



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

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MONDAY, October 17, 2005

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

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### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 453** offered by Representative Gronemus.

Assembly amendment 1 to **Assembly Bill 454** offered by Representative Gronemus.

Assembly amendment 2 to **Assembly Bill 573** offered by Representative Fields.

Assembly amendment 2 to **Assembly Bill 589** offered by Representative Wasserman.

Assembly substitute amendment 1 to **Assembly Bill 666** offered by Representative Honadel.

Assembly substitute amendment 1 to **Assembly Bill 685** offered by Representative Davis.

Assembly amendment 2 to **Assembly Bill 709** offered by Representative Underheim.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 05-039**

Relating to the incorporation of federal amendments in national emission standards for hazardous air pollutants into chs. [NR 460](#) and [463](#).

Submitted by Department of Natural Resources.  
Report received from Agency, October 13, 2005.  
To committee on **Natural Resources**.  
Referred on October 17, 2005.

#### **Assembly Clearinghouse Rule 05-040**

Relating to national emission standards for hazardous air pollutants for the surface coating of plastic parts and products and of miscellaneous metal parts and products.

Submitted by Department of Natural Resources.  
Report received from Agency, October 13, 2005.  
To committee on **Natural Resources**.  
Referred on October 17, 2005.

#### **Assembly Clearinghouse Rule 05-064**

Relating to cleaning methods for historic buildings.  
Submitted by Department of Commerce.  
Report received from Agency, October 14, 2005.  
To committee on **Tourism**.  
Referred on October 17, 2005.

#### **Assembly Clearinghouse Rule 05-073**

Relating to Lake Winnebago sturgeon spearing.  
Submitted by Department of Natural Resources.  
Report received from Agency, October 13, 2005.  
To committee on **Natural Resources**.  
Referred on October 17, 2005.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 59**

Relating to: the life and public service of Lance Cpl. Daniel Wyatt.

By Representatives Vos, Kerkman, Gunderson, Lehman and Turner; cosponsored by Senators Stepp, Lazich and Wirch.

To committee on **Rules**.

#### **Assembly Joint Resolution 60**

Relating to: proclaiming the month of October as Breast Cancer Awareness Month.

By Representatives Rhoades, Vruwink, Lamb, Huebsch, Sinicki, Benedict, Hines, Hubler, Cullen, Gronemus, Shilling, Wood, Travis, Suder, M. Williams, Ott, Fields, Sheridan, Gard, Lehman, Grigsby, Nischke, Nelson, Boyle, Musser, Pettis, Berceau, McCormick, Pohan, Davis, Hundertmark, Seidel, Nerison, Jeskewitz, Owens, Kerkman, Toles, Van Roy, Wasserman, Kreibich, Kreuser, Molepske, Ziegelbauer, Hebl, Albers, Krawczyk, Vrakas, Petrowski, Towns, Gielow, Strachota, Ballweg and Gunderson; cosponsored by Senators Darling, Taylor, Kapanke, Coggs, Schultz, Brown, Roessler, A. Lasee, Erpenbach, Leibham, Lassa, Cowles, Harsdorf, Stepp, Robson, Lazich, Plale and Ellis.

To committee on **Rules**.

#### **Assembly Bill 760**

Relating to: changes to the comprehensive planning statutes and authorizing towns to withdraw from county zoning.

By Representatives Albers, Musser, Ainsworth and Hahn.  
To committee on **Property Rights and Land Management**.

#### **Assembly Bill 761**

Relating to: a harbor assistance grant for the construction of a dockwall in the city of Marinette.

By Representatives Gard and Mursau; cosponsored by Senator A. Lasee.  
To committee on **Transportation**.

#### **Assembly Bill 762**

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

By Representatives Nerison, Ainsworth, Petrowski, Hahn, Ott, Lamb, Davis, Gronemus, Vruwink, Albers, M. Williams, Loeffelholz, Towns, Ballweg, Bies, Boyle, Freese, Gunderson, Gundrum, Hines, Hundertmark, Kestell, Kleefisch, LeMahieu, Musser, Owens, Pettis, Pridemore, Schneider, Townsend, Ward and Wood; cosponsored by Senators Harsdorf, Kapanke, Brown, Olsen, A. Lasee and Grothman.

To committee on **Transportation**.

#### **Assembly Bill 763**

Relating to: carrying a concealed weapon, possessing or transporting a firearm under certain circumstances, background checks for handgun purchases, photographic identification cards for retired law enforcement officers, requiring the exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

By Representatives Gunderson, Suder, Pettis, Albers, J. Fitzgerald, Freese, Gundrum, Hahn, Hines, Hundertmark, Kestell, Kleefisch, Krawczyk, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Mursau, Musser, Nass, Nischke, Owens, Petrowski, Pridemore, Schneider, Strachota, Towns, Van Roy, Vos, Vrakas and Jensen; cosponsored by Senators Zien, S. Fitzgerald, Breske, Brown, Grothman, Kanavas, Kedzie, A. Lasee, Leibham, Reynolds, Roessler, Schultz and Stepp.

To committee on **Criminal Justice and Homeland Security**.

#### **Assembly Bill 764**

Relating to: awards to persons suffering damages as the result of medical malpractice and evidence of compensation for those damages.

By Representatives Gielow, Huebsch, Nischke, Gard and Nerison; cosponsored by Senator S. Fitzgerald.  
To committee on **Insurance**.

#### **Assembly Bill 765**

Relating to: coverage under the injured patients and families compensation fund of medical school graduates engaged in postgraduate training.

By Representatives Gielow, Huebsch, Nischke and Gard; cosponsored by Senators S. Fitzgerald and Kapanke.  
To committee on **Insurance**.

#### **Assembly Bill 766**

Relating to: recovery of noneconomic damages in medical malpractice cases.

By Representatives Gielow, Huebsch, Nischke, Gard, Freese, Gottlieb, Gundrum, Hahn, Honadel, Hundertmark, Jensen, Jeskewitz, Kerkman, Kestell, Kreibich, Lamb, Loeffelholz, McCormick, Moulton, Mursau, Rhoades, Strachota, Van Roy, Vos, M. Williams, Wieckert, Nerison, Underheim, Suder, Friske, Owens and Petrowski; cosponsored by Senators S. Fitzgerald, Kapanke, Brown, Darling, Ellis, Grothman, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien.

To committee on **Insurance**.

#### **Assembly Bill 767**

Relating to: an income and franchise tax credit for using alternative energy sources to generate electricity and heat water.

By Representatives Wieckert, Gard, Berceau, Parisi, Kerkman, Hahn, Turner, Vos, Cullen, Boyle, Albers, Krawczyk, Gunderson, Ballweg, Musser, Gundrum, Wood, Freese, Davis and Hines; cosponsored by Senator Hansen.

To committee on **Energy and Utilities**.

#### **Assembly Bill 768**

Relating to: authorizing the University of Wisconsin System to establish or contract for the establishment of a charter school.

By Representatives Vukmir, Ward, Wieckert, Underheim, Jensen, Hahn, Towns, Hines and Hundertmark; cosponsored by Senators Darling and Kanavas.

To committee on **Education Reform**.

#### **Assembly Bill 769**

Relating to: requiring actuarial audits of the injured patients and families compensation fund and authorizing the fund's board of governors to organize an insurance corporation.

By Representative Ziegelbauer.

To committee on **Insurance**.

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## **COMMITTEE REPORTS**

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

#### **Assembly Bill 387**

Relating to: eligibility of a person enrolled in a program that confers a master's degree in nursing for a loan under the Nursing Student Loan Program.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns, Shilling, Schneider, Black and Molepske.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns, Shilling, Schneider, Black and Molepske.

Noes: 0.

To committee on **Rules**.

*ROB KREIBICH*  
Chairperson  
Committee on Colleges and Universities

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

**Assembly Bill 342**

Relating to: private motor carriers transporting livestock.

Assembly Substitute Amendment 1 adoption:

Ayes: 13 – Representatives Ainsworth, Petrowski, Hahn, Suder, Ott, Van Roy, Davis, Steinbrink, Gronemus, Sherman, Vruwink, Molepske and Nelson.

Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Ainsworth, Petrowski, Hahn, Suder, Ott, Van Roy, Davis, Steinbrink, Gronemus, Sherman, Vruwink, Molepske and Nelson.

Noes: 0.

To joint committee on **Finance**.

*JOHN AINSWORTH*  
Chairperson  
Committee on Transportation

**GOVERNOR’S VETO MESSAGE**

October 14, 2005

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 207**. The bill expands the circumstances under which a health care provider may refuse to provide certain medical procedures based on moral or religious convictions. Current law already allows providers to refuse to perform sterilizations and abortions. The bill would also allow such an objection as a basis for not participating in procedures involving human embryos and fetal tissue or organs.

The bill is nearly identical to Assembly Bill 67. I vetoed that bill in 2004 for the same reasons. This bill lets your doctor put his or her political beliefs ahead of your medical best interests. That is simply unconscionable. Medical decisions should be made by the patient and the doctor based on what’s best for the patient, not on the doctor’s political views.

This bill doesn’t even require health care providers to give you a referral to someone else if they object to a particular treatment. In fact, the doctor wouldn’t even have to tell you about a treatment option that might exist. Even if your life was

threatened, this bill would allow a doctor to withhold lifesaving medical care.

The bill could also deny medical access to people in rural areas, who may have a very limited pool of doctors to choose from. It is hard enough for many people to get the health care they need, and this bill would make it even tougher.

Because it puts a doctor’s political views ahead of the best interests of patients, this bill ought to be called the “unconscionable clause.”

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>
<b>Assembly Bill 214</b> . . . . .	44 . . . . .	October 27, 2005
<b>Assembly Bill 39</b> . . . . .	45 . . . . .	October 27, 2005
<b>Assembly Bill 193</b> . . . . .	46 . . . . .	October 27, 2005
<b>Assembly Bill 296</b> . . . . .	47 . . . . .	October 27, 2005
<b>Assembly Bill 316</b> . . . . .	48 . . . . .	October 27, 2005

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

October 10, 2005

Representative Donald Friske  
Room 312 North  
State Capitol  
Madison, WI 53701

Representative Leah Vukmir  
Room 307 North  
State Capitol  
Madison, WI 53701

Representative Tamara Grigsby  
Room 122 North  
State Capitol  
Madison, WI 53701

Dear Representatives Friske, Vukmir and Grigsby:

As chairperson of the Assembly Committee on Criminal Justice and Homeland Security, I am appointing you to a subcommittee to consider modifications to **2005 Assembly Bill 290**, relating to prohibiting the required implanting of a microchip in an individual.

The subcommittee is charged with considering the following issues and reporting its recommendations to me and, ultimately, to the full committee:

Whether an exception should be created in the bill so that parents may require the implantation of a microchip in their children.

Whether an exception should be created in the bill to permit implantation of a microchip in certain adults who may pose a danger to themselves by becoming disoriented and lost and may arguably benefit from the implantation of a microchip.

Representative Friske will chair the subcommittee and the Legislative Council attorney for the committee, Anne Sappenfield, will serve as staff for the subcommittee.

Thank you for your participation,  
*SCOTT SUDER*  
Chairman  
Assembly Criminal Justice and Homeland  
Security Committee

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October 17, 2005

Mr. Patrick Fuller  
17 West Main Street  
Suite 208  
Madison, WI 53708

Dear Mr. Fuller:

Please add me as a co-sponsor to Assembly Bill 700 relating to the autism scholarship.

Sincerely,  
*MARK GUNDRUM*  
Assembly District 84

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October 17, 2005

Mr. Patrick Fuller  
17 West Main Street  
Suite 208  
Madison, WI 53708

Dear Patrick:

I would like to request that my name be removed from

Assembly Bill 106, authored by Representative Wood relating to expanding the individual income tax deduction for college tuition expenses.

Your assistance with this request is greatly appreciated.

Sincerely,  
*ROB KREIBICH*  
State Representative  
93rd Assembly District

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October 17, 2005

Mr. Patrick Fuller  
17 West Main Street  
Suite 208  
Madison, WI 53708

Dear Mr. Fuller:

Please add me as a co-sponsor to Assembly Bill 226.

Sincerely,  
*TIM CARPENTER*  
Senate District 3

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Housing and Economic Development Authority  
Madison

October 15, 2005

To the Honorable, the Legislature:

Pursuant to Wisconsin Statute 234.93 (5), enclosed please find the following reports relating to the Wisconsin Development Reserve Fund:

Annual Report of Guarantee Funds as of June 30, 2005.

Should you have any question or comments on the reports, please feel free to call me at 266-1640.

Sincerely,  
*LAURA B. MORRIS*  
Chief Financial Officer

Referred to committee on **Housing**.