



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

MONDAY, December 1, 2003

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

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 403** offered by Representative Wieckert.

Assembly amendment 3 to **Assembly Bill 442** offered by committee on **Property Rights and Land Management**.

Assembly substitute amendment 1 to **Assembly Bill 442** offered by committee on **Property Rights and Land Management**.

Assembly amendment 1 to **Assembly Bill 510** offered by committee on **Urban and Local Affairs**.

Assembly amendment 1 to **Assembly Bill 556** offered by Representative Wasserman.

Assembly substitute amendment 1 to **Senate Bill 8** offered by Representative Jensen.

Assembly amendment 1 to Assembly substitute amendment 1 to **Senate Bill 8** offered by Representative Jensen.

Assembly amendment 2 to Assembly substitute amendment 1 to **Senate Bill 8** offered by Representative Jensen.

Assembly amendment 1 to **Senate Bill 211** offered by committee on **State Affairs**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 02–103

Relating to extension of disciplinary action time limits. Submitted by Department of Regulation and Licensing. Report received from Agency, November 24, 2003. To committee on **Health**. Referred on December 1, 2003.

Assembly Clearinghouse Rule 02–133

Relating to annual audits and verification of member accounts by state-chartered credit unions. Submitted by Department of Financial Institutions. Report received from Agency, November 25, 2003.

To committee on **Financial Institutions**. Referred on December 1, 2003.

Assembly Clearinghouse Rule 03–093

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways. Submitted by Department of Transportation. Report received from Agency, November 18, 2003. To committee on **Transportation**. Referred on November 25, 2003.

Assembly Clearinghouse Rule 03–099

Relating to pipeline safety regulations. Submitted by Public Service Commission. Report received from Agency, November 25, 2003. To committee on **Energy and Utilities**. Referred on December 1, 2003.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 684

Relating to: creating the Wisconsin Rural Finance Authority, authorizing the Wisconsin Rural Finance Authority to operate certain agricultural programs, and eliminating the authority of the Wisconsin Housing and Economic Development Authority to guarantee certain loans made for agricultural purposes and to operate a loan program for beginning farmers.

By Representatives Ott, Ainsworth, Musser, Suder, Olsen, Jensen, Plouff, Loeffelholz, Towns, Hahn, Freese, Gielow, Albers, McCormick, Hines, Bies, Owens, Weber, Vruwink, Lothian, Zepnick, Hundertmark, Kestell, Gunderson, Balow, Petrowski, Molepske, Hebl, M. Williams and Miller; cosponsored by Senators Schultz, S. Fitzgerald, Welch, A. Lasee, Brown, Harsdorf, Roessler and Lassa.

To committee on **Agriculture**.

Assembly Bill 685

Relating to: the definition of a group health benefit plan. By Representatives Gielow, Van Roy, Ainsworth, Albers, Bies, Hahn, Hines, Honadel, Gottlieb, Gunderson, Jeskewitz, Kestell, Krawczyk, Ladwig, M. Lehman, Montgomery, Musser, Nischke, Olsen, Ott, Petrowski, Pettis, Seratti, Stone, Townsend, Underheim, Vrakas and Vukmir; cosponsored by Senators Kanavas, Darling, A. Lasee, Reynolds, Roessler, Schultz and Welch.

To committee on **Insurance**.

COMMITTEE REPORTS

The committee on **Government Operations and Spending Limitations** reports and recommends:

Senate Bill 17

Relating to: creating a Joint Committee on Court Judgments and Settlements made on behalf of the state.

Concurrence:

Ayes: 6 – Representatives F. Lasee, Loeffelholz, Musser, Weber, Zepnick and Wasserman.

Noes: 0.

To committee on **Rules**.

FRANK LASEE

Chairperson

Committee on Government Operations and Spending Limitations

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

Assembly Bill 286

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives J. Fitzgerald, Krawczyk, M. Lehman, Gundrum, Petrowski, Turner, W. Wood and Young.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives J. Fitzgerald, Krawczyk, M. Lehman, Gundrum, Petrowski, Turner, W. Wood and Young.

Noes: 0.

To committee on **Rules**.

Senate Bill 211

Relating to: advertising by intoxicating liquor retailers.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives J. Fitzgerald, Krawczyk, M. Lehman, Gundrum, Petrowski, Turner, W. Wood and Young.

Noes: 0.

Concurrence as amended:

Ayes: 8 – Representatives J. Fitzgerald, Krawczyk, M. Lehman, Gundrum, Petrowski, Turner, W. Wood and Young.

Noes: 0.

To committee on **Rules**.

JEFF FITZGERALD

Chairperson

Committee on State Affairs

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

Assembly Bill 496

Relating to: the removal of nonconforming outdoor advertising signs.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Ainsworth, Petrowski, Ott, Hahn, Friske, McCormick, Van Roy, Honadel, Sherman, Vruwink, Staskunas and Zepnick.

Noes: 2 – Representatives Steinbrink and Hebl.

Passage as amended:

Ayes: 12 – Representatives Ainsworth, Petrowski, Ott, Hahn, Friske, McCormick, Van Roy, Honadel, Sherman, Vruwink, Staskunas and Zepnick.

Noes: 2 – Representatives Steinbrink and Hebl.

To committee on **Rules**.

Assembly Bill 573

Relating to: the operation of off-road utility vehicles and providing a penalty.

Assembly Amendment 1 adoption:

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

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Ainsworth, Petrowski, Ott, Hahn, Friske, McCormick, Van Roy, Honadel, Steinbrink, Sherman, Vruwink, Staskunas, Hebl and Zepnick.

Noes: 0.

To committee on **Rules**.

JOHN AINSWORTH

Chairperson

Committee on Transportation

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

Assembly Bill 443

Relating to: allowing counties to request that certain platted land be vacated.

Passage:

Ayes: 8 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Gottlieb, Huber, Berceau and Taylor.

Noes: 0.

To committee on **Rules**.

Assembly Bill 471

Relating to: procedures that towns and certain cities and villages must follow to be reimbursed for fire calls on highways.

Passage:

Ayes: 8 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Gottlieb, Huber, Berceau and Taylor.

Noes: 0.

To committee on **Rules**.

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.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Gottlieb, Huber, Berceau and Taylor.
Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Huber, Berceau and Taylor.
Noes: 1 – Representative Gottlieb.

To joint committee on **Finance**.

Senate Bill 97

Relating to: dog licensing and claims for damage that is caused by dogs in certain populous counties.

Concurrence:

Ayes: 7 – Representatives Gunderson, LeMahieu, Lothian, Gottlieb, Huber, Berceau and Taylor.
Noes: 1 – Representative M. Lehman.

To committee on **Rules**.

SCOTT GUNDERSON
Chairperson
Committee on Urban and Local Affairs

SPEAKER'S COMMUNICATIONS

December 1, 2003

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

Dear Patrick:

Pursuant to Assembly Rule 23 (4), please message Enrolled Assembly Bill 228 to the Office of the Governor today. If your office is unable to deliver the enrolled bill today, please notify me as soon as possible.

Sincerely,
JOHN G. GARD
Speaker

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 611

Presented to the Governor on Friday, November 21.

Assembly Bill 98

Presented to the Governor on Monday, November 24.

Assembly Bill 126

Assembly Bill 259

Assembly Bill 260

Assembly Bill 261

Assembly Bill 472

Assembly Bill 503

Presented to the Governor on Tuesday, November 25.

Assembly Bill 48

Assembly Bill 130

Assembly Bill 228

Assembly Bill 251

Assembly Bill 328

Presented to the Governor on Monday, December 1.

PATRICK E. FULLER
Assembly Chief Clerk

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

November 25, 2003

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Assembly Bill 611	84	November 21, 2003
Assembly Bill 98	85	November 25, 2003

Respectfully submitted,
JAMES DOYLE
Governor

COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Assembly Bill 141	79	December 5, 2003
Assembly Bill 232	80	December 5, 2003
Assembly Bill 252	81	December 5, 2003
Assembly Bill 62	82	December 5, 2003
Assembly Bill 611	84	December 8, 2003

Assembly Bill 98 85 December 10, 2003

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

GOVERNOR'S VETO MESSAGE

November 26, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 126** in its entirety. This bill directs the Legislative Audit Bureau to conduct a longitudinal study of the Milwaukee Parental Choice Program.

While I share the desire to evaluate the Choice program in a meaningful way, I am vetoing this bill because it fails to require all Choice schools and students to participate in the study. Without such a requirement, the Legislative Audit Bureau will be unable to create truly representative samples of students participating in the program. A sample bias will be created as successful Choice schools continue to participate in the study, while unsuccessful and failing Choice schools withdraw from participation. Such a flaw is contrary to basic research methods, will likely skew results, and will hinder the usefulness of the study.

Further, the sample bias created under this bill may, in fact, create a false sense of accountability for Choice schools. While there are many exemplary schools with demonstrable results participating in the Choice program, there are other schools that are truly unaccountable to the parents and taxpayers who support them. To achieve true academic accountability, all Choice schools and students would need to participate throughout the length of the study.

Finally, I am concerned that long-term funding of Legislative Audit Bureau positions from private sources, particularly if those funds are provided by organizations that formally support or oppose the Choice program, creates a conflict of interest. Not only will this potentially compromise the study's objectivity, it could negatively impact the deeply held respect that the Bureau has earned over many years.

In conclusion, while I support the Legislature's efforts to work toward a meaningful evaluation of the Milwaukee Parental Choice Program, this bill falls short of that goal. I encourage the Legislature to continue to work toward true accountability on behalf of the children and parents who utilize the voucher program, and the taxpayers who subsidize it.

Respectfully submitted,
JIM DOYLE
Governor

November 26, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 259** in its entirety. This bill allows a student to continue in the Milwaukee Parental Choice Program regardless of family income. It also deletes the cap on the number of students who may participate in the program and eliminates the prior year attendance requirements.

I am vetoing this bill because it significantly expands the program beyond its original intent, it has significant financial implications to both Milwaukee Public Schools and the state, and it could jeopardize the quality of the program. By removing the cap on family income, the program would no longer be targeted solely at low-income Milwaukee families. For example, a family whose income may be temporarily below the 175 percent of poverty threshold while one or both parents attend medical school would be forever eligible to have taxpayer paid tuition even if its income increases to several times the state average.

Completely repealing the Choice program enrollment cap, which is currently set at 15 percent of Milwaukee Public Schools enrollment, has both long-term cost and quality implications. Every additional 1,000 students who would attend choice schools due to a repeal of the cap would cost Milwaukee taxpayers an additional \$2.7 million and state taxpayers another \$3.3 million. In addition, the problems with the quality of education in a few Choice schools, due in part to the Legislature's reluctance to enact any meaningful measures to hold these largely taxpayer supported schools accountable for the quality of the services they provide, will no doubt be exacerbated if enrollment limits were completely removed.

Lastly, repealing the prior year attendance requirements would begin to shift the program away from its intent to provide an alternative to Milwaukee Public Schools and more towards creating a system of taxpayer supported sectarian and nonsectarian private schools. In times of limited state resources and the importance of strong public schools to the economic future of the state, the focus of state resources should be on strengthening public schools throughout the state. While private school choice has provided an alternative to address the unique circumstances and problems facing education in Milwaukee, it should remain the exception rather than the rule.

Respectfully submitted,
JIM DOYLE
Governor

November 26, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 260** in its entirety. This bill allows any private school located in Milwaukee County to participate in the Milwaukee Parental Choice Program. Current law limits schools participating in the program to those located in the City of Milwaukee.

I am vetoing this bill because it clearly expands the Choice Program well beyond its original parameters. When the Milwaukee Parental Choice Program was created, the intent was to establish a program within the City of Milwaukee for City of Milwaukee students. By allowing schools located

outside the city to participate, even if enrollment remains limited to Milwaukee residents, the program would begin to lose its focus of providing viable educational alternatives for Milwaukee school children within the City of Milwaukee.

Respectfully submitted,
JIM DOYLE
Governor

November 26, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 261** in its entirety. This bill allows any student in the state to attend a charter school created under section 118.40 (2)(r), Wisconsin Statutes (the Milwaukee charter school program). The bill also includes language providing the board of school directors for Milwaukee public schools the same authority as other school boards to transport kids to non-public schools and expands that authority for all school districts to include charter schools.

I am vetoing this bill because I object to the expansion of enrollment in the Milwaukee charter school program to include pupils residing outside of the Milwaukee Public Schools District. The original and still valid intent of this program was to allow the City of Milwaukee, the University of Wisconsin-Milwaukee, and the Milwaukee Area Technical College to create charter schools in order to provide educational options for students residing in the Milwaukee Public Schools attendance area. Expanding this program to include students who do not reside in the City of Milwaukee does not serve the interests of Milwaukee students and may, in fact, create incentives for these charter schools to focus their efforts on attracting non-Milwaukee residents, rather than improving educational programs for Milwaukee children.

Furthermore, since the Milwaukee charter school program is funded by reallocating general school aids from the state's 426 school districts, a greatly expanded charter school program will reduce state resources available to all public school districts at the expense of increased property taxes.

Finally, modifications to charter school law should not be considered in isolation, but as a part of a comprehensive reform effort that benefits all of Milwaukee's school children.

Respectfully submitted,
JIM DOYLE
Governor

November 26, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 472** in its entirety. This bill allows a student to continue in the Milwaukee Parental Choice

Program so long as the family income of the student is below 220 percent of the federal poverty level. Under current law, the family's income must be under 175 percent of the federal poverty level for the pupil to remain in the program.

Providing reasonable flexibility to families with children already in the Choice program has merit. However, I am vetoing this legislation because I object to increasing state expenditures for the Choice program in isolation. Flexibility for the Choice program must be considered as a part of a larger educational reform initiative that addresses the educational needs of all of the children in the City of Milwaukee, including the vast majority of children who will remain in the public school system.

In addition, before any increases in funding for the Choice program are considered, Wisconsin taxpayers must be assured that Choice schools accepting public dollars meet reasonable accountability standards. It is not satisfactory that most schools in the Choice program are providing a high quality education. All must.

I applaud the genuine efforts of the legislators who developed this bill. However, I cannot sign this legislation into law until there is agreement on comprehensive reform that benefits all of Milwaukee's school children.

Respectfully submitted,
JIM DOYLE
Governor

November 26, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 503** in its entirety. This bill increases the enrollment limit for the charter school established by the chancellor of the University of Wisconsin-Parkside from 400 to 480 students beginning in the 2004-05 school year.

I am vetoing this bill because the current limit of 400 students provides adequate room for the school to grow this biennium. Current enrollment estimates indicate that 300 to 310 students will be attending the charter school in 2003-04.

Further, I am vetoing this bill because modifications to charter school law should be considered as part of a larger reform effort that benefits public school children.

Increasing the enrollment limit at the University of Wisconsin-Parkside charter school may have merit. However, at a time when the cap is not interfering with enrollment, and there is no agreement on comprehensive reform that addresses the needs of public school children, I cannot sign this bill into law.

Respectfully submitted,
JIM DOYLE
Governor

REFERENCE BUREAU CORRECTIONS

Assembly Bill 514

1. Page 64, line 21: delete "medication" and substitute "mediation".

Assembly Bill 655

1. Page 21, line 18: delete "a such" and substitute "such a".

SPEAKER'S COMMUNICATIONS

December 1, 2003

Representative Michael Powers
310 North, State Capitol
P.O. Box 8953
Madison, Wisconsin 53707

Senator Michael Ellis
118 South, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Dear Representative Powers and Senator Ellis:

Pursuant to Assembly Rule [42 \(1\)\(am\)](#) I am directing that the Joint Survey Committee on Tax Exemptions prepare a report on **Assembly Bill 684**, so that the legislature may proceed with further consideration of the bill.

Sincerely,
JOHN G. GARD
Speaker
Wisconsin Assembly

COMMUNICATIONS

November 20, 2003

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

Dear Patrick:

I am writing to request the removal of my name as a co-sponsor of **Assembly Bill 470**, relating to requiring the Department of Health and Family Services to maintain a voluntary registry of persons who provide care and supervision for children, but who are not licensed to provide that care and supervision or employed or contracted with by a person who is licensed to provide that care and supervision.

I appreciate your assistance in this matter and would appreciate a follow up response from you indicating that my name has been removed.

Thank you for your help.

Sincerely,
CAROL ROESSLER
State Senator
18th Senate District

November 25, 2003

Speaker John Gard
State Capitol, 211 West
Madison, WI

Dear Speaker Gard:

It has been my distinct honor to serve in the Wisconsin State Assembly for the last 21 years. Over that time I have had the pleasure of working with many exceptional legislators.

I do look forward to serving an even greater portion of the City of Milwaukee in the Wisconsin State Senate and will continue to serve my constituents with the same level of dedication that I have always provided in the Assembly. I am sure that my move to the South Wing will not prevent me from maintaining the many great personal relationships that I have formed with so many of my colleagues here.

Effective November 25, 2003, I have resigned my seat as Representative for the 17th Assembly District. Please contact me with any questions or concerns you may have.

Sincerely,
SENATOR SPENCER COGGS
6th Senate District

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: December 1, 2003

TO: Patrick E. Fuller
Assembly Chief Clerk

Donna J. Doyle
Assistant Senate Chief Clerk

FROM: Gary L. Poulson
Deputy Revisor of Statutes

SUBJECT: Rules published in the November 30, 2003,
Wisconsin Administrative [Register, No. 575](#).

The following rules have been published:

- [Clearinghouse Rule 01-075](#) effective 12-1-2003
- [Clearinghouse Rule 02-120](#) effective 12-1-2003
- [Clearinghouse Rule 02-138](#) effective 12-1-2003
- [Clearinghouse Rule 03-009](#) effective 12-1-2003
- [Clearinghouse Rule 03-014](#) part eff. 12-1-2003
- part eff. 3-1-2004
- part eff. 4-1-2004
- [Clearinghouse Rule 03-018](#) part eff. 12-1-2003
- [Clearinghouse Rule 03-027](#) effective 12-1-2003
- [Clearinghouse Rule 03-040](#) effective 12-1-2003

Clearinghouse Rule 03-051 effective 12-1-2003
Clearinghouse Rule 03-053 effective 12-1-2003
Clearinghouse Rule 03-068 effective 12-1-2003
Clearinghouse Rule 03-069 effective 12-1-2003
Clearinghouse Rule 03-070 effective 12-1-2003

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

November 25, 2003

To the Honorable, the Legislature:

We have completed an evaluation of the Department of Transportation's (DOT's) major highway program, as requested by the Joint Legislative Audit Committee. In fiscal year (FY) 2002-03, DOT's total budget was \$2.4 billion; the major highway program's portion of the budget was \$241.6 million. In September 2003, 32 major highway projects were being planned or were under construction.

Major highway program funds can be used only for new construction projects that are specifically enumerated in statutes. To help determine the reasons for cost increases that occur between enumeration and completion, we reviewed seven current projects. We found that the estimated cost for each had increased by at least \$20.0 million since enumeration. The discretion DOT currently exercises in

project selection, location, and design greatly affected these projects' costs.

We attempted to track the cost of complying with state and federal environmental laws, but the information DOT maintains on these expenditures is incomplete. DOT estimates that in FY 2001-02 – the latest year for which data are available – these costs totaled \$29.1 million; however, contractors provided us with other examples of costs not included in DOT's estimates. We include a recommendation for improving DOT's monitoring of environmental expenditures.

We compared Wisconsin's transportation funding sources, spending, and highway conditions with other midwestern states'. Wisconsin is in the middle in state highway spending and conditions, but it relies on a narrower funding base and is increasingly using bonding for the highway program. As debt service increases, the amount of funds available to support future projects decreases. We list a number of challenges DOT and the Legislature will face as they seek to maintain the existing highways or expand the system to meet safety, economic development, and other needs. We also include a number of recommendations for improving DOT's estimating and cost-reporting processes.

We appreciate the courtesy and cooperation extended to us by DOT staff. The agency's response follows the appendices.

Respectfully submitted,
JANICE MUELLER
State Auditor