



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

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MONDAY, August 4, 2003

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

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### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 11** offered by Representative Wasserman.

Assembly amendment 1 to **Assembly Bill 256** offered by committee on **Campaigns and Elections**.

Assembly amendment 1 to Assembly amendment 1 to **Assembly Bill 256** offered by committee on **Campaigns and Elections**.

Assembly amendment 1 to **Assembly Bill 303** offered by Representative Albers.

Assembly amendment 1 to **Assembly Bill 327** offered by Representative Friske.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 02–138**

Relating to dental specialties.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, July 29, 2003.  
To committee on **Health**.  
Referred on August 4, 2003.

#### **Assembly Clearinghouse Rule 03–046**

Relating to the deployment of rapid response funds to preserve economic development in Wisconsin.  
Submitted by Department of Commerce.  
Report received from Agency, July 29, 2003.  
To committee on **Economic Development**.  
Referred on August 4, 2003.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 450**

Relating to: requiring Medical Assistance incentive payments to hospitals that establish a physician order entry record system and making an appropriation.

By Representatives Wasserman, Hines, Balow, Berceau, Boyle, Colon, Cullen, Gronemus, Hebl, Huber, Krug, J. Lehman, Miller, Morris, Plouff, Pocan, Pope–Roberts, Schneider, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Travis, Turner, Van Akkeren, Wieckert, Young, Zepnick and Ziegelbauer; cosponsored by Senator Risser.

To committee on **Health**.

#### **Assembly Bill 451**

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

By Representatives Johnsrud, Balow, Berceau, Black, Cogg, Colon, Krug, J. Lehman, Miller, Morris, Plouff, Pocan, Pope–Roberts, Richards, Shilling, Sinicki, Staskunas, Taylor, Turner, Van Akkeren, Wasserman, A. Williams, Zepnick, Hahn, Gronemus and Seratti; cosponsored by Senators Robson, Carpenter, Chvala, Erpenbach, Hansen, Moore, Plale, Risser, Wirch and Decker.

To committee on **Labor**.

#### **Assembly Bill 452**

Relating to: publication of the street address of a person who provides day care in the persons home.

By Representatives Rhoades, Olsen, Musser, Pettis, Gunderson, Owens, Hines, Loeffelholz, Ott, Shilling and Gronemus; cosponsored by Senators Erpenbach, Harsdorf and Schultz.

To committee on **Children and Families**.

#### **Assembly Bill 453**

Relating to: state government holidays.

By Representatives Pettis, Musser, Taylor, Nischke, Lothian, Suder, Van Akkeren, Van Roy, Gielow, Boyle, Hines, Ott, Gunderson, Owens, Freese and Bies; cosponsored by Senators S. Fitzgerald, Schultz, Hansen, Erpenbach and Chvala.

To committee on **Government Operations and Spending Limitations**.

**Assembly Bill 454**

Relating to: disclosure of certain records of elective or major appointive state or local officials under the Wisconsin Retirement System.

By Representatives Gundrum, Ziegelbauer, Grothman, Huebsch, Jeskewitz, Hahn, Gunderson, Stone, Lothian, Petrowski, Albers, Van Roy, Bies, Townsend, Krawczyk, McCormick, Hines and Gielow; cosponsored by Senators Lazich, Kanavas and Schultz.

To committee on **Government Operations and Spending Limitations**.

**Assembly Bill 455**

Relating to: the reduction and recovery of damages and admissibility of evidence in civil actions related to use or nonuse of protective headgear by operators and passengers of motorcycles, all-terrain vehicles, and snowmobiles.

By Representatives Vrakas, Gard, Suder, Kreibich, M. Lehman, Hines, Gronemus, Musser, Weber, Albers, Pettis, Kerkman, Kestell, Ott, Petrowski, Gunderson and Vruwink; cosponsored by Senators Zien, A. Lasee, Welch, Stepp, Decker, Kanavas and Lazich.

To committee on **Judiciary**.

**Assembly Bill 456**

Relating to: changing the interest rate applicable in court actions.

By Representatives Grothman, Kestell, Ainsworth, Albers, Friske, Gunderson, Gundrum, Hahn, Hines, Hundertmark, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, McCormick, Musser, Olsen, Ott, Owens, Petrowski, Seratti, Van Roy and Bies; cosponsored by Senators Schultz, Lazich, Reynolds and Risser.

To committee on **Judiciary**.

**Assembly Bill 457**

Relating to: applicability to private roads and driveways of certain rules of the road governing passing school buses.

By Representatives Pope-Roberts, Towns, Miller, Jeskewitz, Turner, Berceau, Black, Olsen, Pohan, Krug, Nass, Krawczyk, Ainsworth, J. Lehman, Albers, Gronemus, Nischke, Hines, Ott, Taylor, Gunderson, Seratti, Van Roy, Vrakas, Huber and Bies; cosponsored by Senators Risser, Chvala, Kedzie and Lassa.

To committee on **Highway Safety**.

**Assembly Bill 458**

Relating to: operating a vehicle or operating or going armed with a firearm after using certain controlled substances and providing penalties.

By Representatives Gundrum, Suder, Ziegelbauer, Staskunas, Kerkman, Krusick, Vukmir, Gronemus, LeMahieu, Turner, Ward, Towns, Petrowski, Olsen, Ainsworth, Weber, Nass, Ladwig, Hines, Ott, Gunderson, J. Fitzgerald, Van Roy, M. Lehman, Freese, Friske, Gielow, Rhoades, Vrakas, Pettis, Albers and Krawczyk; cosponsored by Senators Harsdorf, Lazich, Lassa, Roessler, Kanavas, Darling, S. Fitzgerald, Stepp, Leibham, Kedzie, Reynolds and A. Lasee, by request of Bill and Michelle Logemann, parents of Baby Luke.

To committee on **Judiciary**.

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**COMMITTEE REPORTS**

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

**Assembly Bill 369**

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.

Assembly Amendment 1 adoption:

Ayes: 13 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Van Roy, Steinbrink, Vruwink, Gronemus, Hebl and Zepnick.

Noes: 0.

Passage as amended:

Ayes: 11 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Van Roy, Gronemus, Hebl and Zepnick.

Noes: 2 – Representatives Steinbrink and Vruwink.

To committee on **Rules**.

**Assembly Bill 382**

Relating to: issuing and displaying a school bus operator identification card.

Assembly Amendment 1 adoption:

Ayes: 13 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Van Roy, Steinbrink, Vruwink, Gronemus, Hebl and Zepnick.

Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Van Roy, Steinbrink, Vruwink, Gronemus, Hebl and Zepnick.

Noes: 0.

To committee on **Rules**.

*JOHN AINSWORTH*

Chairperson

Committee on Transportation

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

**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.

Passage:

Ayes: 5 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian and Berceau.

Noes: 2 – Representatives Huber and Taylor.

To committee on **Rules**.

**Assembly Bill 263**

Relating to: changing the bonding requirements for city, village, and county officers.

Passage:

Ayes: 7 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Huber, Berceau and Taylor.  
Noes: 0.

To committee on **Rules**.

*SCOTT GUNDERSON*  
Chairperson  
Committee on Urban and Local Affairs

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## CHIEF CLERK REPORTS

The Chief Clerk records:

### Assembly Bill 111

Presented to the Governor on Monday, August 4.

*PATRICK E. FULLER*  
Assembly Chief Clerk

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## COMMUNICATIONS

July 31, 2003

Patrick Fuller, Assembly Chief Clerk  
Wisconsin State Assembly  
17 West Main Street, Room 208  
Madison, WI 53703

Dear Chief Clerk Fuller:

I am pleased to provide you with a copy of the official canvass of the July 22, 2003 Special Election vote for Representative to the Assembly, Districts 21 and 71, along with the determination by the Chairperson of the State Elections Board of the winners.

With this letter, I am delivering a Certificate of Election and transmittal letter for the winner in the 21st Assembly District to you for distribution. Upon completion of the recount currently being conducted in the 71st Assembly District and upon the expiration of the time for appeal, I will forward a Certificate of Election for the winner in that district to you.

If the State Elections Board can provide you with further information or assistance, please contact our office.

Sincerely,  
*KEVIN J. KENNEDY*  
Executive Director  
State Elections Board

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July 31, 2003

Mr. Mark Honadel  
1219 Manitoba Avenue  
South Milwaukee, WI 53172

Dear Representative-Elect Honadel:

I am pleased to extend my congratulations on your election as Representative to the Assembly, Twenty-first District, for the State of Wisconsin. You have been elected to complete the balance of the unexpired, two-year term ending January 3, 2005, caused by the resignation of Jeff Plale. I am delivering your Certificate of Election to Assembly Chief Clerk Fuller, who will present it to you.

If the State Elections Board staff can provide you with any information or assistance, please contact our office.

*KEVIN J. KENNEDY*  
Executive Director  
State Elections Board

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## STATEMENT OF CANVASS FOR REPRESENTATIVE TO THE ASSEMBLY SPECIAL ELECTION – JULY 22, 2003

I, Shane Falk, Chairperson of the State Elections Board, certify that the attached tabular statements, as compiled from the certified returns made to the State Elections Board by the county clerks of the several counties of the state, contain 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 towns, wards, villages and election districts in said counties on the Twenty-second day of July, 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>
<b>21st District</b>	<b>Mark Honadel</b>
<b>71st District</b>	<b>Louis John Molepske, Jr.</b>

Done in the City of Brookfield,  
this 30th day of July, 2003.

*SHANE FALK*  
Chairperson  
State Elections Board

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## CERTIFICATE OF ELECTION

I, Kevin J. Kennedy, Executive Director of the State Elections Board of the State of Wisconsin, certify that

***Mark Honadel***

was elected to the office of

## REPRESENTATIVE TO THE ASSEMBLY

from the Twenty-first Assembly District of the State of Wisconsin, for the unexpired term of two years, commencing on January 6, 2003, and ending on January 3, 2005, to fill the vacancy created by the resignation of Jeff Plale, as shown on the official canvass of the votes cast at the Special Election held on July 22, 2003.

Done in the City of Madison, this  
31st day of July, 2003.

Sincerely,  
*KEVIN J. KENNEDY*  
Executive Director  
State Elections Board

## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

July 30, 2003

To the Honorable, the Legislature:

As requested by the Public Service Commission (PSC), we have completed a financial audit of the Universal Service Fund, which was established to ensure that all state residents receive essential telecommunications services and have access to advanced telecommunications capabilities. Our audit report contains our unqualified opinion on the Fund's financial statements and related notes for the fiscal years ending June 30, 2002 and 2001.

The Universal Service Fund is funded through assessments on telecommunications providers, which totaled \$22.3 million in fiscal year (FY) 2001-02. The largest program supported by the Fund is the Educational Telecommunications Access Program, which has been administered by the Technology for Educational Achievement (TEACH) Board. During FY 2001-02, \$11.7 million, or 61.9 percent of total fund expenditures and transfers, was spent on this program, including subsidies for data lines and video links for schools, libraries, and others.

Most other programs supported by the Fund are operated by the PSC. Expenditures for these programs had historically been significantly less than annual program budgets. In response, in [2001 Wisconsin Act 16](#) the Legislature limited the amount of assessments to support the PSC-operated programs to \$5.0 million in FY 2003-04 and \$6.0 million in FY 2004-05. However, the level of expenditures and encumbrances in the PSC-operated programs increased during FY 2000-01 and FY 2001-02 and is relatively close to these limits on future assessment levels.

As a result of legislative action, the Universal Service Fund was required to lapse \$3,979,000 to the General Fund during the 2001-03 biennium. Subsequent to the transfers, the Fund had a balance of approximately \$4.8 million as of June 30, 2003.

We appreciate the courtesy and cooperation extended to us by the staff at the PSC, TEACH, and the Fund's administrator, Williams Young, LLC, during the audit.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

## OATH OF OFFICE

On Monday, August 4, Circuit Court Judge Dennis P. Moroney from Milwaukee County administered the oath of office to Mark Honadel of the Twenty-first Assembly District in a ceremony held at the South Milwaukee Community Center.

## COMMUNICATIONS

State of Wisconsin  
Revisor of Statutes Bureau  
Madison

**DATE:** August 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 July 31, 2003, Wisconsin Administrative [Register, No. 571](#).

The following rules have been published:

<a href="#">Clearinghouse Rule 02-119</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 02-121</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 02-124</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 02-125</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 02-128</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 02-151</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 03-001</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 03-002</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 03-015</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 03-019</a>	effective	8-1-2003
<a href="#">Clearinghouse Rule 03-024</a>	effective	8-1-2003