



STATE OF WISCONSIN Assembly Journal

Ninety-Fifth Regular Session

6:35 P.M.

TUESDAY, March 5, 2002

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

Speaker Jensen in the chair.

Representative Foti asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Senior Pastor Mel Lawrenz of Elmbrook Church in Brookfield.

Alex and Lauren Klein, accompanied by their parents Richard and Tracey Klein from Brookfield, 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 Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Absent with leave – None.

Vacancies – None.

Speaker Jensen appointed Representatives Hoven and Sinicki to escort Governor McCallum from his office to the Assembly Chamber.

The Assembly stood informal.

The Assembly Sergeant-at-Arms announced the arrival of the Honorable Justices of the Wisconsin Supreme Court.

The Assembly stood informal.

The Assembly Sergeant-at-Arms announced the arrival of the members of the Wisconsin State Senate.

JOINT CONVENTION

The houses went into joint convention.

Senate President Risser presiding.

Senator Risser recognized the presence of Chief Justice Shirley Abrahamson, Justice William Bablitch, Justice Jon Wilcox, Justice Ann Walsh Bradley, Justice N. Patrick Crooks and Justice David Prosser Jr., of the Wisconsin Supreme Court; Lieutenant Governor Margaret Farrow, Attorney General James Doyle, State Treasurer Jack Voight and Superintendent of Public Instruction Elizabeth Burmaster.

The Assembly Sergeant-at-Arms announced the arrival of Governor Scott McCallum

Governor Scott McCallum took his place at the rostrum to deliver his state of the state address.

Pursuant to Joint Rule 73, the governor's message is printed in the Senate journal only.

Representative Foti moved that the joint convention arise.

The question was: Shall the joint convention arise?

Motion carried.

7:45 P.M.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 723** offered by committee on **Financial Institutions**.

Assembly amendment 1 to **Assembly Bill 825** offered by committee on **Urban and Local Affairs**.

Assembly amendment 1 to **Assembly Bill 852** offered by Representative Walker.

Assembly amendment 2 to **Assembly Bill 871** offered by Representative Walker.

Assembly amendment 1 to **Assembly Bill 892** offered by committee on **Financial Institutions**.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 892

Relating to: credit union membership, powers, and operation; the application of agriculture, trade, and consumer protection statutes to credit unions; the creation of a new type of financial institution; the powers of and requirements applicable to the new type of financial institution; the priority of certain wage claim liens over a prior lien of a financial institution; providing an exemption from emergency rule procedures; granting rule-making authority; and providing a penalty.

By committee on Financial Institutions.
To committee on **Financial Institutions**.

COMMITTEE REPORTS

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

Assembly Bill 728

Relating to: sales of livestock that are exempt from the sales tax and the use tax.

Passage:

Ayes: 16 – Representatives Ott, Hahn, Ainsworth, Petrowski, Kestell, Suder, Loeffelholz, Bies, Hines, Gronemus, Plouff, Reynolds, Steinbrink, Lassa, Schneider and Hubler.

Noes: 0.

To committee on **Rules**.

Assembly Bill 773

Relating to: representations made regarding wild rice sold or offered for sale in this state, granting rule-making authority, and providing a penalty.

Passage:

Ayes: 14 – Representatives Ott, Hahn, Ainsworth, Petrowski, Loeffelholz, Bies, Hines, Gronemus, Plouff, Reynolds, Steinbrink, Lassa, Schneider and Hubler.

Noes: 2 – Representatives Kestell and Suder.

To committee on **Rules**.

ALVIN OTT
Chairperson
Committee on Agriculture

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

Assembly Bill 766

Relating to: immunity for the use of solid waste for public projects.

Passage:

Ayes: 10 – Representatives Kedzie, Johnsrud, Gunderson, Ott, Powers, Vrakas, Pocan, Bock, Miller and J. Lehman.

Noes: 0.

To committee on **Rules**.

NEAL KEDZIE
Chairperson
Committee on Environment

The committee on **Financial Institutions** reports and recommends:

Assembly Bill 784

Relating to: regulating the negotiation and collection of demand drafts.

Passage:

Ayes: 16 – Representatives Jeskewitz, Montgomery, J. Fitzgerald, Hoven, Kedzie, Kreibich, Rhoades, Starzyk, Walker, La Fave, Plale, Plouff, Balow, Richards, Shilling and Krug.

Noes: 0.

To **calendar**.

Assembly Bill 807

Relating to: various changes regarding the department of financial institutions and persons regulated by the department of financial institutions and granting rule-making authority (suggested as remedial legislation by the department of financial institutions).

Passage:

Ayes: 16 – Representatives Jeskewitz, Montgomery, J. Fitzgerald, Hoven, Kedzie, Kreibich, Rhoades, Starzyk, Walker, La Fave, Plale, Plouff, Balow, Richards, Shilling and Krug.

Noes: 0.

To **calendar**.

Assembly Bill 892

Relating to: credit union membership, powers, and operation; the application of agriculture, trade, and consumer protection statutes to credit unions; the creation of a new type of financial institution; the powers of and requirements applicable to the new type of financial institution; the priority of certain wage claim liens over a prior lien of a financial institution; providing an exemption from emergency rule procedures; granting rule-making authority; and providing a penalty.

Assembly amendment 1 adoption:

Ayes: 16 – Representatives Jeskewitz, Montgomery, J. Fitzgerald, Hoven, Kedzie, Kreibich, Rhoades, Starzyk, Walker, La Fave, Plale, Plouff, Balow, Richards, Shilling and Krug.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Jeskewitz, Montgomery, J. Fitzgerald, Hoven, Kedzie, Kreibich, Rhoades, Starzyk and Walker.

Noes: 7 – Representatives La Fave, Plale, Plouff, Balow, Richards, Shilling and Krug.

To calendar.

SUZANNE JESKEWITZ
Chairperson
Committee on Financial Institutions

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

Assembly Bill 615

Relating to: licensing of physical therapists and physical therapist assistants and granting rule-making authority.

Assembly amendment 1 adoption:

Ayes: 12 – Representatives Underheim, Johnsrud, Krawczyk, Olsen, Walker, Wieckert, Wasserman, La Fave, Miller, Schooff, Colon and Shilling.

Noes: 2 – Representatives Seratti and Carpenter.

Passage as amended:

Ayes: 11 – Representatives Underheim, Johnsrud, Krawczyk, Walker, Wieckert, Wasserman, La Fave, Miller, Schooff, Colon and Shilling.

Noes: 3 – Representatives Olsen, Seratti and Carpenter.

To calendar.

GREGG UNDERHEIM
Chairperson
Committee on Health

The committee on **Urban and Local Affairs** reports and recommends:

Assembly Bill 825

Relating to: defining emergency medical technician for purposes of the volunteer fire fighter and emergency medical technician service award program.

Assembly amendment 1 adoption:

Ayes: 6 – Representatives Gunderson, Starzyk, D. Meyer, Musser, Wasserman and Berceau.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Gunderson, Starzyk, D. Meyer, Musser, Wasserman and Berceau.

Noes: 0.

To calendar.

SCOTT GUNDERSON
Chairperson
Committee on Urban and Local Affairs

The committee on **Veterans and Military Affairs** reports and recommends:

Assembly Bill 583

Relating to: creating an individual income tax exemption for pay received from the federal government by members of a reserve component of the armed forces participating in Operation Enduring Freedom.

Passage:

Ayes: 9 – Representatives Musser, Hundertmark, Krawczyk, Petrowski, Sykora, Townsend, Ryba, Hubler and Schneider.

Noes: 0.

TERRY MUSSER
Chairperson
Committee on Veterans and Military Affairs

REFERENCE BUREAU CORRECTIONS

Assembly Bill 876

1. Page 12, line 2: after “63” insert “days”.
 2. Page 12, line 3: delete “(b),” and substitute “(b)”.
 3. Page 13, line 10: delete “it” and substitute “its”.
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SPEAKER’S COMMUNICATIONS

March 5, 2002

John Scocos
Assembly Chief Clerk
1 East Main, Room 402

Dear Mr. Scocos:

On June 21, 2001, Assembly Bill 449, relating to calculating child support and creating committees to review the method of calculating child support was referred to the Assembly Committee on Judiciary. Pursuant to Assembly Rule 42 (3)(c), I hereby withdraw Assembly Bill 449 from the Assembly Committee on Judiciary and re-refer that bill to the calendar.

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

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

COMMUNICATIONS

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: March 1, 2002
TO: John A. Scocos
Assembly Chief Clerk
Donald J. Schneider
Senate Chief Clerk
FROM: Gary L. Poulson
Deputy Revisor of Statutes
SUBJECT: Rules published in the February 28, 2002,
Wisconsin Administrative Register, No. 554.

The following rules have been published:

- Clearinghouse Rule 00-020 effective 3-1-2002
- Clearinghouse Rule 00-172 effective 3-1-2002
- Clearinghouse Rule 01-037 effective 3-1-2002
- Clearinghouse Rule 01-086 effective 3-1-2002
- Clearinghouse Rule 01-088 effective 3-1-2002
- Clearinghouse Rule 01-100 effective 3-1-2002
- Clearinghouse Rule 01-101 effective 3-1-2002
- Clearinghouse Rule 01-102 effective 3-1-2002
- Clearinghouse Rule 01-106 effective 3-1-2002
- Clearinghouse Rule 01-112 effective 3-1-2002
- Clearinghouse Rule 01-116 effective 3-1-2002
- Clearinghouse Rule 01-122 effective 3-1-2002

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health and Family Services
Madison

February 25, 2002

To the Honorable, the Assembly:

In 1997 Act 27, the 97-99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. DHFS and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to the Department, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections 48.685(5g) and 50.065(5g) of the Wisconsin Statutes direct the Department to submit a report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate

that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the report for 2000.

Questions about this report should be referred to Linda Dawson, Deputy Chief Legal Counsel, at 608-266-0355.

Thank you for distributing this report to members of the Assembly.

Sincerely,
PHYLLIS J. DUBE
Secretary

Referred to committee on **Health**.

State of Wisconsin
Department of Health and Family Services
Madison

February 27, 2002

To the Honorable, the Legislature:

The Bureau of Health Information, Department of Health and Family Services, is pleased to submit to the Governor and the Legislature the Uncompensated Health Care Report, Fiscal Year 2000. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on annual hospital uncompensated health care data reported to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals in Wisconsin. The report sets forth the total charges for charity care, bad debt, and total uncompensated health care for fiscal year 2000. It also shows the projected number of patients and the projected charges for charity care, bad debt, and total uncompensated health care in fiscal year 2001.

Sincerely,
PHYLLIS J. DUBE
Secretary

Referred to committee on **Health**.

State of Wisconsin
Department of Workforce Development
Madison

February 28, 2002

To the Honorable, the Assembly:

Pursuant to Section 109.12(2) and (3). Wis. Stats., I hereby submit the Department of Workforce Development's (DWD) 2001 annual report on the administration and enforcement of Sections 109.07 and 109.075, Wis. Stats. The report contains three sections. The first section lists all businesses in 2001 that notified DWD of business closings and mass layoffs planned in Wisconsin. The second section of the report lists businesses against whom DWD has received business closing or mass layoff complaints, DWD's actions in processing those

complaints and the current status or outcome of those complaints. The third section of the report lists businesses against whom DWD has received healthcare cessation complaints, DWD's actions in processing those complaints and the current status or outcome of those complaints.

On January 1, 2001, DWD had 14 business closing or mass layoff cases pending. Of these cases, 9 were assigned to the Department of Justice (DOJ) and were involved in various types of litigation. During 2001 the Wisconsin Supreme Court issued its decision in the NORCO Windows case (referenced in court documents as State of Wisconsin v. T. J. International, Inc.). In this matter the Supreme Court determined a business closing had not occurred when T. J. International, Inc. sold the assets of its Hawkins plant to Jeld-Wein, Inc. because the new owner commenced operating a business on the same site within 60 days of the sale. This, ruling affected two other cases pending litigation that DWD subsequently dismissed in 2001. The six other holdover cases assigned to the DOJ remain in litigation at this time. DWD had five holdover cases under investigation at the start of 2001 and concluded its investigation of each of these cases dismissing three complaints as invalid and finding two violations. The two violations have been referred to the DOJ and remain pending litigation at this time.

During 2001, DWD received 51 new business closing or mass layoff complaints for investigation. DWD completed investigations of 30 of these cases finding violations in 2 cases. The other 28 of the 30 cases were dismissed as invalid. The remaining 21 new complaints are under investigation at this time.

Thus far in 2002, DWD has received nine business closing or mass layoff complaints. Two of the complaint investigations have been completed with a finding of no violation. The remaining seven complaints are being investigated at this time.

Entering 2001, DWD had two healthcare cessation cases pending. Both cases involved violations that were referred to DOJ for litigation. One of those cases has since been settled. The other case remains pending in bankruptcy court.

During 2001, DWD received 13 healthcare cessation complaints for investigation, 5 of those cases remain under investigation at this time. In four of the completed investigations, DWD concluded no violation had occurred. In the remaining four cases, DWD documented violations, one case was settled and the remaining cases either have been or will be referred to DOJ for litigation.

To this point in 2002, DWD has received one healthcare cessation complaint. This complaint was dismissed for lack of jurisdiction shortly after it was received.

If you have any questions regarding the information contained in this report, please contact me.

Sincerely,
JENNIFER REINERT
Secretary

Referred to committee on **Labor and Workforce Development.**

State of Wisconsin
Higher Education Aids Board
Madison

March 1, 2002

To the Honorable, the Legislature:

Attached is a report summarizing a proposed program to forgive educational loans for Wisconsin farmers. Submission of this report is in compliance with Section 9124, Nonstatutory Provisions of [2001 Wisconsin Act 16](#).

If you have any questions about this report, please feel free to contact me by phone at 264-6181 or by e-mail at jane.hojan-clark@heab.state.wi.us.

Sincerely,
JANE HOJAN-CLARK
Executive Secretary

Referred to committee on **Colleges and Universities.**

State of Wisconsin
Department of Public Instruction
Madison

March 1, 2002

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 2000-2001 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,
ELIZABETH BURMASTER
State Superintendent

Referred to committee on **Education.**

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 9:30 A.M. on Thursday, March 7.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

7:46 P.M.