



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

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WEDNESDAY, November 30, 2005

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

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### AMENDMENTS OFFERED

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 26** offered by joint committee on **Finance**.

Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 26** offered by joint committee on **Finance**.

Assembly substitute amendment 1 to **Assembly Bill 337** offered by Representative Hines.

Assembly amendment 2 to **Assembly Bill 409** offered by joint committee on **Finance**.

Assembly amendment 3 to **Assembly Bill 409** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Bill 588** offered by Representative Townsend.

Assembly amendment 1 to **Assembly Bill 662** offered by Representative Sherman.

Assembly substitute amendment 1 to **Assembly Bill 675** offered by committee on **Property Rights and Land Management**.

Assembly substitute amendment 1 to **Assembly Bill 734** offered by committee on **Property Rights and Land Management**.

Assembly substitute amendment 1 to **Assembly Bill 836** offered by Representatives J. Fitzgerald, Gundrum, Davis, Nischke, Loeffelholz, Jensen, Bies, Hines, Ott, Ballweg, Kleefisch, Owens, Freese, Hundertmark, McCormick, Cullen, Krawczyk and Montgomery.

Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 844** offered by joint committee on **Finance**.

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### ADMINISTRATIVE RULES

#### Assembly Clearinghouse Rule 04-095

Relating to the requirements for administering the office facilities and equipment for safe and effective administration and the applicable standards of care, and to provide for reporting of adverse occurrences related to anesthesia administration.

Submitted by Department of Regulation and Licensing. Report received from Agency, November 17, 2005.

To committee on **Health**.

Referred on November 29, 2005.

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### ASSEMBLY PETITIONS

#### Assembly Petition 1

A petition signed by approximately 55000 citizens of the State of Wisconsin in support of Assembly Joint Resolution 67 and Senate Joint Resolution 53, relating to providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

Introduced by Representative Gundrum.

To committee on **Judiciary**.

#### Assembly Petition 2

A petition signed by approximately 10000 citizens of the State of Wisconsin in support of Assembly Joint Resolution 67 and Senate Joint Resolution 53, relating to providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

Introduced by Representative Gundrum.

To committee on **Judiciary**.

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### COMMITTEE REPORTS

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

#### Assembly Bill 804

Relating to: a school attendance officer's duties.

Passage:

Ayes: 12 – Representatives Towns, Kestell, Nass, Hundertmark, Townsend, Hines, Davis, Lehman, A. Williams, Ziegelbauer, Pope–Roberts and Van Akkeren.

Noes: 0.

To committee on **Rules**.

**Senate Bill 286**

Relating to: school district human growth and development programs.

Concurrence:

Ayes: 9 – Representatives Towns, Kestell, Nass, Hundertmark, Townsend, Hines, Davis, A. Williams and Ziegelbauer.

Noes: 3 – Representatives Lehman, Pope–Roberts and Van Akkeren.

To committee on **Rules**.

*DEBRA TOWNS*  
Chairperson  
Committee on Education

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The joint committee on **Finance** reports and recommends:

**Assembly Bill 26**

Relating to: entering into the wildlife violator compact.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Assembly Amendment 2 to Assembly Substitute Amendment 1 adoption:

Ayes: 14 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Taylor.

Noes: 1 – Senator Decker.

Assembly Amendment 3 to Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Passage as amended:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 409**

Relating to: the authority of the Department of Natural Resources to enforce certain violations of the trespass law;

revocation, suspension, and denial of certain approvals and privileges relating to wild animals and plants for certain violations of the trespass law; the imposition of a surcharge on a forfeiture for certain violations of the trespass law; service outside the state of forfeiture citations issued for violations of certain natural resources laws; title to wild animals; operation of snowmobiles and all-terrain vehicles on land without permission; and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 13 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker.

Noes: 2 – Representative Pocan; Senator Taylor.

Assembly Amendment 2 adoption:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Assembly Amendment 3 adoption:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Kaufert, Ward, Jensen and Rhoades; Senators S. Fitzgerald, Lazich, Darling and Cowles.

Noes: 7 – Representatives Stone, Meyer and Pocan; Senators Leibham, Olsen, Decker and Taylor.

To committee on **Rules**.

**Assembly Bill 844**

Relating to: the Health Insurance Risk–Sharing Plan; creating the Health Insurance Risk–Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk–Sharing Plan assessments; and making an appropriation.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Assembly Amendment 5 to Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 13 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Lazich, Darling, Leibham, Olsen, Decker and Taylor.

Noes: 2 – Representative Pocan; Senator Cowles.

Passage as amended:

Ayes: 13 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Lazich, Darling, Leibham, Olsen, Decker and Taylor.

Noes: 2 – Representative Pocan; Senator Cowles.

To committee on **Rules**.

*DEAN KAUFERT*  
Assembly Chairperson  
Joint Committee on Finance

The committee on **Natural Resources** reports and recommends:

**Assembly Bill 581**

Relating to: licensing, vehicle identification, and record-keeping requirements for wholesale fish dealers and commercial fishers, inspections of wholesale fish dealer and commercial fisher records and premises, commercial fishing boats, periods when a commercial fisher may fish on the waters of Green Bay, the sale and purchase of eggs from certain trout and salmon, commercial fishing approval fees, seizure of certain fishing devices, access to places used to store or retain wild animals, establishing a commercial fish reporting system, imposing certain surcharges, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, making an appropriation, and providing penalties.

Passage:

Ayes: 12 – Representatives Gunderson, Ott, Pettis, Bies, Krawczyk, Petrowski, Mursau, Black, Steinbrink, Van Akkeren, Molepske and Hebl.

Noes: 0.

To committee on **Rules**.

*SCOTT GUNDERSON*  
Chairperson  
Committee on Natural Resources

The committee on **Small Business** reports and recommends:

**Assembly Bill 485**

Relating to: regulating funeral directors and funeral establishments, regulating cremation and funeral advertising, and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Van Roy, Honadel, M. Williams, Ballweg, Mursau, Sheridan, Fields and Hebl.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Van Roy, Honadel, M. Williams, Ballweg, Mursau, Fields and Hebl.

Noes: 1 – Representative Sheridan.

To committee on **Rules**.

*KARL VAN ROY*  
Chairperson  
Committee on Small Business

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**CHIEF CLERK REPORTS**

The Chief Clerk records:

**Assembly Bill 764**  
**Assembly Bill 765**  
**Assembly Bill 766**

Presented to the Governor on Wednesday, November 30.

*PATRICK E. FULLER*  
Assembly Chief Clerk

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**REFERENCE BUREAU CORRECTIONS**

Assembly Amendment 1 to **Assembly Bill 803**

1. Page 1, line 9: delete "10" and substitute "13".

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**COMMUNICATIONS**

November 30, 2005

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Patrick:

Pursuant to Assembly Rule 23(4), please message Enrolled Assembly Bills 764, 765 and 766 to the Office of the Governor. If your office is unable to deliver the enrolled bills today, please notify me as soon as possible.

Sincerely,  
*JOHN G. GARD*  
Speaker

November 30, 2005

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Chief Clerk Fuller:

I would like to have my name removed as a co-sponsor from Assembly Bill 752.

Thank you and if you have any questions, please call my office at 266-7500.

Sincerely,  
*TERRI MCCORMICK*  
State Representative  
56th Assembly District

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November 30, 2005

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Chief Clerk Fuller:

Please add me as a co-sponsor on Assembly Bill 120. Thank you.

Sincerely,  
*TIM CARPENTER*  
State Senator  
3rd Senate District

## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Madison

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November 30, 2005

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes), and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of October 2005.

On October 14, 2005, the Wisconsin Health Education Loan Repayment Fund cash balance closed at its intramonth low of a negative \$9 thousand. This negative balance continued through October 31, 2005, when the fund’s cash

balance closed at a negative \$9 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The Wisconsin Health Education Loan Repayment Fund shortfall was not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
*STEPHEN E. BABLITCH*  
Secretary

Referred to committee on **Ways and Means**.

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State of Wisconsin  
Office of State Employment Relations  
Madison

November 2005

To the Honorable, the Legislature:

I am pleased to forward the Fiscal Year 2005 report on employment of customers of the Wisconsin Works (W-2) program. Included in this report are the number of W-2 job seekers employed by each state agency and the classification of each position filled from July 1, 2004, through June 30, 2005. Of the 1767 new hires to state employment, 127, or 7.2 percent were W-2 hires. This exceeds the state’s hiring goal of 5 percent.

Attached is a copy of the W-2 Hiring Report. Please contact Jennifer Gebert at (608)267-2155 or email [Jennifer.Gebert@wisconsin.gov](mailto:Jennifer.Gebert@wisconsin.gov) if you have questions or need additional information regarding this report.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Director

Referred to committee on **Children and Families**.