



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

6:37 P.M.

WEDNESDAY, January 21, 2004

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Gard in the chair.

Representative Foti asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Representative Ott.

Representative Honadel led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Colon, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, Ladwig, F. Lasee, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Molepske, Montgomery, Morris, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Pocan, Pope–Roberts, Powers, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Suder, Taylor, Towns, Townsend, Turner, Underheim, Van Akkeren, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick and Speaker Gard – 95.

Absent with leave – Representatives Jensen, Travis and Ziegelbauer – 3.

Vacancies – 17th Assembly District – 1.

LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for today's session for Representative Jensen. Granted.

Representative Richards asked unanimous consent for a leave of absence for today's session for Representatives Travis and Ziegelbauer. Granted.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 361** offered by Representative Pettis.

Assembly substitute amendment 1 to **Assembly Bill 453** offered by Representatives Honadel, Pettis and Musser.

Assembly substitute amendment 1 to **Assembly Bill 650** offered by committee on **Ways and Means**.

Assembly amendment 1 to **Assembly Bill 688** offered by committee on **Criminal Justice**.

Assembly amendment 1 to **Assembly Bill 724** offered by committee on **Highway Safety**.

Assembly amendment 1 to **Assembly Bill 738** offered by committee on **Criminal Justice**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 03–076

Relating to pesticide product restrictions.
Submitted by Department of Agriculture, Trade and Consumer Protection.
Report received from Agency, January 12, 2004.
To committee on **Agriculture**.
Referred on January 21, 2004.

Assembly Clearinghouse Rule 03–096

Relating to the professional service area requirements where the pharmacist is absent.
Submitted by Department of Regulation and Licensing.
Report received from Agency, January 15, 2004.
To committee on **Health**.
Referred on January 21, 2004.

Assembly Clearinghouse Rule 03–104

Relating to assessment of agricultural land.
Submitted by Department of Revenue.
Report received from Agency, January 14, 2004.
To committee on **Ways and Means**.
Referred on January 21, 2004.

Assembly Clearinghouse Rule 03–116

Relating to school bus equipment standards.
Submitted by Department of Transportation.
Report received from Agency, January 14, 2004.
To committee on **Highway Safety**.
Referred on January 21, 2004.

Assembly Clearinghouse Rule 03–117

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, January 14, 2004.
To committee on **Transportation**.
Referred on January 21, 2004.

**INTRODUCTION AND REFERENCE
OF PROPOSALS**

Read first time and referred:

Assembly Bill 756

Relating to: creating a homeowner's property tax credit, eliminating the school levy property tax credit and the lottery and gaming property tax credit, including payments to related entities to compute income tax and franchise tax liability, increasing the amount of the school property income tax credit, imposing the sales tax on the lease of luxury boxes at sports facilities, claiming the property tax exemption for computers, and making an appropriation.

By Representatives Black, Turner, Pocan, Berceau, Sinicki, Pope–Roberts, Plouff, Zepnick, J. Lehman and Miller; cosponsored by Senators Carpenter and Chvala.

To committee on **Ways and Means**.

Assembly Bill 757

Relating to: increasing bonding authority for the University of Wisconsin Hospitals and Clinics Authority.

By Representatives Ward, Gard, Kreuser, Turner, Towns, Black, Kaufert, J. Wood, Plouff, Miller, Hahn, J. Lehman, Molepske, Krawczyk, Hines, Huber, Ott, Van Roy, Musser, Vrakas and McCormick; cosponsored by Senators Darling, Panzer, Erpenbach, A. Lasee, Risser and Wirch.

To committee on **Public Health**.

Assembly Bill 758

Relating to: the removal by towing services of unregistered, abandoned, or illegally parked vehicles.

By Representatives Ainsworth, Albers, Gunderson, Hahn, Hines, Krawczyk, Ladwig, M. Lehman, LeMahieu, Ott, Owens, Seratti and Townsend; cosponsored by Senators Leibham and Breske.

To committee on **Transportation**.

Assembly Bill 759

Relating to: transfers of ownership of vehicles and the costs of removing, impounding, and disposing of abandoned vehicles.

By Representatives Ainsworth, Berceau, Hines, Ladwig, M. Lehman, LeMahieu, Owens, Petrowski, Seratti,

Townsend and Van Roy; cosponsored by Senators Leibham and Breske.

To committee on **Transportation**.

Assembly Bill 760

Relating to: removal of a pupil from any portion of a school and from a school-sponsored activity.

By Representatives Pope–Roberts, Berceau, Zepnick, Krug, Gronemus, Ott, Turner, F. Lasee, Gunderson, J. Lehman, Black, Shilling, Musser and Freese; cosponsored by Senators Plale, Breske, Decker, Risser, Schultz and Hansen.

To committee on **Education**.

COMMITTEE REPORTS

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

Assembly Bill 536

Relating to: pet dealers, kennels, animal shelters, dog licensing, granting rule-making authority, making an appropriation, and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 9 – Representatives Ott, Ainsworth, Hines, Loeffelholz, Plouff, Balow, Vruwink, Hebl and Molepske.

Noes: 6 – Representatives M. Williams, Petrowski, Kestell, Suder, Towns and Gronemus.

Assembly Amendment 3 adoption:

Ayes: 9 – Representatives Ainsworth, Hines, Loeffelholz, Gronemus, Plouff, Balow, Vruwink, Hebl and Molepske.

Noes: 6 – Representatives Ott, M. Williams, Petrowski, Kestell, Suder and Towns.

Assembly Amendment 4 adoption:

Ayes: 10 – Representatives Ott, Ainsworth, Hines, Loeffelholz, Gronemus, Plouff, Balow, Vruwink, Hebl and Molepske.

Noes: 5 – Representatives M. Williams, Petrowski, Kestell, Suder and Towns.

Indefinite postponement as amended:

Ayes: 9 – Representatives M. Williams, Ainsworth, Petrowski, Kestell, Suder, Hines, Towns, Gronemus and Vruwink.

Noes: 6 – Representatives Ott, Loeffelholz, Plouff, Balow, Hebl and Molepske.

To joint committee on **Finance**.

ALVIN OTT

Chairperson

Committee on Agriculture

The committee on **Colleges and Universities** reports and recommends:

Assembly Bill 406

Relating to: college reenrollment of persons called into active military service.

Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Kreibich, Gottlieb, Underheim, Nass, Jeskewitz, Krawczyk, Towns, Shilling, Pocan, Black and Schneider.

Noes: 0.

Passage as amended:

Ayes: 11 – Representatives Kreibich, Gottlieb, Underheim, Nass, Jeskewitz, Krawczyk, Towns, Shilling, Pocan, Black and Schneider.

Noes: 0.

To committee on **Rules**.

Assembly Bill 497

Relating to: providing certain orientation information for University of Wisconsin System students electronically.

Passage:

Ayes: 11 – Representatives Kreibich, Gottlieb, Underheim, Nass, Jeskewitz, Krawczyk, Towns, Shilling, Pocan, Black and Schneider.

Noes: 1 – Representative Balow.

To committee on **Rules**.

ROB KREIBICH
Chairperson
Committee on Colleges and Universities

The committee on **Corrections and the Courts** reports and recommends:

Assembly Bill 334

Relating to: sureties in criminal cases.

Assembly Substitute Amendment 1 adoption:

Ayes: 10 – Representatives Bies, Albers, Underheim, Owens, F. Lasee, Suder, Pocan, Colon, Staskunas and Wasserman.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Bies, Albers, Underheim, Owens, F. Lasee and Suder.

Noes: 4 – Representatives Pocan, Colon, Staskunas and Wasserman.

To committee on **Rules**.

Assembly Bill 526

Relating to: waiver of filing fee if parties stipulate to certain revisions of judgment or order.

Passage:

Ayes: 9 – Representatives Bies, Albers, Underheim, Owens, F. Lasee, Suder, Pocan, Staskunas and Wasserman.

Noes: 1 – Representative Colon.

To committee on **Rules**.

Assembly Bill 533

Relating to: contracts with persons who take depositions.

Passage:

Ayes: 9 – Representatives Bies, Albers, Underheim, Owens, F. Lasee, Suder, Pocan, Staskunas and Wasserman.

Noes: 1 – Representative Colon.

To committee on **Rules**.

Assembly Bill 568

Relating to: service of a summons by certain nonresidents.

Passage:

Ayes: 10 – Representatives Bies, Albers, Underheim, Owens, F. Lasee, Suder, Pocan, Colon, Staskunas and Wasserman.

Noes: 0.

To committee on **Rules**.

GAREY BIES
Chairperson
Committee on Corrections and the Courts

The committee on **Criminal Justice** reports and recommends:

Assembly Bill 715

Relating to: ordinances in certain counties regarding drug paraphernalia and the possession of marijuana.

Passage:

Ayes: 14 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Petrowski, Vukmir, Colon, Staskunas, Pocan, Taylor, Turner and Schneider.

Noes: 0.

To committee on **Rules**.

Assembly Bill 738

Relating to: stalking.

Assembly Amendment 1 adoption:

Ayes: 13 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Petrowski, Vukmir, Colon, Staskunas, Pocan, Taylor and Turner.

Noes: 1 – Representative Schneider.

Passage as amended:

Ayes: 14 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Petrowski, Vukmir, Colon, Staskunas, Pocan, Taylor, Turner and Schneider.

Noes: 0.

To committee on **Rules**.

SCOTT SUDER
Chairperson
Committee on Criminal Justice

The committee on **Family Law** reports and recommends:

Assembly Bill 634

Relating to: a Medical Assistance family planning demonstration project minimum age eligibility limitation change.

Passage:

Ayes: 5 – Representatives Owens, Kestell, Jensen, Friske and Krusick.

Noes: 1 – Representative Berceau.

To joint committee on **Finance**.

CAROL OWENS
Chairperson
Committee on Family Law

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

Assembly Bill 545

Relating to: falsifying title insurance documents and providing a penalty.

Passage:

Ayes: 14 – Representatives Ladwig, Underheim, F. Lasee, McCormick, Weber, Gielow, Van Roy, Honadel, Cullen, Shilling, Huber, Plouff, J. Lehman and Berceau.

Noes: 0.

To committee on **Rules**.

Assembly Bill 674

Relating to: payment of health insurance premiums for certain annuitants under the Wisconsin Retirement System who become employed by the state.

Assembly Substitute Amendment 1 adoption:

Ayes: 10 – Representatives Ladwig, Underheim, McCormick, Weber, Gielow, Shilling, Huber, Plouff, J. Lehman and Berceau.

Noes: 4 – Representatives F. Lasee, Van Roy, Honadel and Cullen.

Passage as amended:

Ayes: 8 – Representatives Ladwig, Underheim, Gielow, Shilling, Huber, Plouff, J. Lehman and Berceau.

Noes: 6 – Representatives F. Lasee, McCormick, Weber, Van Roy, Honadel and Cullen.

To joint committee on **Finance**.

Assembly Bill 681

Relating to: requirements for recommendations made by insurers and insurance intermediaries to senior consumers in annuity transactions; committees of the board of directors of domestic stock and mutual corporations; annuity minimum nonforfeiture amount; merger of town mutual and domestic mutual insurance corporation into a town mutual; the insurance security fund; other miscellaneous changes to the insurance provisions; and granting rule-making authority.

Passage:

Ayes: 14 – Representatives Ladwig, Underheim, F. Lasee, McCormick, Weber, Gielow, Van Roy, Honadel, Cullen, Shilling, Huber, Plouff, J. Lehman and Berceau.

Noes: 0.

To committee on **Rules**.

BONNIE LADWIG
Chairperson
Committee on Insurance

The select committee on **Job Creation** reports and recommends:

Assembly Bill 736

Relating to: contributions by electric and gas utilities to the utility public benefits fund and granting rule-making authority.

Passage:

Ayes: 5 – Representatives Hundertmark, Nischke, Grothman, D. Meyer and Krawczyk.

Noes: 3 – Representatives Richards, Schooff and Ziegelbauer.

To committee on **Rules**.

JEAN HUNDERTMARK
Chairperson
Select committee on Job Creation

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

Assembly Bill 614

Relating to: special distinguishing registration plates for groups that are military in nature.

Assembly Amendment 1 adoption:

Ayes: 15 – Representatives Ainsworth, Petrowski, Ott, Hahn, Friske, McCormick, Gottlieb, Van Roy, Honadel, Steinbrink, Vruwink, Staskunas, Gronemus, Hebl and Zepnick.

Noes: 0.

Passage as amended:

Ayes: 15 – Representatives Ainsworth, Petrowski, Ott, Hahn, Friske, McCormick, Gottlieb, Van Roy, Honadel, Steinbrink, Vruwink, Staskunas, Gronemus, Hebl and Zepnick.

Noes: 0.

To joint committee on **Finance**.

Assembly Bill 678

Relating to: the reorganization, modernization, and modification of chapters 80 and 81.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Gottlieb, Van Roy, Honadel, Steinbrink, Sherman, Vruwink, Staskunas, Gronemus and Hebl.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 16 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Gottlieb, Van Roy, Honadel, Steinbrink, Sherman, Vruwink, Staskunas, Gronemus and Hebl.

Noes: 0.

Assembly Amendment 3 adoption:

Ayes: 16 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Gottlieb, Van Roy, Honadel, Steinbrink, Sherman, Vruwink, Staskunas, Gronemus and Hebl.

Noes: 0.

Assembly Amendment 4 adoption:

Ayes: 16 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Gottlieb, Van Roy, Honadel, Steinbrink, Sherman, Vruwink, Staskunas, Gronemus and Hebl.

Noes: 0.

Assembly Amendment 5 adoption:

Ayes: 16 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Gottlieb, Van Roy, Honadel, Steinbrink, Sherman, Vruwink, Staskunas, Gronemus and Hebl.

Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Ainsworth, Petrowski, Ott, Hahn, Suder, Friske, McCormick, Gottlieb, Van Roy, Honadel, Steinbrink, Sherman, Vruwink, Staskunas, Gronemus and Hebl.

Noes: 0.

To committee on **Rules**.

JOHN AINSWORTH
Chairperson
Committee on Transportation

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 49
Senate Joint Resolution 51
Senate Joint Resolution 53
Senate Joint Resolution 54

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 49

Relating to: the life and patriotic service of Christopher Glenn Mueller.

By Senators Kanavas, Lazich, Darling, Reynolds, Carpenter, S. Fitzgerald, Zien, Welch, Brown and A. Lasee; cosponsored by Representatives Nischke, Turner, Lothian, LeMahieu, Ainsworth, McCormick, Jeskewitz, Ladwig, M. Lehman, Jensen, Gunderson, Owens, Plouff, Van Roy, Vrakas and Musser.

To committee on **Rules**.

Senate Joint Resolution 51

Relating to: proclaiming March 30, 2004, as Sauk City Day in Wisconsin.

By Senator Schultz; cosponsored by Representative Freese.

To committee on **Rules**.

Senate Joint Resolution 53

Relating to: commending the life and public service of Officer Richard A. Meyer.

By Senators Ellis, Zien, Brown, Darling, Kanavas, Hansen, Schultz, S. Fitzgerald, A. Lasee, Kedzie, Lassa, Stepp, Roessler and Decker; cosponsored by Representatives Kaufert, McCormick, Olsen, LeMahieu, Krawczyk, Jeskewitz, Underheim, Vruwink, Bies, Van Roy, Lothian, Boyle, Krug, Ziegelbauer, Molepske, Musser, Ladwig, M. Lehman, Suder, Taylor, Miller, Gunderson, Weber, Plouff and Owens.

To committee on **Rules**.

Senate Joint Resolution 54

Relating to: the retirement of Pat Coakley following a long and dedicated career in the service of the Wisconsin legislature as a member of the Joint Legislative Council Staff.

By Senators Chvala, Breske, Brown, Cogg, Carpenter, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien; cosponsored by Representatives Gard and Miller.

To committee on **Rules**.

COMMUNICATIONS

January 20, 2004

To the Honorable, the Assembly:

This is to advise you that the Wisconsin State Senate has adopted Senate Resolution 25, by a vote of Ayes 33, Noes 0, on Tuesday, January 20, 2004. Pursuant to that resolution, Mr. Robert J. Marchant has been elected Senate Chief Clerk.

Sincerely,
ROBERT J. MARCHANT
Senate Chief Clerk

REFERENCE BUREAU CORRECTIONS

Assembly substitute amendment 1 to **Assembly Bill 674**

1. Page 3, line 1: delete "5m." and substitute "5m.,".

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Justice
Madison

January 15, 2004

To the Honorable, the Legislature:

Section [165.90](#) of the Wisconsin Statutes requires the Department of Justice to report on the performance of

cooperative county-tribal law enforcement programs receiving aid under this section. This letter constitutes our report.

The County-Tribal Law Enforcement Grant Program continues to help local law enforcement provide needed services in Indian communities. In addition, this program helps build a cooperative atmosphere and positive relationship between law enforcement and tribal governments and communities. Departmental staff is available to discuss this report and this important program.

Sincerely,
PEGGY A. LAUTENSCHLAGER
Attorney General

Referred to committee on **Criminal Justice**.

Speaker Gard in the chair.

Speaker Gard appointed Representatives Honadel and Turner to escort Governor James Doyle from his office to the Assembly Chamber.

The Assembly Sergeant-at-Arms Rick Skindrud announced the arrival of the Honorable Justices of the Wisconsin Supreme Court.

The Assembly stood informal.

The Assembly Sergeant-at-Arms Rick Skindrud announced the arrival of the members of the Wisconsin State Senate.

JOINT CONVENTION

The houses went into joint convention.

Senate President Lasee presiding.

Senator Lasee recognized the presence of Justice Ann Walsh Bradley, Justice David Prosser, Jr., and Justice Patience Drake Roggensack of the Wisconsin Supreme Court; Lieutenant Governor Barbara Lawton, Attorney General Peggy Lautenschlager, State Treasurer Jack Voight and Superintendent of Public Instruction Elizabeth Burmaster.

The Assembly Sergeant-at-Arms Rick Skindrud announced the arrival of Governor James Doyle

Escorted by Senators Schultz and Hansen, and Representatives Honadel and Turner, Governor James Doyle took his place at the rostrum to deliver his state of the state address.

Pursuant to Joint Rule 73, the governor's message is printed in the Senate journal only.

Representative Foti moved that the joint convention arise.

The question was: Shall the joint convention arise?

Motion carried.

8:13 P.M.

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. tomorrow.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

8:14 P.M.