting an employer to refuse to employ or to terminate from employment an individual who has been convicted of a felony and who has not been pardoned.

Passage:

Ayes: 7 – Representatives Hundertmark, Vrakas, J. Fitzgerald, McCormick, Stone, Meyerhofer and Lassa.

Noes: 1 – Representative Turner.

To committee on **Rules**.

Assembly Bill 345

Relating to: licensure of certified public accountants and accounting firms, attest and compilation services, peer review of accounting firms, eliminating certificates of authority for public accountants, and granting rule-making authority.

Assembly substitute amendment 1 adoption:

Ayes: 8 – Representatives Hundertmark, Vrakas, J. Fitzgerald, McCormick, Stone, Turner, Meyerhofer and Lassa.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Hundertmark, Vrakas, J. Fitzgerald, McCormick, Stone, Turner, Meyerhofer and Lassa.

Noes: 0.

To committee on **Rules**.

JEAN HUNDERTMARK
Chairperson
Committee on Labor and Workforce
Development

The committee on **Small Business and Consumer Affairs** reports and recommends:

Assembly Bill 163

Relating to: the regulation of professional boxing contests.

Passage:

Ayes: 11 – Representatives Seratti, Krawczyk, Friske, Gundrum, Kestell, D. Meyer, Skindrud, Hubler, J. Lehman, Schneider and Krusick.

Noes: 0.

To committee on **Rules**.

Assembly Clearinghouse Rule 00–138

Relating to extended area telephone service.

Objection:

Ayes: 10 – Representatives Seratti, Krawczyk, Friske, Gundrum, Kestell, D. Meyer, Hubler, J. Lehman, Schneider and Krusick.

Noes: 1 – Representative Skindrud.

To joint committee for **review of Administrative Rules**.

LORRAINE SERATTI
Chairperson
Committee on Small Business and
Consumer Affairs

The committee on **State Affairs** reports and recommends:

Assembly Bill 249

Relating to: the effect of annexation or detachment of territory on a municipality's quota of "Class B" intoxicating liquor licenses.

Passage:

Ayes: 6 – Representatives Skindrud, Bies, M. Lehman, Petrowski, Wood and Young.

Noes: 0.

To committee on **Rules**.

RICK SKINDRUD
Chairperson
Committee on State Affairs

The committee on **State and Local Finance (Select)** reports and recommends:

Assembly Bill 231

Relating to: a study on prompting economic growth.

Assembly substitute amendment 1 adoption:

Ayes: 6 – Representatives Underheim, Musser, Leibham, McCormick, Urban and Schooff.

Noes: 1 – Representative Ziegelbauer.

Passage as amended:

Ayes: 6 – Representatives Underheim, Musser, Leibham, McCormick, Urban and Schooff.

Noes: 1 – Representative Ziegelbauer.

To committee on **Rules**.

GREGG UNDERHEIM
Chairperson
Committee on State and Local Finance
(Select)

The committee on **Ways and Means** reports and recommends:

Assembly Bill 15

Relating to: the sales tax and the use tax on purchases made with a manufacturer's rebate.

Assembly amendment 1 adoption:

Ayes: 13 – Representatives M. Lehman, Ainsworth, Jeskewitz, F. Lasee, Olsen, Owens, Starzyk, Sykora, Ziegelbauer, Wood, Morris–Tatum, Turner and Pocan.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives M. Lehman, Ainsworth, Jeskewitz, F. Lasee, Olsen, Owens, Starzyk, Sykora, Ziegelbauer and Wood.

Noes: 3 – Representatives Morris–Tatum, Turner and Pocan.

To joint committee on **Finance**.

Assembly Bill 140

Relating to: modifying the definition of “income” under the homestead tax credit.

Assembly amendment 1 adoption:

Ayes: 13 – Representatives M. Lehman, Ainsworth, Jeskewitz, F. Lasee, Olsen, Owens, Starzyk, Sykora, Ziegelbauer, Wood, Morris–Tatum, Turner and Pocan.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives M. Lehman, Ainsworth, Jeskewitz, F. Lasee, Olsen, Owens, Starzyk, Sykora, Ziegelbauer, Wood, Turner and Pocan.

Noes: 1 – Representative Morris–Tatum.

To joint committee on **Finance**.

Assembly Bill 314

Relating to: the publication of notices relating to the creation of tax incremental financing districts.

Passage:

Ayes: 11 – Representatives M. Lehman, Ainsworth, Jeskewitz, F. Lasee, Olsen, Starzyk, Sykora, Ziegelbauer, Morris–Tatum, Turner and Pocan.

Noes: 2 – Representatives Owens and Wood.

To committee on **Rules**.

Senate Bill 163

Relating to: the publication of notices relating to the creation of tax incremental financing districts.

Concurrence:

Ayes: 11 – Representatives M. Lehman, Ainsworth, Jeskewitz, F. Lasee, Olsen, Starzyk, Sykora, Ziegelbauer, Morris–Tatum, Turner and Pocan.

Noes: 2 – Representatives Owens and Wood.

To committee on **Rules**.

MICHAEL LEHMAN
Chairperson
Committee on Ways and Means

REFERENCE BUREAU CORRECTIONS

Senate Substitute Amendment 1 to **Senate Bill 1**

1. Page 3, line 8: substitute “person’s” for “persons”.

SPEAKER’S APPOINTMENTS

DATE: May 31, 2001

TO: Representative Jean Hundertmark

FROM: Adam Peer, Legislative Assistant
Office of the Speaker

SUBJECT: Appointment of Representative Hundertmark to Joint Committee on Finance

Speaker Jensen has temporarily appointed Representative Hundertmark to the Joint Committee on Finance per Assembly Rule 9. This appointment is effective for the proceedings of May 31, 2001 on Representative Hundertmark’s arrival to the committee hearing room. She will replace Representative Ward on the committee.

I certify that this document with digital signature represents the appointment made by Assembly Speaker Scott R. Jensen. If you have any questions, please feel free to contact me.

COMMUNICATIONS

State of Wisconsin
Joint Legislative Council
Madison

May 29, 2001

Mr. John Scocos
Assembly Chief Clerk
1 East Main Street, Suite 402
Madison, WI 53703

Dear John:

I am pleased to transmit to you the following report to the 2001 Legislature on legislation introduced by the Joint Legislative Council:

RL 2001–04 Legislation and Petition to Wisconsin Supreme Court on Guardians Ad Litem in Actions Affecting the Family (2001 Senate Bill 126)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available in the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at www.legis.state.wi.us/lc/reports_by_topic.htm.

Sincerely,
TERRY C. ANDERSON
Director

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Commissioner of Insurance
Madison

May 21, 2001

Re: Report on the Impact of [1995 Wisconsin Act 10](#)

To the Honorable, the Legislature:

In accordance with s. [601.427\(9\)](#), Wis. Stat., I am pleased to submit this report to the Wisconsin Legislature. This report

is to evaluate the impact that [1995 Wisconsin Act 10](#) has had on the following:

- (a) The number of health care providers practicing in Wisconsin.
- (b) The fees that health care providers pay under [s.655.27\(3\)](#).
- (c) The premiums that health care providers pay for health care liability insurance.

The evaluation performed included the collection and analysis of statistics regarding the number of health care providers and premiums charged for health care liability insurance. Analysis of these statistics determined the only discernable effect on these areas has been an estimated \$60.8 million dollars in reductions of fees collected under [s. 655.27\(3\)](#), Wis. Stats., over the last five years. However, it was further noted that loss experience to date is too immature to validate the reduction.

The attached report provides information regarding the background of Act 10, the statistics collected and the analysis performed.

Sincerely,
CONNIE L. O'CONNELL
Commissioner

Referred to committee on **Health**.

State of Wisconsin
Council on Long Term Care
Madison

May 31, 2001

To the Honorable, the Assembly:

The Wisconsin Council on Long Term Care was given the statutory responsibility in Wisconsin Act 9, (ss. [46.282\(1\)\(b\)\(6g\)](#)) to report annually to the Legislature and the Governor on the status of Family Care and the long term care system in Wisconsin. In accordance with the statute, the Council has reviewed the status of the Family Care pilots as well as the overall long term care system in Wisconsin. Enclosed you will find the Annual Report of the Wisconsin Council on Long Term Care. The report outlines the recommendations that the Council developed based on this review. The report is available on the website at: www.wcltc.state.wi.us.

If you have any questions I can be reached in La Crosse at (608) 788-5700.

Sincerely,
TOM RAND
Chair

Referred to committee on **Ageing and Long Term-Care**.

State of Wisconsin
Department of Natural Resources
Madison

May 31, 2001

To the Honorable, the Legislature:

As directed by s. [29.889\(11\)](#), Stats., the Department of Natural Resources has prepared a report to the Legislature regarding the Wildlife Damage Abatement and Claims Program for the 2000 program year, ending December 31, 2000. Said statute directs distribution to "appropriate standing committees" of the legislature in the manner provided under [s. 13.172\(3\)](#), Stats. In compliance with these requirements, and because the both of you are more apt to determine "appropriate standing committees", I am submitting this report to you, the Chief Clerks of the Assembly and Senate, for distribution.

Thank you for your assistance

Sincerely,
DARRELL BAZZELL
Secretary

Referred to committee on **Natural Resources**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

May 29, 2001

To the Honorable, the Legislature:

We have completed an evaluation of the administration of the 0.5 percent county sales and use tax, as requested by the Joint Legislative Audit Committee. This tax is levied on the same goods and services affected by the State's 5.0 percent sales and use tax. The Department of Revenue administers the tax on behalf of the counties and retains 1.75 percent of the collections, as prescribed by [s. 77.76\(4\)](#) Wis. Stats. During calendar year 2000, the Department distributed \$215.2 million to 53 counties that imposed the tax.

The \$215.2 million that was distributed to counties in 2000 included a delayed distribution of \$13.0 million, which the counties should have received in January and February 2000 but which they did not receive until June 2000. The delay occurred because the Department did not have adequate procedures in place to ensure that all tax returns were fully processed and included in distributions to counties. We also found that the 90- to 180-day time limit for distributing county sales and use tax revenues prescribed by Wisconsin Statutes is longer than limits established by other states, and improvements in business practices and technological advances enable the Department to process returns and distribute funds to the counties in significantly less time than statutory time limits allow. Therefore, we have included a recommendation that the Legislature reduce the time period for distributing county sales and use taxes to county governments.

In fiscal year (FY) 1999-2000, the Department retained \$3.9 million in administrative fees from county sales and use taxes. In reviewing the Department's time reporting system, we found that administrative fees supported 10.38 more full-time equivalent positions than were reportedly used to administer the county sales and use tax. Wisconsin's administrative fee is the second-highest among surrounding midwestern states and generates more revenue than the Department expends to administer the tax. In FY 1999-2000, \$931,600 in county sales and use tax administrative fees lapsed to the General Fund.

Funding from the administrative fee is used to support the Department's new Integrated Tax System (ITS). The

administrative fee is expected to support \$8.8 million of the system's total costs, which are projected to be \$78.0 million. The amount of ITS costs to be funded by the county sales and use tax administrative fee appears to have been based on the unencumbered funds available in the appropriation for administration of the tax, rather than on an analysis of system costs and benefits.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue. The Department's response is Appendix 2.

Respectfully submitted,
JANICE MUELLER
State Auditor