



STATE OF WISCONSIN Assembly Journal

Ninety-Fifth Regular Session

2:00 P.M.

TUESDAY, June 5, 2001

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

Representative Skindrud in the chair.

The Assembly dispensed with the call of the roll.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 432

Relating to: requirements for private schools and authorizing the department of public instruction to determine whether a school is a private school for purposes of the Milwaukee parental choice program.

By Representatives La Fave, Sinicki, J. Lehman, Bock, Plouff and Ryba; cosponsored by Senator Grobschmidt.

To committee on **Education Reform**.

Assembly Bill 433

Relating to: drilling beneath the beds of the Great Lakes and adjacent waters to explore for or produce oil or gas and construction of pipelines on or beneath the beds of the Great Lakes or adjacent waters.

By Representatives Richards, Sinicki, Bock, Krawczyk, Sherman, La Fave, Boyle, Staskunas, Pohan, Reynolds, Ryba, Black, Plale, Miller, Lassa and Kreuser; cosponsored by Senators Burke, Cowles, George, Jauch, Hansen, Risser and Baumgart.

To committee on **Environment**.

Assembly Bill 434

Relating to: limiting to property that is primarily residential the type of property for which the amount of loss is the insurance policy limits.

By Representatives Montgomery, La Fave, Rhoades, Vrakas, Albers, Townsend, Suder and Ryba; cosponsored by Senators Burke and Rosenzweig.

To committee on **Insurance**.

Assembly Bill 435

Relating to: tampering with a security device or surveillance device and providing penalties.

By Representatives Hundertmark, Starzyk, Jeskewitz, Musser, Hahn, Owens, Albers, Nass, Ladwig, McCormick,

Ainsworth, Stone, Vrakas, La Fave, Ott, Townsend and Pettis; cosponsored by Senators Darling, Welch and Schultz.

To committee on **Criminal Justice**.

Assembly Bill 436

Relating to: requiring the department of transportation to provide transportation planning and assistance in reviewing the site plan of proposed school construction or enlargement and granting rule-making authority.

By Representatives Wieckert, Krawczyk, McCormick, J. Lehman, Lippert, Suder, Meyerhofer, Friske, Hahn, Pettis, Townsend, Plale, Miller, Hoven, Sykora, Lassa, Huber, Vrakas, Wasserman and Jeskewitz; cosponsored by Senators Breske and Schultz.

To committee on **Transportation**.

COMMITTEE REPORTS

The committee on **Aging and Long-Term Care** reports and recommends:

Assembly Bill 405

Relating to: increasing the amount of the individual income tax subtract modification for social security benefits.

Passage:

Ayes: 9 – Representatives Rhoades, Hundertmark, Kedzie, Lippert, D. Meyer, Krusick, Carpenter, Travis and Wasserman.

Noes: 0.

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.

Passage:

Ayes: 9 – Representatives Rhoades, Hundertmark, Kedzie, Lippert, D. Meyer, Krusick, Carpenter, Travis and Wasserman.

Noes: 0.

To committee on **Rules**.

KITTY RHOADES

Chairperson

Committee on Aging and Long-Term Care

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

Assembly Bill 359

Relating to: sexual assault of and sexual activity involving a person confined in an adult or juvenile detention or correctional facility and providing a penalty.

Passage:

Ayes: 8 – Representatives Walker, Suder, Friske, Skindrud, Underheim, Balow, Pocan and Colon.

Noes: 0.

To committee on **Rules**.

Assembly Bill 418

Relating to: the place of confinement of a person on probation.

Passage:

Ayes: 8 – Representatives Walker, Suder, Friske, Skindrud, Underheim, Balow, Pocan and Colon.

Noes: 0.

To committee on **Rules**.

SCOTT WALKER

Chairperson

Committee on Corrections and the Courts

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

Assembly Bill 317

Relating to: the Uniform Sales and Use Tax Administration Act and granting rule-making authority.

Passage:

Ayes: 8 – Representatives Pettis, Hoven, Montgomery and Schneider; Senators Jauch, Erpenbach, Shibilski and Harsdorf.

Noes: 1 – Senator Lazich.

To committee on **Ways and Means**.

MARK PETTIS

Assembly Chairperson

Joint committee on Information Policy and Technology

The committee on **Tourism and Recreation** reports and recommends:

Assembly Bill 239

Relating to: calculating the estimated snowmobile gas tax payment; operation of snowmobiles by law enforcement officers on highways; operation of snowmobiles proceeding in opposite directions or in excess of roadway speed limits; vehicle noise levels for snowmobiles; tampering with odometers of snowmobiles and all-terrain vehicles and with hour meters of boats, snowmobiles, and all-terrain vehicles; inspection of equipment on snowmobiles; transfer of snowmobile registration certificates; exempting accidents occurring in certain snowmobile races or derbies from requirements to render aid and from reporting and

investigation requirements; use of fees collected for snowmobile trail use stickers for snowmobile trail maintenance costs; granting rule-making authority; making an appropriation; and providing a penalty.

Assembly amendment 1 adoption:

Ayes: 6 – Representatives Wade, D. Meyer, Bies, Reynolds, Ryba and Steinbrink.

Noes: 3 – Representatives Seratti, Skindrud and Boyle.

Passage as amended:

Ayes: 9 – Representatives Wade, D. Meyer, Bies, Seratti, Skindrud, Reynolds, Ryba, Steinbrink and Boyle.

Noes: 0.

To committee on **Rules**.

JOAN WADE

Chairperson

Committee on Tourism and Recreation

SPEAKER'S COMMUNICATIONS

June 5, 2001

John A. Scocos

Assembly Chief Clerk

1 East Main Street, Suite 402

Dear Mr. Scocos:

On May 8, 2001, **Senate Bill 110**, relating to polling hours, time off from work for service as an election official, training of election officials, voting by felons and immigrants, requiring studies and recommendations with regard to voter registration and multilingual voting needs, establishing satellite stations for purposes of conducting voter registration and absentee voting, and granting rule-making authority, was referred to the Assembly Committee on Campaigns and Elections. Pursuant to Assembly Rule 42 (3)(c), I hereby withdraw **Senate Bill 110** from the Assembly Committee on Campaigns and Elections and re-refer that bill to the Assembly Committee on Rules.

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

Sincerely,

SCOTT R. JENSEN

Assembly Speaker

June 5, 2001

John A. Scocos

Assembly Chief Clerk

1 East Main Street, Suite 402

Dear Mr. Scocos:

On May 31, 2001, **Clearinghouse Rule 00-169** relating to health benefit plan grievance requirements and independent review organizations, was referred to the Assembly Committee on Insurance. Pursuant to Assembly Rule 13 (2)(b), I hereby withdraw **Clearinghouse Rule**

00-169 from the Assembly Committee on Insurance and re-refer that rule to the Assembly Committee on Health.

May 30, 2001

Representative Montgomery has been notified of the re-referral and approves.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

John Scocos
Assembly Chief Clerk
Room 402, One East Main
Madison, WI 53708

Dear John:

Due to the change in the Minority Leader position, Representative Krug who occupied seat number 5 on the floor of the Assembly, would like to move to seat number 89. That seat had been occupied by Representative Cullen who is now moving to seat number 62. That seat was occupied by Representative Reynolds who is now moving to seat number 29. That seat had been occupied by Representative Kreuser who is now moving to seat number 7. That seat had been occupied by Representative Black who was elected Minority Leader and now occupies seat number 5.

DATE: June 5, 2001
TO: John A. Scocos
Assembly Chief Clerk
FROM: Adam S. Peer, Legislative Assistant
Office of the Speaker
SUBJECT: Appointment of Representative Morris-Tatum to the Wisconsin Housing and Economic Development Authority

Sincerely,
PETER BOCK
Democratic Caucus Chair

The Speaker, on the nomination of the Minority Leader, has appointed Representative Morris-Tatum to replace Representative Sinicki on the Wisconsin Housing and Economic Development Authority (WHEDA) per Assembly rules and statutes. Please find a copy of the Minority Leader's correspondence attached. This appointment is effective May 31, 2001 and shall terminate December 31, 2002.

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: June 1, 2001
TO: John A. Scocos
Assembly Chief Clerk
Donald J. Schneider
Senate Chief Clerk

I certify that this electronic document with digital signature represents the action made by Speaker Scott R. Jensen. Please forward notice of this action to the WHEDA Board. If you have any questions, please feel free to contact me.

FROM: Gary L. Poulson
Deputy Revisor of Statutes

COMMUNICATIONS

May 31, 2001

Speaker Scott Jensen
State Assembly
211 West, State Capitol
Hand Deliver

SUBJECT: Rules published in the May 31, 2001, Wisconsin Administrative Register, No. 545.

The following rules have been published:

Dear Speaker Jensen:

I am making another change in committee assignments.

I nominate Representative Johnnie Morris-Tatum to replace Representative Chris Sinicki on the Wisconsin Housing and Economic Development Authority.

- Clearinghouse Rule 98-198 effective 6-1-2001
- Clearinghouse Rule 98-199 effective 6-1-2001
- Clearinghouse Rule 99-150 effective 6-1-2001
- Clearinghouse Rule 99-159 effective 6-1-2001
- Clearinghouse Rule 00-088 effective 6-1-2001
- Clearinghouse Rule 00-115 effective 6-1-2001
- Clearinghouse Rule 00-126 effective 6-1-2001
- Clearinghouse Rule 00-142 effective 6-1-2001
- Clearinghouse Rule 00-144 effective 6-1-2001
- Clearinghouse Rule 00-146 effective 6-1-2001
- Clearinghouse Rule 00-171 effective 6-1-2001
- Clearinghouse Rule 00-173 effective 6-1-2001
- Clearinghouse Rule 01-001 effective 6-1-2001

Sincerely,
SPENCER BLACK
Assembly Minority Leader

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

May 30, 2001

To the Honorable, the Legislature:

RE: Division of Gaming Quarterly Report

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the second quarter of fiscal year 2001 (July 1, 2000 through March 31, 2001). As required by s. 562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming and Indian Gaming programs. Please note that Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart from the rest of Charitable Gaming.

If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,
F. SCOTT SCEPANIAK
Administrator

Referred to committee on **State Affairs**.

State of Wisconsin
Department of Health and Family Services
Madison

May 31, 2001

To the Honorable, the Assembly:

Enclosed is a copy of the Child Abuse and Neglect Report, with data from the calendar year 1999, pursuant to s. 48.981. The report includes a statistical analysis of suspected child abuse and neglect reports received and investigated by county child protective services agencies and the Bureau of Milwaukee Child Welfare in 1999. This report also contains information on child fatalities due to child abuse or neglect.

Sincerely,
PHYLLIS J. DUBE
Secretary

Referred to committee on **Children and Families**.

AGENCY REPORTS

Southeast Wisconsin
Professional Baseball Park District
Milwaukee

May 17, 2001

To the Honorable, the Legislature:

Enclosed please find the Miller Park Monthly Progress Report for the month of April 2001 for your review and consideration. As the enclosed report indicates, Miller Park is essentially complete, and has clearly achieved the District Board's objectives of building the premier baseball facility in the country; available 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

State of Wisconsin
Legislative Audit Bureau
Madison

June 5, 2001

To the Honorable, the Legislature:

As required by s. 13.94 (1)(de), Wis. Stats., we have completed a financial audit of the Patients Compensation Fund, which insures health care providers in Wisconsin against medical malpractice claims that exceed the primary malpractice insurance thresholds established in statutes. The Fund is governed by a Board of Governors and administered by the Office of the Commissioner of Insurance. In fiscal year 1999-2000, 11,809 health care providers participated in the Fund. We have provided an unqualified auditor's report on the Fund's financial statements for fiscal years ending June 30, 2000, 1999, and 1998.

Past audit reports discussed concerns regarding the Fund's accounting deficit. Action by the Board of Governors and the Legislature and recent favorable claims experience have contributed to a significant improvement in the Fund's financial position, which showed an accounting surplus of \$27.2 million as of June 30, 2000. To address concerns being raised about actuarial estimates that affect the Fund's financial position, and to promote broader acceptance of the actuarial analyses and related decisions, we include a recommendation that a comprehensive review of the consulting actuary's methods and assumptions be performed by an independent actuary.

Further, the Fund needs to take additional steps to ensure that all health care providers are obtaining primary insurance coverage as required by statutes. Our testing disclosed several instances in which providers had not obtained the primary malpractice coverage required by statutes. These uninsured providers could be held liable for up to \$1 million in

settlements or judgements per claim if any malpractice claims were resolved against them.

We appreciate the courtesy and cooperation extended to us by the staff of the Office of the Commissioner of Insurance and the contractors who assist in administering the Patients Compensation Fund program.

Respectfully submitted,
JANICE MUELLER
State Auditor

ADJOURNMENT

Representative Vrakas moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, June 7.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

2:01 P.M.