



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

10:45 A.M.

TUESDAY, June 28, 2005

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

Representative Townsend in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 234** offered by Representative Musser.

Assembly amendment 1 to **Assembly Bill 345** offered by Representatives M. Williams and Gunderson.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 05-028

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2005.

Submitted by Insurance Commissioner.

Report received from Agency, June 20, 2005.

To committee on **Insurance**.

Referred on June 28, 2005.

Assembly Clearinghouse Rule 05-035

Relating to the 2005 assessment of agricultural land.

Submitted by Department of Revenue.

Report received from Agency, June 15, 2005.

To committee on **Agriculture**.

Referred on June 24, 2005.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 20

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 21

Relating to: referring calls received on the legislative hotline.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 22

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 23

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 24

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 25

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 26

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 27

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 28

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.

To committee on **Rules**.

Assembly Resolution 29

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.
To committee on **Rules**.

Assembly Resolution 30

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.
To committee on **Rules**.

Assembly Resolution 31

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.
To committee on **Rules**.

Assembly Resolution 32

Relating to: duties of the employees assigned to the Office of the Assembly Sergeant at Arms.

By Representative Schneider.
To committee on **Assembly Organization**.

Assembly Resolution 33

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.
To committee on **Rules**.

Assembly Resolution 34

Relating to: the reporting of hours worked by assembly employees.

By Representative Schneider.
To committee on **Assembly Organization**.

Assembly Resolution 35

Relating to: the prohibition against memorializing the federal government.

By Representative Schneider.
To committee on **Rules**.

Assembly Bill 515

Relating to: collective bargaining over health care coverage for municipal employees and allowing municipal employers to change health care coverage plan providers.

By Representatives McCormick, Albers, Hahn, Jensen, Krawczyk, Vrakas and Van Roy; cosponsored by Senators Darling and Harsdorf.
To joint committee on **Finance**.

Assembly Bill 516

Relating to: requiring the Group Insurance Board to prepare a report on offering group health insurance plans at different cost levels to local government employers and employees.

By Representatives McCormick, Albers, Krawczyk, Townsend, Vrakas, Van Roy and Musser; cosponsored by Senators Darling, Risser and Harsdorf.
To joint committee on **Finance**.

Assembly Bill 517

Relating to: requiring the Group Insurance Board to offer for purchase long-term care insurance policies to employees of local governments.

By Representatives McCormick, Albers, Hahn, Krawczyk, Musser, Townsend, Vrakas and Van Roy; cosponsored by Senators Darling and Harsdorf.
To joint committee on **Finance**.

Assembly Bill 518

Relating to: factors considered in rendering a collective bargaining arbitration decision under the Municipal Employment Relations Act.

By Representatives McCormick, Albers, Krawczyk, Hahn, Jensen, Townsend, Vrakas and Van Roy; cosponsored by Senators Darling and Harsdorf.
To joint committee on **Finance**.

Assembly Bill 519

Relating to: disclosure of health insurance claims experience of local governmental units; bids submitted to local governmental units for health insurance; requiring the commissioner of insurance to promulgate rules establishing uniform forms for local government health care coverage requests for proposals and health care claims experience and summarizing benefits provided under health care benefit plans; and granting rule-making authority.

By Representatives McCormick, Krawczyk, Van Roy, Vrakas, Musser and Jensen; cosponsored by Senators Darling, Roessler and Harsdorf.
To joint committee on **Finance**.

Assembly Bill 520

Relating to: requiring companies to report net losses of jobs to the Department of Commerce, making such companies and certain expatriate companies ineligible for certain tax exemptions, governmental contracts, grants, and loans, granting rule-making authority, and providing a penalty.

By Representatives Berceau, Black, Sinicki, Shilling, Zepnick and Grigsby; cosponsored by Senators Miller and Carpenter.
To committee on **Labor**.

Assembly Bill 521

Relating to: termination of parental rights and adoption, granting rule-making authority, and providing a penalty.
By Joint Legislative Council.
To committee on **Family Law**.

Assembly Bill 522

Relating to: considering a person's criminal record and evidence of abuse or neglect of a child when modifying custody or physical placement of a child.

By Representatives Wood, Lamb, Ainsworth, Albers, J. Fitzgerald, Freese, Gard, Gronemus, Gunderson, Gundrum, Hines, Honadel, Jensen, Kleefisch, Krawczyk, Kreibich, Lehman, Moulton, Petrowski, Pettis, Rhoades, Strachota, Suder, Townsend, Wasserman and Jeskewitz; cosponsored by Senators Harsdorf, Lassa, Carpenter, Darling, A. Lasee, Reynolds, Risser, Roessler, Stepp, Zien and Brown.
To committee on **Children and Families**.

Assembly Bill 523

Relating to: resident hunting and fishing approvals for members of the armed forces.

By Representatives Musser, Gard, Gunderson, Pettis, Bies, Ott, M. Williams, Petrowski, Black, Nerison, Boyle, Gundrum, Owens, Lehman, Strachota, Lothian, Kerkman, Hahn, Suder, Albers, Freese, Pridemore and Van Roy; cosponsored by Senators Brown, Roessler, Lassa, Breske and Grothman.

To committee on **Natural Resources**.

Assembly Bill 524

Relating to: service by a former member of the legislature as a lobbyist.

By Representatives Freese, Black, Lothian, Ziegelbauer, Strachota, Parisi, Krawczyk, Cullen, Pridemore, Zepnick and Lehman; cosponsored by Senator Lassa.

To committee on **State Affairs**.

Assembly Bill 525

Relating to: prohibiting employment discrimination because an individual is or applies to be a member of, or performs, has performed, applies to perform, or has an obligation to perform active service in, the national guard, state defense force, or any reserve component of the military forces of the United States or this state.

By Representatives Owens, Ainsworth, Bies, Freese, Gronemus, Gundrum, Hines, Kleefisch, Krawczyk, LeMahieu, McCormick, Musser, Petrowski, Pettis, Pridemore, Strachota, Suder and Townsend; cosponsored by Senators Roessler, S. Fitzgerald, Lassa, Wirch and Zien.

To committee on **Military Affairs**.

Assembly Bill 526

Relating to: requiring a child's parent to provide a health insurance identification card to the child's other parent.

By Representatives Owens, Ainsworth, Albers, Ballweg, Gronemus, Hahn, Hines, Kerkman, Krawczyk, Lehman, Lothian, Musser, Pridemore, Townsend, Van Roy and Vos; cosponsored by Senators Roessler and Darling.

To committee on **Family Law**.

Assembly Bill 527

Relating to: the requirement that dogs be vaccinated against rabies.

By Representatives Strachota, Pridemore, Loeffelholz, Jeskewitz, Albers and Kerkman; cosponsored by Senator Grothman.

To committee on **Agriculture**.

Assembly Bill 528

Relating to: prohibiting discrimination between an employee employed in a job that is dominated by employees of a particular sex and an employee employed in a job that is dominated by employees of the opposite sex in compensation paid for work that is of comparable worth; providing tax credits, grants, and appropriation supplements to employers that pay a wage differential to end discrimination in compensation paid for work that is of comparable worth; increasing the revenue limit of a school district that pays a wage differential to end discrimination in compensation paid

for work that is of comparable worth; imposing a sales and use tax on legal services; granting rule-making authority; and making appropriations.

By Representative Schneider.

To committee on **Labor**.

Assembly Bill 529

Relating to: requirements for ordering maintenance.

By Representative Schneider.

To committee on **Family Law**.

Assembly Bill 530

Relating to: prohibiting the Department of Natural Resources from using the word squaw in the name of a lake of stream.

By Representatives Schneider, Boyle, Musser, Freese, Fields and Albers.

To committee on **Natural Resources**.

Assembly Bill 531

Relating to: granting a parent electronic communication with a child.

By Representatives Vos, Nass, LeMahieu, J. Fitzgerald, Lehman, McCormick, Strachota, Sheridan, Ballweg, Gronemus, Musser, Nischke, Ainsworth and Hahn; cosponsored by Senators Stepp, Grothman and Darling.

To committee on **Family Law**.

Assembly Bill 532

Relating to: pharmacists, contraceptives, and the definition of abortion.

By Representatives Sinicki, Shilling, Pope-Roberts, Berceau, Black, Sherman, Grigsby, Benedict, Sheridan, Travis, Parisi, Pohan, Boyle, Seidel, Lehman, Zepnick, Turner, Kessler, Wasserman, Vruwink, Fields, Young, Richards, Schneider, Toles, Hebl and Nelson; cosponsored by Senators Robson, Jauch, Carpenter, Wirch, Risser, Taylor, Miller, Erpenbach and Coggs.

To committee on **Health**.

COMMITTEE REPORTS

The committee on **Highway Safety** reports and recommends:

Assembly Bill 375

Relating to: the operation of all-terrain vehicles on highways for the purpose of certain types of access.

Assembly Amendment 1 to Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Petrowski, Bies, Ainsworth, Van Roy, Musser, Young and Shilling.

Noes: 0.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Petrowski, Bies, Ainsworth, Van Roy, Musser, Young and Shilling.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Petrowski, Bies, Ainsworth, Van Roy, Musser, Young and Shilling.

Noes: 0.

To joint committee on **Finance**.

JERRY PETROWSKI
Chairperson
Committee on Highway Safety

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

Assembly Bill 294

Relating to: prohibiting legislation to change the purpose of the injured patients and families compensation fund.

Passage:

Ayes: 15 – Representatives Nischke, Friske, Underheim, Montgomery, McCormick, Gielow, Van Roy, Ballweg, Moulton, Cullen, Lehman, Staskunas, Molepske, Nelson and Sheridan.

Noes: 0.

To committee on **Rules**.

Assembly Bill 329

Relating to: membership of the Group Insurance Board.

Passage:

Ayes: 15 – Representatives Nischke, Friske, Underheim, Montgomery, McCormick, Gielow, Van Roy, Ballweg, Moulton, Cullen, Lehman, Staskunas, Molepske, Nelson and Sheridan.

Noes: 0.

To committee on **Rules**.

ANN NISCHKE
Chairperson
Committee on Insurance

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

Assembly Bill 202

Relating to: special distinguishing registration plates for groups that are military in nature and making an appropriation.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Ainsworth, Petrowski, Hahn, Friske, Ott, Lamb, Van Roy, Davis, Steinbrink, Sherman, Vruwink and Nelson.

Noes: 2 – Representatives Suder and Molepske.

Passage as amended:

Ayes: 14 – Representatives Ainsworth, Petrowski, Hahn, Suder, Friske, Ott, Lamb, Van Roy, Davis, Steinbrink, Sherman, Vruwink, Molepske and Nelson.

Noes: 0.

To joint committee on **Finance**.

JOHN AINSWORTH
Chairperson
Committee on Transportation

The committee on **Ways and Means** reports and recommends:

Assembly Bill 402

Relating to: creating a nonrefundable individual income tax credit for certain amounts of taxable social security benefits.

Assembly Substitute Amendment 1 adoption:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Strachota, Pridemore, Berceau, Ziegelbauer, Toles, Hebl and Fields.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Strachota, Pridemore, Berceau, Ziegelbauer, Toles, Hebl and Fields.

Noes: 0.

To joint committee on **Finance**.

JEFFREY WOOD
Chairperson
Committee on Ways and Means

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 4
Senate Bill 34
Senate Bill 112

ACTION ON THE SENATE MESSAGE

Senate Bill 4

Relating to: the size of the county board of supervisors in certain counties and the common council in certain cities.

By Senators Kanavas, Brown, Kedzie and Kapanke; cosponsored by Representatives Underheim, Suder, Gundrum, Kerkman, Jeskewitz, LeMahieu, Stone, Gunderson, Albers, Nass, Lothian, Ott and Shilling.

To committee on **Rules**.

Senate Bill 34

Relating to: the method of filling vacancies in certain county, city, village, and town elective offices.

By Senators Leibham and Lassa; cosponsored by Representatives Loeffelholz, Nass, LeMahieu and Ott.
To committee on **Urban and Local Affairs**.

Senate Bill 112

Relating to: the Uniform Child Custody Jurisdiction and Enforcement Act.

By Joint Legislative Council.
To committee on **Judiciary**.

ENROLLED BILLS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

- Assembly Bill 5**
- Assembly Bill 24**
- Assembly Bill 75**
- Assembly Bill 179**
- Assembly Bill 259**
- Assembly Bill 277**
- Assembly Bill 437**
- Assembly Bill 441**

PATRICK E. FULLER
Assembly Chief Clerk

REFERENCE BUREAU CORRECTIONS

Assembly Bill 441

1. Page 3, line 5: substitute “(a),” for “(a)”.

Assembly Bill 456

1. Page 3, line 6: after “applies” insert “to”.

COMMUNICATIONS

June 27, 2005

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

Dear Chief Clerk Fuller:

Please be advised as to the reason for my excused absence from legislative activity/session on Tuesday, June 21, 2005. I suffered the loss of a relative, coupled with another family emergency that required my personal attention.

As it relates to Assembly Bill 100 (AB 100) that was voted on that day, I would like the records to show that my vote on behalf of the 10th Assembly district would be “No/Nay”.

Thank you for your attention to this request.

Sincerely,
ANNETTE “POLLY” WILLIAMS
State Representative
10th Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Council on Small, Veteran and
Minority Business Opportunities
Madison

June 8, 2005

To the Honorable, the Legislature:

The Council on Small, Veteran and Minority Business Opportunities, respectfully submit the Council’s 2003-2004 Annual Report.

The Council on Small, Veteran and Minority Business Opportunities has legislative authority (Wis Stat. 15.107) to make recommendations to the Governor and the Chief Clerk of each House of the legislature on a variety of procurement policies and practices related to increasing Small, Veteran and Minority business participation.

The Council continues to invite representatives from various State Agencies to quarterly meetings to assess both the opportunities and challenges that they face in meeting the states purchasing goals. The process also includes the Council making recommendations to the presenting agencies. The agencies are diverse, which also presents diverse opportunities and challenges. Therefore, it is essential that each agency research, analyze and utilize good faith efforts to determine what is in effect “best practice” for them.

The Council’s recommendations are outlined in the attached Annual Report. Effective capacity building initiatives and ownership of the MBE participation goals by State Agencies and prime contractors will be key factors in improving State purchases from Small, Veteran and Minority Businesses. **We urge you to hold the Director of each State Agency accountable for improving purchasing from Veteran, Minority and Small Businesses. It is the Council’s experience that what is monitored and measured happens. This responsibility should not be left to Purchasing Managers, but should be the responsibility of all State Employees. The meager 5% State goal has never been met and in the past couple of years the State’s MBE purchases have decreased rather than increase.**

We hope that our recommendations will assist the Administration in meeting its goals of ensuring opportunity and participation by all.

Sincerely,
AUGUSTINE (TINA) MURRAY, CHAIR
Council on Small, Veteran and Minority
Business Opportunities

Referred to committee on **Small Business**.

State of Wisconsin
Department of Health and Administration
Madison

June 8, 2005

To the Honorable, the Legislature:

The attached report is submitted to the Legislature pursuant to s. 46.27 (11g) and s. 46.277(5m) of the state statutes. The state statutes require the Department of Health and Family Services to submit an annual report for the Community Options Program (COP) and the Home and Community-Based Waivers (COP-W/CIP II). The attached report describes the persons served, program expenditures, and services delivered through the COP, COP-Waiver and CIP II programs in calendar year 2003.

The Community Options Program provides services to people who are elderly or who have a physical, developmental or mental disability, and is closely coordinated with all of Wisconsin's Medicaid Home and Community-Based Waivers. With the Department's oversight, county agencies are able to ensure that a comprehensive and individualized care plan is provided, while maintaining program flexibility and integrity, and maximizing federal matching funds.

Sincerely,
HELENE NELSON
Secretary

Referred to committee on **Aging and Long-Term Care**.

State of Wisconsin
Department of Public Instruction
Madison

June 13, 2005

To the Honorable, the Legislature:

In accordance with Wisconsin Administrative Code, PI 11.37 (2)(a)-(f), the Department of Public Instruction submits this report relating to special education eligibility criteria.

The report provides the final results of a study of the effects of the modifications of special education eligibility criteria in the areas of cognitive disabilities, emotional behavioral disabilities, hearing impairments, specific learning disabilities, speech and language impairments, and visual impairments.

If you have any questions regarding this document, please contact Lynn Boreson, Consultant, Emotional Behavioral Disabilities, at (608) 266-1218.

Sincerely,
ELIZABETH BURMASTER
State Superintendent

Referred to committee on **Education**.

State of Wisconsin
Department of Administration
Madison

June 17, 2005

To the Honorable, the Legislature:

As required by s. 14.065, and on behalf of the Governor, I am transmitting a recommended modification to the Stripper XX Oil Overcharge Plan, and requesting the Joint Committee on Finance consider this modification at their next s. 13.10, Wis. Stats., meeting.

The modification is to the Ethanol Refueling Infrastructure program, which was allocated \$230,000 of Stripper XX monies. The oil overcharge monies were for the development, installation and promotion of an E-85 refueling infrastructure in southeastern Wisconsin. E-85 is a mixture of 85 percent ethanol and 15 percent gasoline.

I am proposing that the program be modified so that the remaining unspent oil overcharge monies (\$77,495), along with approximately \$22,605 of matching monies from the Wisconsin Corn Growers can be used to fund E-85 infrastructure development and installation throughout Wisconsin. This will allow the monies to be used most effectively in responding to the statewide demand for E-85 refueling facilities.

I appreciate your support in helping Wisconsin increase its use of a home grown renewable energy resource. If you have any questions or need additional details regarding the proposed program modification, please contact Kimberly R. Walker, Administrator for the Division of Energy, at 261-6357.

Sincerely,
GINA FRANK-REECE,
DEPUTY SECRETARY
Department of Administration

Referred to committee on **Energy and Utilities**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

June 22, 2005

To the Honorable, the Legislature:

We have examined the Indian Gaming, Racing, and Charitable Gaming programs administered by the Division of Gaming in the Department of Administration, as required by s. 13.94(1)(eg), Wis. Stats. We have issued an unqualified opinion on the Division's budgetary financial schedules for the three-year period from fiscal year (FY) 2001-02 through FY 2003-04.

Under the terms of the tribal-state gaming compacts, this office and the Department of Administration receive copies of independent financial audits of all Class III gaming operations for the 11 tribes that operate gaming facilities in Wisconsin. Based on these audited statements, total tribal

revenue increased from \$889.5 million in 2000 to almost \$1.2 billion in 2004, or by 34.1 percent. Tribal expenditures increased from \$470.8 million in 2000 to \$676.2 million in 2004, or by 43.6 percent. Gaming profits, which are used by the tribes for payments to tribal members or for other purposes, increased from \$418.7 million to \$516.3 million, or by 23.3 percent.

Payments to the State increased under the 2003 compact amendments that were signed by 10 of the 11 tribes. The State received tribal payments of nearly \$24.9 million in FY 2002-03 and \$69.6 million in FY 2003-04. However, projecting future tribal payments is difficult pending the outcome of negotiations in response to a 2004 Wisconsin Supreme Court decision that invalidated certain compact provisions. In addition, because future payments to the State will be based on a percentage of net revenues, rather than on the lump-sum amounts most tribes paid in the past, it will be important for the Department of Administration to ensure that payments are correctly calculated and received in a timely manner. We note a number of potential concerns in these areas.

From FY 2001-02 through FY 2003-04, pari-mutuel tax revenue generated from greyhound racing and bingo tax revenue has declined. Nevertheless, during the three-year

period we examined, the Racing and Charitable Gaming programs provided nearly \$4.0 million to the Lottery Fund for property tax relief.

We appreciate the courtesy and cooperation extended to us by the Department of Administration and the 11 tribal nations located in Wisconsin. A response from the Department of Administration follows the appendix.

Respectfully submitted,
JANICE MUELLER
State Auditor

ADJOURNMENT

Representative Bies moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, June 30.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:46 A.M.