



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

TUESDAY, May 13, 2003

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 133** offered by Representative Ziegelbauer.

Assembly substitute amendment 1 to **Assembly Bill 142** offered by Representative Ziegelbauer.

Assembly substitute amendment 1 to **Assembly Bill 149** offered by Representative Albers.

Assembly substitute amendment 1 to **Assembly Bill 275** offered by Representative Freese.

Assembly amendment 1 to Assembly amendment 1 to **Assembly Bill 288** offered by committee on **Judiciary**.

Assembly amendment 2 to **Assembly Bill 288** offered by committee on **Judiciary**.

Assembly amendment 1 to **Assembly Bill 293** offered by Representatives Morris and Musser.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 02-141

Relating to weights and measures.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, May 6, 2003.

To committee on **Small Business**.

Referred on May 13, 2003.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 322

Relating to: claiming the lottery and gaming property tax credit.

By Representatives Wieckert, Hahn, Ladwig, Musser, Jeskewitz, Hines, Grothman, Krawczyk, Van Roy, Gunderson, Owens, Albers, Stone, Olsen, Plouff, J. Lehman, Kerkman, Bies, Vrakas, Seratti, Towns and D. Meyer; cosponsored by Senators Lazich, Stepp, Roessler, Leibham and Lassa.

To committee on **Ways and Means**.

Assembly Bill 323

Relating to: the Managed Forest Land Program, providing funding for grants for land acquisition for outdoor recreation, requiring the exercise of rule-making authority, and making an appropriation.

By Representative Friske; cosponsored by Senators Welch and Breske.

To committee on **Forestry**.

Assembly Bill 324

Relating to: classification of jail prisoners for determining prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners.

By Representatives Friske, Bies, Huber, Van Roy, Musser, Hines, F. Lasee, Ladwig, Townsend, Owens, McCormick, Stone, J. Fitzgerald, Hundertmark, Albers, Grothman and Petrowski; cosponsored by Senator S. Fitzgerald.

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

Assembly Bill 325

Relating to: requiring certain referenda held by local governmental units to borrow money to contain financial details.

By Representatives Friske, Gard, Stone, Jensen, Gielow, Van Roy, Hines, Suder, Ladwig, Hahn, F. Lasee, Musser, Gunderson, Owens, Townsend and Freese; cosponsored by Senator Cowles.

To committee on **Campaigns and Elections**.

Assembly Bill 326

Relating to: allowing funeral directors and operators of funeral establishments to copy vital records.

By Representatives M. Lehman, Olsen, J. Lehman, Vrakas, Staskunas, Freese, Rhoades, Pettis, Nass, Hines, Ladwig, Hahn, F. Lasee, Hundertmark, Van Roy, Friske, Bies, Weber, Gunderson, Montgomery, Musser, McCormick, LeMahieu, Krawczyk and Jensen; cosponsored by Senators Kanavas, Lazich, Roessler, Wirth, Leibham, M. Meyer, Breske and Schultz.

To committee on **Small Business**.

Assembly Bill 327

Relating to: prohibiting certain computer postings that invite harassment or obscene, lewd, or profane communication and providing a penalty.

By Representatives Friske, Schneider, Bies, Van Roy, Musser, Hines, Loeffelholz, Ladwig, Hahn, McCormick, Krawczyk, Stone, Albers and Owens; cosponsored by Senators Roessler and Kanavas.

To committee on **Criminal Justice**.

Assembly Bill 328

Relating to: the historic sites operated by the State Historical Society of Wisconsin, the purposes of which the State Historical Society of Wisconsin may contract with the Wisconsin Historical Foundation, Inc., or any other nonprofit corporation, and making an appropriation.

By Representatives Kestell, Huber, Hines, Gielow, Gronemus, Jeskewitz, Hahn, M. Williams, Towns, Berceau, Ott, Balow, Olsen, Ziegelbauer, Rhoades, Loeffelholz, Ladwig, Albers, Gunderson, Shilling, Owens, LeMahieu, J. Lehman, Boyle, Freese, Miller, Plouff, Bies, Van Roy, McCormick, Vrakas, Hundertmark, Weber, Grothman and Gard; cosponsored by Senators Leibham, Risser, Schultz, Kedzie, M. Meyer, Kanavas, Decker, A. Lasee, Roessler and Plale.

To committee on **Tourism**.

Assembly Bill 329

Relating to: the frequency of local lodge meetings.

By Representatives Montgomery, Van Roy, Wieckert, Jensen, Bies, J. Wood, M. Lehman, Weber, Towns, Schooff, Grothman, Ladwig, Cullen, Owens, Hines, McCormick, Plouff, Shilling, Gielow, Stone and Seratti; cosponsored by Senators Schultz, Hansen and Breske.

To committee on **Insurance**.

Assembly Bill 330

Relating to: consolidation incentive payments.

By Representatives Miller, Turner, Musser and Berceau; cosponsored by Senator Risser.

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

Assembly Bill 331

Relating to: salaries paid to members of the board of school directors of a 1st class city school district.

By Representatives Cullen, Ladwig, Boyle, McCormick, A. Williams, Huber, Sinicki, Wasserman, Shilling and Balow; cosponsored by Senators Schultz, Carpenter, Risser, Wirsch and Hansen.

To committee on **Education Reform**.

Assembly Bill 332

Relating to: the full and equal enjoyment of a public place of accommodation or amusement by a person with a disability who is accompanied by a service animal.

By Representatives Miller, Berceau, Sherman, Boyle, Hines, Albers, Balow, McCormick, Plouff, Gielow and Van Roy; cosponsored by Senators Robson, Carpenter, Risser and Wirsch, by request of Wisconsin Academy of Graduate

Service Dogs, Incorporated and Wisconsin Council of the Blind.

To committee on **Public Health**.

Assembly Bill 333

Relating to: use of vehicles and aircraft owned or leased by the state for purposes of political campaigning.

By Representatives Pocan, Berceau, Bies, Black, J. Lehman, Miller, Staskunas and J. Wood; cosponsored by Senators Carpenter, Hansen and Risser.

To committee on **Campaigns and Elections**.

Assembly Bill 334

Relating to: sureties in criminal cases.

By Representatives Suder, Owens, Stone, Bies, Grothman, Petrowski and Seratti.

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

Assembly Bill 335

Relating to: underage persons possessing, consuming, or being provided alcohol beverages when accompanied by a parent, guardian, or spouse.

By Representatives Ainsworth, Hines, Ladwig, M. Lehman, Morris, Ott, Owens and Wasserman; cosponsored by Senator S. Fitzgerald.

To committee on **State Affairs**.

Assembly Bill 336

Relating to: exempting from taxation retirement plan income received by an individual.

By Representatives Owens, Nass, Kerkman, J. Fitzgerald, M. Lehman, Musser, F. Lasee, Lothian, Nischke, Montgomery, Ladwig, LeMahieu, Freese, J. Wood, Hahn, Jeskewitz, Townsend, McCormick, Pettis, Cullen, Jensen, Kreibich, Loeffelholz, Hundertmark, Albers, Petrowski, Bies, Weber and Gunderson; cosponsored by Senators Kedzie, Wirsch, Hansen, Leibham, Stepp, Kanavas, Breske and Roessler.

To committee on **Ways and Means**.

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

Assembly Bill 337

Relating to: authorizing binding arbitration and a limited right to strike under the State Employment Labor Relations Act, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

By Representatives Pocan, Boyle, Berceau, Black and Plouff; cosponsored by Senator Risser.

To committee on **Labor**.

Assembly Bill 338

Relating to: prohibiting an employer from terminating the employment of an employee who is 40 years of age or over without just cause and the time within which an employment discrimination complaint in which the act charged is termination of employment must be filed.

By Representatives Johnsrud, Hahn, Musser, Ott, Albers, Hines, Loeffelholz and Gronemus; cosponsored by Senator Robson.

To committee on **Labor**.

Assembly Bill 339

Relating to: limiting the spending of technical college districts during the 2003-05 fiscal biennium.

By Representatives Bies, Hines, Jeskewitz, Ladwig, F. Lasee and Seratti; cosponsored by Senator A. Lasee.
To committee on **Colleges and Universities**.

Assembly Bill 340

Relating to: expanding town authority to create an official map and the status of an official town map.

By Representatives Albers, Ainsworth, Bies, Gronemus, Hines, Kestell, Krawczyk, M. Lehman, LeMahieu, McCormick, Musser, Ott, Owens, Towns and Van Roy; cosponsored by Senators A. Lasee, Kanavas and Kedzie.

To committee on **Property Rights and Land Management**.

Assembly Bill 341

Relating to: authorizing counties to use the marriage license fee for purposes related to domestic violence and increasing the assessment imposed on persons convicted of domestic abuse offenses.

By Representatives Kreibich, Kaufert, J. Wood, M. Williams, Vrakas, Owens, Ward, Rhoades, Turner, Jeskewitz, Gielow, Musser, Shilling, Ott, Ladwig, Pettis, Balow, Hines, Loeffelholz, Olsen, Berceau, Albers, Van Roy, Weber, Friske, J. Fitzgerald, Suder, Miller, Plouff and Townsend; cosponsored by Senators Roessler, Leibham, Darling, Stepp, Cowles and Jauch.

To committee on **Children and Families**.

Assembly Bill 342

Relating to: making a student who has been convicted of possessing, with intent to manufacture, distribute, or deliver, or of manufacturing, distributing, or delivering, a controlled substance or controlled substance analog ineligible for state financial aid and granting rule-making authority.

By Representatives Kreibich, Gard, Freese, Hundertmark, Suder, M. Lehman, Montgomery, J. Fitzgerald, Gundrum, Hahn, Nass, Krawczyk, Hines, Ladwig, Petrowski, Ott, Albers, Owens, Bies, Pettis and Van Roy; cosponsored by Senators Leibham, Roessler, Schultz, Zien, Kanavas and Cowles.

To committee on **Colleges and Universities**.

Assembly Bill 343

Relating to: establishing a clearinghouse for information about special education transition services and vocational opportunities that are available in each county.

By Representatives Owens, Townsend, Ladwig, Jeskewitz, J. Wood, Van Roy, Krawczyk, Loeffelholz, Musser, Hines, Berceau, Gronemus, Miller and Zepnick; cosponsored by Senators Roessler, Ellis, Stepp, Plale, Wirsch and Robson.

To committee on **Children and Families**.

COMMITTEE REPORTS

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

Assembly Bill 13

Relating to: sales of damaged timber by the department of natural resources and by counties from county forest lands.

Assembly Amendment 1 adoption:
Ayes: 5 – Representatives Friske, Ainsworth, Seratti, M. Williams and Hubler.
Noes: 0.

Passage as amended:
Ayes: 5 – Representatives Friske, Ainsworth, Seratti, M. Williams and Hubler.
Noes: 0.

To committee on **Rules**.

DONALD FRISKE
Chairperson
Committee on Forestry

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

Assembly Bill 245

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

Passage:
Ayes: 8 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas, Hebl and Cullen.
Noes: 0.

To committee on **Rules**.

Assembly Bill 288

Relating to: identity theft, unlawful use of an entity's identification documents or identifying information, false statements to financial institutions, and access by law enforcement agencies to driver's license and state identification card photographs and providing penalties.

Assembly Amendment 2 adoption:
Ayes: 8 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas, Hebl and Cullen.
Noes: 0.

Passage as amended:
Ayes: 8 – Representatives Gundrum, McCormick, Albers, Grothman, Kerkman, Staskunas, Hebl and Cullen.
Noes: 0.

To committee on **Rules**.

MARK GUNDRUM
Chairperson
Committee on Judiciary

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 24

PATRICK E. FULLER
Assembly Chief Clerk

**STATEMENT OF CANVASS
FOR
REPRESENTATIVE TO THE ASSEMBLY**

DISTRICT EIGHTEEN

SPECIAL ELECTION – APRIL 29, 2003

I, Steven V. Ponto, Chairperson of the State Elections Board, certify that the attached tabular statement, as compiled from the certified returns made to the State Elections Board by the Milwaukee County Board of Election Commissioners, contains a correct abstract of the total number of votes given for the election of a candidate for Representative to the Assembly, at a Special Election held in the several election districts in said county on the Twenty-ninth day of April, 2003.

I DO, THEREFORE, DETERMINE AND CERTIFY that the following candidate, having received the greatest number of votes, is duly elected Representative to the Assembly:

| <u>District</u> | <u>Elected</u> |
|-----------------|-----------------------|
| Eighteen | Lena C. Taylor |

Done in the City of Menomonee Falls, this 5th day of May, 2003.

STEVEN V. PONTO
Chairperson
State Elections Board

REFERENCE BUREAU CORRECTIONS

Assembly Bill 324

- Page 3, line 6: delete "2001" and substitute "2003".

COMMUNICATIONS

May 12, 2003

Speaker John Gard
State Capitol, 211 West
Madison, WI 53708

Dear Speaker Gard:

I respectfully recommend appointment of Representative Lena Taylor to the following standing committees of the Assembly:

Economic Development
Financial Institutions
Tourism
Urban and Local Affairs

Please note that Representative Taylor will be replacing Representative Bob Turner on the Urban and Local Affairs Committee. Thank you.

Sincerely,
JIM KREUSER
Assembly Democrat Leader

May 8, 2003

Patrick Fuller
Assembly Chief Clerk
17 West Main Street
Madison, WI 53703

Dear Chief Clerk Fuller:

This correspondence is to notify you that as of Friday, May 9, 2003, I will be resigning from my position as State Representative of the 71st Assembly District to assume my new position as Senator of the 24th Senate District.

This resignation will also terminate my membership to all Assembly Committees.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at any time.

Sincerely,
JULIE LASSA
State Representative
71st Assembly District

May 9, 2003

Governor Jim Doyle
State Capitol
115 East
Madison, WI 53702

Dear Governor Doyle:

I hereby resign my seat as Representative for the twenty-first Assembly District of the State of Wisconsin, effective immediately. If you have any questions or concerns, please contact my office.

Thank you for your attention to this matter.

Sincerely,
SENATOR JEFF PLALE
7th Senate District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

May 7, 2003

To the Honorable, the Legislature:

Please find enclosed a copy of the Length of Service Award Program (LOSA) 2002 Annual Report. The report was

developed by the Length of Service Award Board with support from Department of Administration staff. The report provides an overview of the program and outlines the accomplishments for the 2002 program year.

Wisconsin State Statute 16.25 (6) requires the Department to submit a copy of the report to the Chief Clerk of each house annually describing the activities of the board.

If you have any questions regarding the plan, please contact Terri Lenz at the Department of Administration, Division of Housing and Intergovernmental Relations, at (608) 261-6580.

Sincerely,
THOMAS M. KRAUSKOPF
Deputy Administrator, Division of
Housing and Intergovernmental Relations
Department of Administration

Referred to committee on **Urban and Local Affairs**.

State of Wisconsin
Department of Administration
Madison

May 9, 2003

To the Honorable, the Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the third quarter of fiscal year 2003 (January 1, 2003 through March 31, 2003). 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, Bingo and Indian Gaming.

If you have any questions or comments regarding this report, please do not hesitate to contact Rachel Meek at (608) 270-2535.

Sincerely,
JOHNNIE L. SMITH
Division Administrator

Referred to committee on **State Affairs**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

May 8, 2003

To the Honorable, the Legislature:

As required by s. [13.94\(1\)\(em\)](#), Wis. Stats., we have completed a financial audit of the Wisconsin Lottery, which is administered by the Department of Revenue. We have issued an unqualified opinion on the Wisconsin Lottery's fiscal year (FY) 2001-02 and FY 2000-01 financial statements.

Total lottery sales increased from \$401.2 million in FY 2000-01 to \$427.6 million in FY 2001-02. The increase of \$26.4 million can primarily be attributed to ticket sales for on-line games, which, to a large extent, are related to the size of the jackpots. In August of 2001, the Wisconsin's Very Own Megabucks jackpot was unusually high at \$20.3 million, and the Powerball jackpot reached \$295.7 million – a record high jackpot at that time.

However, it should be noted that the Department of Revenue does not project this sales level to be maintained in the future. In October 2002, the Department projected FY 2002-03 lottery sales to be \$412.7 million. In addition, the Governor's 2003-05 Biennial Budget Proposal includes lottery sales estimates of \$417.2 million in FY 2003-04 and \$418.0 million in FY 2004-05. The Governor's budget also includes a proposal to privatize all lottery functions, except procurement and financial auditing services, starting in FY 2004-05.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue. The Department's response follows our report.

Respectfully submitted,
JANICE MUELLER
State Auditor