



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

TUESDAY, April 8, 2003

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

### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 35** offered by Representative Wasserman.

Assembly amendment 1 to **Assembly Bill 70** offered by Representative Ainsworth.

Assembly substitute amendment 1 to **Assembly Bill 136** offered by Representative Owens.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 02–151**

Relating to ESEA intradistrict safe school transfer options.

Submitted by Department of Public Instruction.

Report received from Agency, March 28, 2003.

To committee on **Education Reform**.

Referred on April 8, 2003.

#### **Assembly Clearinghouse Rule 03–015**

Relating to hunting and trapping regulations.

Submitted by Department of Natural Resources.

Report received from Agency, March 26, 2003.

To committee on **Natural Resources**.

Referred on April 4, 2003.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 238**

Relating to: promissory notes issued by the city of Milwaukee to pay for unfunded prior service liability contributions of the Milwaukee Public Schools under the Wisconsin Retirement System.

By Representatives Stone, Gielow, McCormick, Montgomery, Bies, Grothman and Hines; cosponsored by Senators Darling, Reynolds and Lazich.

To committee on **Ways and Means**.

#### **Assembly Bill 239**

Relating to: allowing courts to order that certain licenses or certifications be restricted, limited, suspended, withheld, denied, or refused in certain offenses involving operating a motor vehicle while intoxicated.

By Representatives Wieckert, Hahn, Townsend, J. Wood, Gunderson and Kreibich; cosponsored by Senators Roessler and Stepp.

To committee on **Highway Safety**.

#### **Assembly Bill 240**

Relating to: requiring the Department of Administration to study the feasibility of developing a Wisconsin brand.

By Representatives Wieckert, Jeskewitz, Hahn, Owens, Seratti, Ott, Gronemus, Vrakas and Schooff; cosponsored by Senators Stepp, Roessler, Kanavas and Chvala.

To committee on **Economic Development**.

#### **Assembly Bill 241**

Relating to: admission, denial of admission, provision of services, transfer, and discharge for individuals by nursing facilities and community-board residential facilities that are providers of Medical Assistance.

By Representatives Krusick, Balow, Berceau, Black, Cogg, Colon, Hahn, Morris, Sinicki and Young; cosponsored by Senator Carpenter.

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

#### **Assembly Bill 242**

Relating to: the annual adjustment of the motor vehicle fuel tax rate.

By Representatives Black, Cullen, Ziegelbauer, Sinicki, Berceau, Powers, J. Lehman, Morris and Wasserman; cosponsored by Senator Carpenter.

To committee on **Ways and Means**.

#### **Assembly Bill 243**

Relating to: requiring that property tax bills identify operating costs and debt service.

By Representatives Seratti, Albers, Bies, Hines, Musser and Ott.

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

#### **Assembly Bill 244**

Relating to: guardians ad litem, parent education, and parenting plans in actions affecting the family.

By Joint Legislative Council.

To committee on **Family Law**.

**Assembly Bill 245**

Relating to: notaries public who are not attorneys and providing penalties.

By Representatives Colon, Townsend, Ladwig, Pocan, Bies, Albers, Plouff, Berceau, Gielow, Lothian and Lassa; cosponsored by Senators Stepp, Carpenter, Schultz and Hansen.

To committee on **Judiciary**.

**Assembly Bill 246**

Relating to: nontherapeutic human cloning and providing penalties.

By Representatives Sherman, Miller, Berceau, Morris, J. Lehman and Plouff; cosponsored by Senators M. Meyer and A. Lasee.

To committee on **Public Health**.

**Assembly Bill 247**

Relating to: chaperoning pupils on school-sponsored trips.

By Representatives Berceau, Underheim, Stone, Musser, J. Wood, Albers, Boyle, Morris, F. Lasee, J. Lehman, Weber and Miller; cosponsored by Senator Risser.

To committee on **Education**.

**Assembly Bill 248**

Relating to: pupil assessments and to private schools participating in the Milwaukee Parental Choice Program.

By Representatives J. Lehman, Berceau, Black, Huber, Jeskewitz, Miller, Plouff, Pocan, Pope-Roberts and Shilling.

To committee on **Education Reform**.

**Assembly Bill 249**

Relating to: absentee voting.

By Representatives Grothman, Kestell, Ainsworth, Bies, Friske, Gottlieb, Gundrum, Hahn, Hines, Krawczyk, Ladwig, McCormick, Owens, Stone, Suder, Ward and LeMahieu; cosponsored by Senators Stepp, Lazich and Reynolds.

To committee on **Campaigns and Elections**.

**Assembly Bill 250**

Relating to: calculating child support and creating committees to review the method of calculating child support.

By Representatives Musser, Gundrum, McCormick, Albers, Kestell, Ainsworth, Ladwig, Hines, Lothian, Pettis, Loeffelholz, Hahn, Bies, M. Lehman, Gunderson, Nass, Ott, F. Lasee, Van Roy, Stone and Townsend; cosponsored by Senators Roessler, George and Lazich.

To committee on **Children and Families**.

**Assembly Bill 251**

Relating to: designating public depositories for the payment of property taxes.

By Representatives Gottlieb, Ainsworth, Bies, Gielow, Gunderson, Hines, Hundertmark, Ladwig, J. Lehman, M. Lehman, LeMahieu, McCormick, Musser, Seratti, Stone, Townsend, Vrakas, Ziegelbauer, Grothman and Petrowski; cosponsored by Senators A. Lasee, Lazich and Roessler.

To committee on **Ways and Means**.

**Assembly Bill 252**

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig, Jensen, J. Fitzgerald, Grothman and Petrowski; cosponsored by Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen.

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

**Assembly Bill 253**

Relating to: consideration of population in determining eligibility for recycling efficiency incentive grants.

By joint committee for review of Administrative Rules.

To committee on **Natural Resources**.

**Assembly Bill 254**

Relating to: revisions and additions to condominium law.

By Joint Legislative Council.

To committee on **Housing**.

**Assembly Bill 255**

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway.

By Representatives Albers, Gronemus, Freese, Gottlieb, Grothman, Hahn, Hines, Ladwig, LeMahieu, Loeffelholz, M. Lehman, Musser, Owens, Turner, Weber and Stone; cosponsored by Senators Schultz, Breske, Stepp, Welch and Wirth.

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

**Assembly Bill 256**

Relating to: compatible offices and positions for city, village, and town elective officeholders.

By Representatives Hundertmark, Jeskewitz, Albers, Bies, Friske, Gielow, Hines, J. Lehman, M. Lehman, Olsen, Ott and Owens; cosponsored by Senators Welch and Schultz.

To committee on **Campaigns and Elections**.

**Assembly Bill 257**

Relating to: dispensing of returned prescription drugs by state prison pharmacies.

By Representatives J. Fitzgerald, Wasserman, Albers, Bies, Cullen, Berceau, Gielow, Gottlieb, Hines, Gunderson, Van Roy, Pettis, Jeskewitz, Hahn, Musser, Gronemus, M. Lehman, Loeffelholz, Olsen, Krawczyk, Suder, Plouff, LeMahieu, Vrakas, Lassa, Young, Ziegelbauer and Van Akkeren; cosponsored by Senators S. Fitzgerald, Welch, Schultz, Robson, Moore, Leibham, Carpenter, Lazich and Roessler.

To committee on **Health**.

**Assembly Bill 258**

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

By Representatives Black, Boyle, Pocan, Berceau, Miller and Cullen; cosponsored by Senator Carpenter.

To committee on **Energy and Utilities**.

**Assembly Bill 259**

Relating to: eligibility for participation in the Milwaukee Parental Choice Program.

By Representatives Jensen, Ziegelbauer, Vukmir, Grothman, Hahn, McCormick, J. Wood, Nischke, Hines, Van Roy, Ott, Nass, Vrakas, Albers, Owens and Towns; cosponsored by Senators Darling, Welch, Reynolds, Kanavas and Stepp.

To committee on **Education Reform**.

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**COMMITTEE REPORTS**

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

**Assembly Joint Resolution 10**

Relating to: 4-year terms of office for certain county officers (first consideration).

Adoption:

Ayes: 7 – Representatives J. Fitzgerald, Musser, M. Lehman, Gundrum, Petrowski, Turner and Young.

Noes: 1 – Representative W. Wood.

To committee on **Rules**.

*JEFF FITZGERALD*  
Chairperson  
Committee on State Affairs

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

**Assembly Bill 74**

Relating to: tuition vouchers for students who sound Taps at military honors funerals.

Passage:

Ayes: 13 – Representatives Musser, Townsend, Pettis, Hundertmark, Petrowski, Bies, Loeffelholz, Gottlieb, Sherman, Hubler, Schneider, Sinicki and Miller.

Noes: 0.

To committee on **Rules**.

*TERRY MUSSER*  
Chairperson  
Committee on Veterans and Military Affairs

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**ENROLLED JOINT RESOLUTIONS**

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

**Assembly Joint Resolution 19**  
**Assembly Joint Resolution 20**  
**Assembly Joint Resolution 22**

**Assembly Joint Resolution 23**

*PATRICK E. FULLER*  
Assembly Chief Clerk

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**COMMUNICATIONS**

State of Wisconsin  
Revisor of Statutes Bureau  
Madison

**DATE:** April 1, 2003

**TO:** Patrick E. Fuller  
Assembly Chief Clerk

Donald J. Schneider  
Senate Chief Clerk

**FROM:** Gary L. Poulson  
Deputy Revisor of Statutes

**SUBJECT:** Rules published in the March 31, 2003, Wisconsin Administrative [Register, No. 567](#).

The following rules have been published:

<a href="#">Clearinghouse Rule 02-060</a>	effective	3-1-2003
<a href="#">Clearinghouse Rule 02-104</a>	effective	3-1-2003
<a href="#">Clearinghouse Rule 02-112</a>	effective	4-1-2003
<a href="#">Clearinghouse Rule 02-116</a>	effective	4-1-2003
<a href="#">Clearinghouse Rule 02-117</a>	effective	4-1-2003
<a href="#">Clearinghouse Rule 02-136</a>	effective	4-1-2003

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State of Wisconsin  
Joint Legislative Council  
Madison

April 1, 2003

Mr. Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53703

Dear Patrick:

I am pleased to transmit to you the following report to the 2003 Legislature on legislation introduced by the Joint Legislative Council:

RL 2003-05 Special Committee on Relative Caregivers

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

## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Department of Natural Resources  
Madison

March 20, 2003

To the Honorable, the Assembly:

Below is information regarding the Wisconsin Environmental Improvement Fund (EIF) Biennial Finance Plan, submitted in accordance with subsection 281.59 (3)(bm) of the Wisconsin Statutes. That subsection requires the Department of Natural Resources and the Department of Administration to submit to the legislature and the Building Commission any amendments to the Biennial Finance Plan which are necessary to reflect material approved by the Governor for inclusion in the biennial budget. The one amendment is as follows:

The Governor recommends that no additional funds be earmarked for each fiscal year of the biennium for the Land Recycling Loan Program.

After the biennial budget bill is enacted a revised version of the Biennial Finance Plan will be distributed with changes that reflect actions taken in the budget.

If you have any questions regarding the Biennial Finance Plan, please contact Kathryn A. Curtner at 266-0860 or Frank Hoadley at 266-2305.

Sincerely,  
*FRANK R. HOADLEY*  
Capitol Finance Director, Department of  
Administration  
*KATHRYN A. CURTNER, DIRECTOR*  
Bureau of Community Financial  
Assistance,  
Department of Natural Resources

Referred to committee on **Natural Resources**.

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State of Wisconsin  
Building Commission  
Madison

April 1, 2003

To the Honorable, the Legislature:

Section 13.48 (2)(e) stipulates that the State of Wisconsin Building Commission shall report to the Legislature at each regular session the progress on projects authorized in the two preceding and current biennia. This report is submitted in accordance with that provision and covers the period from July 1997 through December 2002. Projects having budgets over \$100,000 are listed in detail. Those of lesser amounts have been grouped for each agency as one item for the biennium in which they were authorized.

In summary, during this five and one-half-year period, the Building Commission approved projects with a total value of

\$2,206,630,405.84. Of that amount, \$1,564,673,326.06 has been spent or encumbered, leaving a balance of \$641,957,079.78 to be used to complete projects in progress. The sources of funds for the projects are either cash or borrowed funds which flow through the Building Trust Fund, the Capital Improvement Fund, or agency operating budgets.

Each section of this report is organized by the state agency for which the facilities are being built. The Wisconsin State Controller's office and user agencies have provided information presented in this report. Building Commission staff has not attempted to verify the figures that were obtained by user agencies. The staff has assembled the material provided by each agency and presents it for your review.

In the future we will include additional qualitative information in this report. In November 2002, the Building Commission approved draft performance measures that will help answer key questions related to the substance and implementation of the State Building Program, including measures of project selection, completion of projects on time and within budget and the total cost of ownership of state facilities.

Sincerely,  
*ROBERT G. CRAMER*  
Secretary

Referred to committee on **Government Operations and Spending Limitations**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

March 31, 2003

To the Honorable, the Legislature:

We have completed our financial and compliance audit of the State of Wisconsin, as requested by state agencies to meet the audit requirements of the federal Single Audit Act of 1984, as amended, and the provisions of federal Office of Management and Budget Circular A-133. Our audit covered the period July 1, 2001 through June 30, 2002. In addition to satisfying federal audit requirements, the audit assists us in meeting state audit requirements under s. 13.94, Wis. Stats.

Audit procedures performed at the larger state agencies that administer federal financial assistance programs, including the University of Wisconsin System, consisted of gaining an understanding of the internal controls at the agencies, assessing the propriety of revenues and expenditures, and testing compliance with laws and regulations related to the administration of federal grant programs. For the smaller agencies and selected University of Wisconsin campuses, our audit procedures were limited to verifying information included in the federally required State of Wisconsin Schedule of Expenditures of Federal Awards and following up on prior-year audit findings. Our review focused on the 25 federal grants that either exceeded the \$22.2 million threshold used to define major grants or were below this threshold but

were selected for review based on the risk-based assessment criteria established by the federal government.

Our report contains the auditor's reports on compliance and internal control. Because of material noncompliance by the Department of Health and Family Services and the Department of Corrections related to the Foster Care – Title IV-E program, we qualify our opinion on the State's compliance with federal requirements. Our audit opinion on the State of Wisconsin Schedule of Expenditures of Federal Awards for the audited period is unqualified.

The agency narratives contain our comments on internal control deficiencies related to the administration of federal grants, findings of noncompliance for each agency, and the results of our follow-up to prior audit findings. A summary schedule of findings and questioned costs for the current year's audit is also provided, as well as a summary of the status of findings included in our prior audit report for the State of Wisconsin (report 02-7). We note that, overall, state agencies have complied with federal grant requirements and have taken steps to address findings included in the prior year's single audit report. However, we report internal control deficiencies and several areas of noncompliance, and we identify \$847,283 in questioned costs. While higher than last year's questioned costs, this year's amount represents a small portion of the \$8.1 billion in federal financial assistance to the State of Wisconsin.

The federal government will resolve the findings and questioned costs included in our report. Federal agencies are expected to contact state agencies regarding resolution. To assist federal officials in their efforts, state agency contact information is provided in appendices to this report.

In addition to the comments and recommendations included in our report, separate audit communications will be issued to various state agencies addressing technical accounting and internal control issues, including those relating to the preparation of the State's financial statements.

We appreciate the courtesy and cooperation extended to us by agency staff during our audit. Agencies' comments on individual findings, along with their corrective action plans to address our concerns, are included within the agency narratives.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

April 4, 2003

To the Honorable, the Legislature:

We have completed a review of the Office of Justice Assistance's (OJA's) administration of the Juvenile Accountability Incentive Block Grants program at the request of several legislators, including Representative David Cullen, who first requested it. The purpose of the program is to assist states and localities in making delinquent juveniles accountable for the crimes they commit. From the program's inception in 1998 through September 2001, the State received \$17.3 million in federal grant funds, and an additional \$1.1 million in interest earnings from these funds.

We found serious deficiencies in OJA's management of the program, which resulted from a noncompetitive grant award process, inadequate oversight by the 27-member Juvenile Justice Commission, and the significant discretion allowed OJA's former Executive Director. We question a total of \$279,033 in expenditures that were funded primarily by the program and are either inconsistent with its purpose or excessive for a state agency. This amount includes \$149,784 in expenditures incurred during fiscal year 2001-02, which are reported in our 2001-02 single audit report (report 03-5).

From federal fiscal year 1997-98 through federal fiscal year 2001-02, the Department of Corrections was awarded \$3.7 million in Juvenile Accountability Incentive Block Grants funds without consideration of statewide priorities, which had not been developed. We include a recommendation for OJA to establish a competitive process for distributing all program funds to local governments and state agencies.

We appreciate the courtesy and cooperation extended to us by OJA staff during our review.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor