



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

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THURSDAY, September 11, 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 101** offered by committee on **Corrections and the Courts**.

Assembly amendment 1 to **Assembly Bill 104** offered by Representative Johnsrud.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 152** offered by Representative Wasserman.

Assembly amendment 1 to **Assembly Bill 270** offered by Representative Gundrum.

Assembly substitute amendment 1 to **Assembly Bill 279** offered by Representatives Berceau and Friske.

Assembly substitute amendment 1 to **Assembly Bill 362** offered by committee on **Insurance**.

Assembly substitute amendment 1 to **Assembly Bill 372** offered by Representative Gundrum.

Assembly amendment 1 to **Assembly Bill 390** offered by committee on **Corrections and the Courts**.

Assembly substitute amendment 1 to **Assembly Bill 419** offered by committee on **Transportation**.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 03-070**

Relating to greyhound racing and pari-mutuel wagering. Submitted by Department of Administration. Report received from Agency, September 2, 2003. To committee on **State Affairs**. Referred on September 11, 2003.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 44**

Relating to: temporary service in the supreme court (first consideration).

By Representatives Huber, Gundrum, Cullen, McCormick, Staskunas, Freese, Sherman, Olsen, Plouff, Ott, Molepske, Jeskewitz, Taylor, Musser, J. Lehman, Hundertmark, Hahn and Weber; cosponsored by Senators Darling, Decker, Roessler and Risser.

To committee on **Judiciary**.

#### **Assembly Bill 505**

Relating to: committing 3 or more specified traffic offenses within a single course of conduct, driver education instruction, and providing a penalty.

By Representatives Ainsworth, Bies, Hines and Owens. To committee on **Highway Safety**.

#### **Assembly Bill 506**

Relating to: the definition of navigable waters and navigable waterway and declarations of navigability.

By Representatives Gunderson, Ladwig, Ainsworth, Bies, Friske, Gielow, Gronemus, Grothman, Hahn, Hines, Hundertmark, Jeskewitz, Kerkman, Krawczyk, Kestell, M. Lehman, LeMahieu, F. Lasee, McCormick, Musser, Nass, Nischke, Olsen, Petrowski, Seratti, Steinbrink, Suder, Towns and M. Williams; cosponsored by Senators Stepp, Harsdorf, Kanavas, A. Lasee, Reynolds and Zien.

To committee on **Natural Resources**.

#### **Assembly Bill 507**

Relating to: the income and franchise tax credit for sales tax and use tax paid on fuel and electricity consumed in manufacturing.

By Representatives Wieckert, F. Lasee, Nischke, Jensen, Townsend, Musser, Weber, Ott, Gunderson, Van Roy, McCormick, Montgomery, Freese, Gard and Krawczyk; cosponsored by Senators Welch, Breske, Reynolds, S. Fitzgerald, Stepp, Roessler, Ellis and Hansen.

To committee on **Economic Development**.

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

#### **Assembly Bill 508**

Relating to: the income and franchise tax credit for sales tax and use tax paid on fuel and electricity consumed in manufacturing.

By Representatives Wieckert, F. Lasee, Nischke, Ziegelbauer, Hines, Ainsworth, Gronemus, Seratti, Bies, Gunderson, Van Roy, McCormick, Montgomery, Gard and Krawczyk; cosponsored by Senators Welch, Lassa, Reynolds, Leibham, Stepp, Roessler, Darling, Ellis, Hansen and Breske.

To committee on **Economic Development**.

#### **Assembly Bill 509**

Relating to: discrimination in prescription drug prices and granting rule-making authority.

By Representatives Krusick, Jeskewitz, Albers, Hahn, M. Lehman, Miller, Pocan, Seratti, Staskunas, Turner and Van Roy; cosponsored by Senator Carpenter.

To committee on **Health**.

#### **Assembly Bill 510**

Relating to: authorizing the creation of a metropolitan service district, authorizing a metropolitan service district to levy a property tax, authorizing a metropolitan service district to apply for funding from certain programs that receive funding from the Warren Knowles-Gaylord Nelson Stewardship 2000 Program, authorizing certain towns to use tax incremental financing, and authorizing a metropolitan service district to impose impact fees and issue debt.

By Representatives Huber, M. Lehman, Plouff, Gunderson, Ziegelbauer, Ladwig, Schooff, Musser, Sinicki, Olsen, Zepnick, Nass, Berceau, Ott, Miller, Grothman, J. Lehman, Kestell, Molepske, Albers, Pocan, Seratti, Balow, Jeskewitz, Travis and Hahn; cosponsored by Senators Roessler, Decker, Brown, Lassa, Erpenbach and Risser.

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

#### **Assembly Bill 511**

Relating to: placing bodily substances in edibles and providing a penalty.

By Representatives F. Lasee, Musser, M. Lehman, Ladwig, Freese, Hahn, Albers, Krawczyk, Jeskewitz, Ott, Petrowski, Weber, Van Roy, Bies and Hines; cosponsored by Senators Cowles, A. Lasee, Lassa, Kedzie, Lazich and Roessler.

To committee on **Criminal Justice**.

#### **Assembly Bill 512**

Relating to: sale of cigarettes or tobacco products to minors and providing a penalty.

By Representatives Morris, Ott, Turner, Bies and A. Williams.

To committee on **State Affairs**.

#### **Assembly Bill 513**

Relating to: roadside memorials for traffic accident victims along highways under the jurisdiction of the Department of Transportation.

By Representatives Bies, Ainsworth, Gronemus, Gunderson, Kestell, Kreibich, F. Lasee, Seratti and Suder; cosponsored by Senator A. Lasee.

To committee on **Transportation**.

#### **Assembly Bill 514**

Relating to: determinations concerning the navigability of bodies of water; determinations as to whether bodies of waters are lakes or streams; procedures, requirements, and

exemptions that apply to granting, modifying, and denying permits, contracts, and other approvals for activities that affect navigable waters; maintenance of bridges over navigable streams; liability for changing the courses of streams; rights of the public and riparian owners in navigable waters; elimination of obsolete provisions of ch. 30; recodification of chapter 30; the duties and powers of the department of natural resources relating to the regulation of boating; certificate of number and registration requirements for boats; equipment requirements for boats; requirements regarding boat operation; regulation of water skiing and similar activities; marking of water areas; local regulation of boating and seaplanes; placement and use of moorings; local water safety patrols; local regulations on icebound waters; boating fees charged by counties; requiring the exercise of rule-making authority; and providing a penalty.

By Joint Legislative Council.

To committee on **Natural Resources**.

#### **Assembly Bill 515**

Relating to: retained earnings of telecommunications cooperatives.

By Representatives Freese, Gard, Gronemus, Hines, Hubler, Johnsrud, Kreibich, Loeffelholz, Lothian, Musser, Nass, Ott, Schneider and Van Roy; cosponsored by Senators Schultz, Brown, Erpenbach, Harsdorf, Kanavas, Lassa, Risser and Zien.

To committee on **Energy and Utilities**.

#### **Assembly Bill 516**

Relating to: an exemption from the requirement to obtain an air pollution construction permit for certain equipment at a nonmetallic mineral processing facility.

By Representatives Johnsrud, Bies, Gronemus, Gunderson, Musser, Hines, Kaufert, Weber, Seratti, Olsen, Albers, Grothman, Petrowski and Owens; cosponsored by Senators Kedzie and Reynolds.

To committee on **Natural Resources**.

#### **Assembly Bill 517**

Relating to: public notice of proposed sales of state-owned real property.

By Representatives Johnsrud, M. Williams, Gunderson, Gronemus, Bies, Freese, Albers, Rhoades, Seratti, Jensen, Hahn, Hines, Owens, LeMahieu, Ainsworth, Musser, Nass, Suder, Jeskewitz and W. Wood; cosponsored by Senators Schultz, Welch, Lassa and Breske.

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

#### **Assembly Bill 518**

Relating to: requirements for certification for a chief inspector position.

By Representatives Freese, Albers, Bies, Hahn, Hines, Krawczyk, Kreibich, Ladwig, M. Lehman, Owens and Seratti; cosponsored by Senators Kedzie, Breske and Stepp.

To committee on **Campaigns and Elections**.

#### **Assembly Bill 519**

Relating to: the feeding of deer and elk.

By Representatives Gunderson, M. Williams, Albers, Bies, Gronemus, Grothman, Krawczyk, Musser, Nass, Olsen,

Pettis, Seratti, Sherman and J. Wood; cosponsored by Senators Welch, Brown, Decker and Lazich.

To committee on **Natural Resources**.

September 9, 2003

**Assembly Bill 520**

Relating to: the method of calculating technology zone tax credits and the certification of businesses under the technology zone program.

By Representatives Suder, Vruwink, Nass, Pettis, Hines, Hahn, Jensen, M. Lehman, McCormick, Albers, Friske, Seratti and Towns; cosponsored by Senators Harsdorf, Lassa, Zien, Kanavas, Stepp, Schultz, Roessler and Wirch.

To committee on **Ways and Means**.

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Mr. Patrick Fuller  
Chief Clerk, Wisconsin State Assembly  
Room 208, Risser Justice Center  
17 West Main Street  
Madison, Wisconsin 53708

Dear Patrick:

I have created a Speaker's Task Force on Forestry and Representative Don Friske will serve as the chairman. The other members of the task force are: Representative Ainsworth, Representative Meyer, Gene Francisco, Colette Matthews, Professor Robert Govett, Jerry Van De Hei, Pat Schillinger, Don Nelson, Dan Kretz and Elroy Schmidt.

The task force shall dissolve on the final submission of its findings. Please contact Ellen Nowak in my office if you have any questions.

Sincerely,  
*JOHN G. GARD*  
Speaker

September 9, 2003

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**SPEAKER'S COMMUNICATIONS**

September 8, 2003

Representative Jim Kreuser  
Assembly Minority Leader  
201 West, State Capitol  
Madison, Wisconsin

Dear Jim:

Pursuant to Assembly Rule 9 (2)(a), I have decided to change the allocation of the number between members of the majority and minority party on the Assembly Committee on Transportation from 9-7 to 10-6. Representative Mark Honadel will be added as the tenth majority party member. Please let me know which member of the minority party will be removed from this committee as soon as possible.

Sincerely,  
*JOHN G. GARD*  
Speaker

September 8, 2003

Peter Bock, Administrator  
Division of Energy, Department of Administration  
10th Floor  
101 East Wilson Street  
Madison, Wisconsin

Dear Peter:

Pursuant to Wisconsin Statute Section 15.107 (17), I have appointed Thomas Mainz of Wisconsin Public Service and Donald Reck of Xcel Energy to the Council on Utility Public Benefits. Mr. Mainz can be reached at 920-433-1293 and Mr. Reck can be reached at 715-839-2441. Please call Ellen Nowak in my office if you have any questions.

Sincerely,  
*JOHN G. GARD*  
Speaker

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Mr. Patrick Fuller  
Chief Clerk, Wisconsin State Assembly  
Room 208, Risser Justice Center  
17 West Main Street  
Madison, Wisconsin 53708

Dear Patrick:

I have created a Speaker's Task Force on Technical Colleges. Representatives Garey Bies and Sue Jeskewitz co-chair the task force. The other members of the task force are: A. Paul Pederson, Rodney Pasch, Charlie Most, Representative John Steinbrink, Representative Jeff Wood, Anne Reid, Bill Messner, Jim Morgan, Dr. William Ihlenfeldt, Joan Jenstead, Phillip Stuart, Joan Nelson, Joe Davis and Marc Sommer.

The task force shall dissolve on the final submission of its findings. Please contact Ellen Nowak in my office if you have any questions.

Sincerely,  
*JOHN G. GARD*  
Speaker

September 11, 2003

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Mr. Patrick Fuller  
Chief Clerk, Wisconsin State Assembly  
Room 208, Risser Justice Center  
17 West Main Street  
Madison, Wisconsin 53708

Dear Patrick:

On September 8, 2003, I referred [Clearinghouse Rule 03-035](#) to the Committee on Natural Resources. Pursuant to

Assembly Rule 13 (2)(b), I am withdrawing the rule from that committee and re-referring it to the Committee on Tourism. I have obtained the consent of Representative DuWayne Johnsrud, chairman of the Committee on Natural Resources.

Sincerely,  
*JOHN G. GARD*  
Speaker

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

September 11, 2003

To the Honorable, the Legislature:

We are required by s. 13.94(1)(dm), Wis. Stats., to conduct an annual financial audit of State Fair Park. Because State Fair Park staff have been unable to compile complete and accurate financial information, financial statements for fiscal year (FY) 2001-02 are not yet available for us to audit. We believe complete financial statements for FY 2001-02 and FY 2002-03 will be available in 2004, at which time we expect to render an opinion.

Based on financial data we were able to gather, we found that State Fair Park's financial condition continues to deteriorate. In FY 2002-03, total expenses exceeded revenues by \$4.5 million. As a result, State Fair Park for the first time in recent history reported a cash deficit as of June 30, 2003.

Three private entities – the contractor that until recently promoted and sponsored events at the newly renovated Milwaukee Mile racetrack; the not-for-profit State Fair Park Exposition Center, Inc., which manages the new \$37.8 million Wisconsin Exposition Center; and the Pettit National Ice Center – have contributed to State Fair Park's deteriorating financial condition. In every case, overly optimistic financial projections that were used to support either new construction or renovation have not yet been achieved. Further, State Fair Park incurred a net loss of over \$341,700 in Milwaukee Mile racing revenue in 2002 and spent an additional \$250,000 to terminate its agreement with the racing contractor just two days before the start of the 2003 racing season. Negotiated agreements that favor the Exposition Center at the expense of State Fair Park have resulted in reduced revenue and significant maintenance and other costs, and the Pettit Center owed State Fair Park nearly \$1.3 million in delinquent rent payments as of June 2003.

State Fair Park's ability to meet its debt service obligations will be limited if program revenues do not increase. As the State Fair Park Board, the Legislature, and the Governor consider the future of State Fair Park, they may wish to address our recommendations for improving its financial operations, its management structure, and its relationships with private entities.

We appreciate the courtesy and cooperation extended to us by the staff of State Fair Park. A response from State Fair Park's chief executive officer follows the appendices.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor