



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fifth Regular Session

MONDAY, January 28, 2002

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

### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 350** offered by committee on **State Affairs**.

Assembly amendment 1 to **Assembly Bill 590** offered by Representatives Rhoades and Foti.

Assembly amendment 1 to **Assembly Bill 624** offered by committee on **Housing**.

Assembly amendment 1 to **Assembly Bill 650** offered by Representatives Jeskewitz, Plale and Vrakas.

Assembly amendment 1 to **Assembly Joint Resolution 64** offered by committee on **Tax and Spending Limitations**.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 01-130**

Relating to the commencement of a school term. Submitted by Department of Public Instruction. Report received from Agency, January 22, 2002. To committee on **Tourism and Recreation**. Referred on January 28, 2002.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Resolution 48**

Relating to: commemorating the United States Military Academy at West Point on its bicentennial anniversary.

By Representatives Musser and Ryba.  
To committee on **Rules**.

#### **Assembly Joint Resolution 87**

Relating to: commemorating the United States Military Academy at West Point on its bicentennial anniversary.

By Representative Musser; cosponsored by Senator Breske.

To committee on **Rules**.

#### **Assembly Bill 745**

Relating to: liability of a parent or guardian for the cost of an examination ordered to determine the competency to proceed of a juvenile who is alleged to have committed a delinquent act or to determine whether a juvenile is not responsible for a delinquent act by reason of mental disease or defect.

By Representatives Leibham, Kestell, Owens, Pettis, Gronemus, Musser, Duff, Hahn, Starzyk, Gunderson, McCormick, Ladwig, Albers, Urban, Hines, Plale, Seratti, M. Lehman, Vrakas, Ryba, Jeskewitz, J. Fitzgerald, Nass, Ott and Townsend; cosponsored by Senators Roessler, Rosenzweig, Welch and Huelsman.

To committee on **Children and Families**.

#### **Assembly Bill 746**

Relating to: withholding sentences in cases involving operating a motor vehicle while intoxicated and eligibility for an occupational license authorizing the operation of motor vehicles.

By Representatives McCormick, Starzyk, Hines, Krawczyk, Jeskewitz, Hahn, Miller, Owens, Ott, Albers and Vrakas; cosponsored by Senators Darling, Huelsman, Rosenzweig and Harsdorf.

To committee on **Highway Safety**.

#### **Assembly Bill 747**

Relating to: noncompliance with a municipal court order.

By Representatives Gundrum, Krawczyk, Starzyk, Vrakas, Jeskewitz, J. Fitzgerald, Owens, Hahn, Petrowski, Ladwig, Miller, Hines, Albers, M. Lehman, Townsend and Grothman; cosponsored by Senators Darling, Huelsman and Lazich.

To committee on **Judiciary**.

#### **Assembly Bill 748**

Relating to: qualifications of reserve judges.

By Representatives Walker, Plale, Ainsworth, Albers, F. Lasee, Loeffelholz, Krawczyk, Nass, Olsen, Owens and Skindrud; cosponsored by Senators Darling, Huelsman and Kanavas.

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

#### **Assembly Bill 749**

Relating to: the regulation of massage therapists and bodyworkers, creating a massage therapy and bodywork

examining board, granting rule-making authority and providing a penalty.

By Representatives Kaufert, Urban, Krawczyk, Bies, Nass, Plale, Owens, Ryba, Vrakas, Jeskewitz, Ziegelbauer, J. Lehman, Turner, Ladwig, Wasserman, Ott, Hines and Sykora; cosponsored by Senators Robson, Huelsman, Burke, Roessler, Harsdorf, Ellis, Darling, Wirch, George, Plache, A. Lasee and Schultz.

To committee on **Health**.

#### **Assembly Bill 750**

Relating to: gifts given or offered by prescription drug manufacturers and distributors to encourage practitioners to prescribe certain drugs and providing a penalty.

By Representatives Schneider, Underheim, Miller and J. Lehman.

To committee on **Health**.

#### **Assembly Bill 751**

Relating to: eliminating the petroleum storage environmental cleanup council (suggested as remedial legislation by the department of commerce).

By Law Revision Committee.

To committee on **Natural Resources**.

#### **Assembly Bill 752**

Relating to: creating an income and franchise tax credit for businesses that purchase and operate distributed generation power generators and requiring the secretary of administration to reduce expenditure estimates for certain general purpose revenue appropriations.

By Representatives Schooff, Balow, Musser, Plale, Riley and Seratti; cosponsored by Senators Robson, Burke and Wirch.

To committee on **Ways and Means**.

#### **Assembly Bill 753**

Relating to: defining marriage and recognizing valid marriages.

By Representatives Wood, Gundrum, Suder, Nass, Grothman, Ladwig, Krawczyk, J. Fitzgerald, Albers, Leibham, Freese, Hoven, Gunderson, Vrakas, F. Lasee, Kestell, Pettis, Seratti, Urban, M. Lehman, Hines, Hundertmark, Olsen, McCormick, Musser, Huebsch, Petrowski, Ainsworth, Starzyk, Hahn, Ott, Townsend, Owens, Bies, Friske, Loeffelholz, D. Meyer, Duff, Sykora, Ryba and Kreibich; cosponsored by Senators S. Fitzgerald, Schultz, Zien, Lazich, A. Lasee, Roessler, Welch and Huelsman, by request of Family Research Forum and Family Research Institute.

To committee on **Family Law**.

#### **Assembly Bill 754**

Relating to: creating an electric pollution board, establishing an electric pollution fund, requiring electric utilities and cooperative associations to remedy certain current-flow problems, imposing a surcharge on electric bills, granting rule-making authority, making an appropriation, and providing penalties.

By Representatives Gronemus, Petrowski, Black, J. Fitzgerald, Pocan, Sykora, Hines, Bies, Lippert, Carpenter,

Berceau and Freese; cosponsored by Senators S. Fitzgerald, George and Risser.

To committee on **Energy and Utilities**.

#### **Assembly Bill 755**

Relating to: the notice of changed property tax assessments, the monitoring of property tax assessments, the filing deadline for property tax reassessment petitions, the recertification of local assessment personnel, the procedure for challenging tax lien foreclosures on property that is exempt from taxation, the administration of the property tax exemption for computers, and providing a penalty.

By Representatives Townsend, Lippert, Musser, J. Lehman, Hundertmark, Owens, Petrowski and Freese; cosponsored by Senators Hansen, Roessler, Grobschmidt, Breske, Plache and Welch.

To committee on **Ways and Means**.

#### **Assembly Bill 756**

Relating to: modifying the definition of income under the homestead tax credit and the farmland preservation tax credit.

By Representatives Ainsworth, Musser, Owens, Pettis, Hahn, Grothman, Hines, Petrowski, Sykora and Albers.

To committee on **Ways and Means**.

#### **Assembly Bill 757**

Relating to: vehicle extrication training grants, granting rule-making authority, and making an appropriation.

By Representatives Duff, Petrowski, Lippert, Miller, Jeskewitz, Krawczyk, Starzyk, Seratti, Sykora, Albers and Gunderson; cosponsored by Senators Burke, Darling and Rosenzweig, by request of Independence First, State Medical Society, Tell My Mom, Wisconsin School Bus Association, Safe and Fast Extrication, International Association of Fire Chiefs – Transportation Committee, Park Falls Fire and Rescue and Kronenwetter Fire Department and First Responders.

To committee on **Highway Safety**.

---

## **COMMITTEE REPORTS**

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

#### **Assembly Bill 442**

Relating to: battery and providing a penalty.

Passage:

Ayes: 13 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Sherman and Boyle.

Noes: 1 – Representative Colon.

To committee on **Rules**.

#### **Assembly Bill 603**

Relating to: providing information to a firearms dealer when purchasing a handgun, authorizing the department of justice to prosecute violations of certain laws regulating firearms, and providing a penalty.

Passage:

Ayes: 14 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Colon, Sherman and Boyle.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 608**

Relating to: providing material support of international terrorism and providing a penalty.

Assembly amendment 1 adoption:

Ayes: 13 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Sherman and Boyle.

Noes: 1 – Representative Colon.

Passage as amended:

Ayes: 11 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood and Sherman.

Noes: 3 – Representatives Young, Colon and Boyle.

To committee on **Rules**.

### **Assembly Bill 613**

Relating to: expanding definition of racketeering activity to include certain violations of prohibition against unauthorized release of animals, and providing a penalty.

Passage:

Ayes: 14 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Colon, Sherman and Boyle.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 618**

Relating to: pointing a firearm at a law enforcement officer and providing a penalty.

Assembly amendment 1 adoption:

Ayes: 14 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Colon, Sherman and Boyle.

Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Young, Colon, Sherman and Boyle.

Noes: 1 – Representative Wood.

To committee on **Rules**.

### **Assembly Bill 622**

Relating to: graffiti and providing a penalty.

Passage:

Ayes: 11 – Representatives Suder, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young and Sherman.

Noes: 3 – Representatives Gundrum, Colon and Boyle.

To committee on **Rules**.

### **Assembly Bill 635**

Relating to: threatening to infect livestock or wild deer with a contagious or infectious disease and providing penalties.

Assembly amendment 1 adoption:

Ayes: 14 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Colon, Sherman and Boyle.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Colon, Sherman and Boyle.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 681**

Relating to: removal of a shopping cart and providing a penalty.

Passage:

Ayes: 10 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas and Sherman.

Noes: 4 – Representatives Wood, Young, Colon and Boyle.

To committee on **Rules**.

### **Assembly Bill 686**

Relating to: infecting animals with a contagious disease and providing a penalty.

Assembly amendment 1 adoption:

Ayes: 14 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Colon, Sherman and Boyle.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Suder, Gundrum, Bies, J. Fitzgerald, Jeskewitz, F. Lasee, Loeffelholz, Owens, Staskunas, Wood, Young, Colon, Sherman and Boyle.

Noes: 0.

To committee on **Rules**.

*SCOTT SUDER*

Chairperson

Committee on Criminal Justice

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

**Assembly Bill 503**

Relating to: use of do-not-resuscitate necklaces under do-not-resuscitate orders.

Passage:

Ayes: 16 – Representatives Underheim, Urban, Johnsrud, Krawczyk, F. Lasee, Lippert, Olsen, Seratti, Walker, Wieckert, Wasserman, Carpenter, La Fave, Miller, Colon and Shilling.

Noes: 0.

To committee on **Rules**.

*GREGG UNDERHEIM*  
Chairperson  
Committee on Health

---

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

**Assembly Bill 224**

Relating to: providing shampooing services in barber or cosmetologist establishments.

Assembly substitute amendment 1 adoption:

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

Noes: 1 – Representative Meyerhofer.

Passage as amended:

Ayes: 6 – Representatives Hundertmark, Vrakas, J. Fitzgerald, McCormick, Stone and Turner.

Noes: 2 – Representatives Meyerhofer and Lassa.

To committee on **Rules**.

*JEAN HUNDERTMARK*  
Chairperson  
Committee on Labor and Workforce Development

---

The committee on **Natural Resources** reports and recommends:

**Assembly Bill 649**

Relating to: establishing a Wisconsin outdoor wildlife heritage trust fund and making an appropriation.

Assembly amendment 1 adoption:

Ayes: 11 – Representatives Johnsrud, Gunderson, Kedzie, Krawczyk, D. Meyer, Ott, Pettis, Powers, J. Lehman, Miller and Reynolds.

Noes: 0.

Passage as amended:

Ayes: 11 – Representatives Johnsrud, Gunderson, Kedzie, Krawczyk, D. Meyer, Ott, Pettis, Powers, J. Lehman, Miller and Reynolds.

Noes: 0.

To committee on **Rules**.

*DUWAYNE JOHNSRUD*  
Chairperson  
Committee on Natural Resources

---

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

**Assembly Bill 732**

Relating to: the transportation facilities economic assistance program, granting bonding authority and making an appropriation.

Passage:

Ayes: 10 – Representatives Stone, Petrowski, Gunderson, Hahn, Suder, Lippert, Loeffelholz, Sherman, Plouff and Plale.

Noes: 1 – Representative Meyerhofer.

To joint committee on **Finance**.

*JEFF STONE*  
Chairperson  
Committee on Transportation

---

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

**Assembly Bill 370**

Relating to: interest imposed on the payment of estimated taxes.

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

Noes: 0.

To joint committee on **Finance**.

**Assembly Bill 491**

Relating to: creating definitions for common and contract carriers for sales tax and use tax purposes.

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

Noes: 0.

To joint committee on **Finance**.

**Assembly Bill 577**

Relating to: authorizing claims under the school property tax rent credit for property taxes paid in the year before the year in which they are due and authorizing such claims, for property taxes paid, for the year to which the taxes relate.

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

Noes: 0.

To joint committee on **Finance**.

**Assembly Bill 647**

Relating to: installment payments of tax refunds related to manufacturing property, the interest on refunded and additional taxes on manufacturing property, and making an appropriation.

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

Noes: 0.

To committee on **Rules**.

*MICHAEL LEHMAN*  
Chairperson  
Committee on Ways and Means

---

**MESSAGE FROM THE SENATE**

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

- Senate Bill 264**
- Senate Bill 302**
- Senate Bill 310**
- Senate Bill 332**
- Senate Bill 379**

**ACTION ON THE SENATE MESSAGE**

**Senate Bill 264**

Relating to: prohibiting certain persons from obtaining licenses that authorize hunting with a firearm and providing a penalty.

By Senators Moen, Burke, Baumgart, Cowles, Risser and Roessler; cosponsored by Representatives Musser, Black, Albers, Lassa, La Fave, Urban and Meyerhofer.

To committee on **Natural Resources**.

**Senate Bill 302**

Relating to: the name of the division for libraries and community learning in the department of public instruction and the definition of minority group (suggested as remedial legislation by the department of public instruction).

By Law Revision Committee.

To committee on **Rules**.

**Senate Bill 310**

Relating to: designating STH 122 as the Walt Bresette Equal Rights Highway.

By Senators Jauch, Moore, Erpenbach, M. Meyer, Robson, Hansen, Breske, Burke, Chvala, Wirch, Shibilski, Decker, Plache, Moen, Baumgart, Grobschmidt, George and Risser; cosponsored by Representative Sherman.

To committee on **Transportation**.

**Senate Bill 332**

Relating to: overpayment of state transit operating aids to the city of Rhinelander.

By Senator Breske; cosponsored by Representative D. Meyer.

To joint committee on **Finance**.

**Senate Bill 379**

Relating to: banning human cloning and the sale or purchase of an ovum, embryo, or fetus for the purpose of cloning a human, prohibiting the use of state funds for cloning, and providing penalties.

By Senators M. Meyer, Hansen, Plache, Chvala and Burke; cosponsored by Representatives Plouff, Hines, Gunderson, Miller and Ryba.

To committee on **Health**.

---

**REFERENCE BUREAU CORRECTIONS**

**Assembly Bill 743**

1. Page 3, line 17: delete the material beginning with that line and ending with page 4, line 11.
2. Page 5, line 9: delete “SECTION 7” and substitute “SECTION 3”.

**COMMUNICATIONS**

State of Wisconsin  
Joint Legislative Council  
Madison

January 25, 2002

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 2001-15 Legislation on Developmental  
Disabilities  
(2001 Senate Bill 289 and Assembly  
Bill 590)

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](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,  
*TERRY C. ANDERSON*  
Director