



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

FRIDAY, December 5, 2003

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

### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 488** offered by committee on **Ways and Means**.

Assembly amendment 2 to **Assembly Bill 536** offered by Representative Balow.

Assembly amendment 3 to **Assembly Bill 574** offered by Representative LeMahieu.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 03-080**

Relating to assessments on occupied, licensed beds in nursing homes and intermediate care facilities for the mentally retarded (ICF-MR).

Submitted by Department of Health and Family Services.  
Report received from Agency, December 1, 2003.  
To committee on **Aging and Long-Term Care**.  
Referred on December 5, 2003.

#### **Assembly Clearinghouse Rule 03-103**

Relating to the children at risk program.  
Submitted by Department of Public Instruction.  
Report received from Agency, December 1, 2003.  
To committee on **Education**.  
Referred on December 5, 2003.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 686**

Relating to: membership of the State Laboratory of Hygiene Board; nonresident tuition exemption for veterans; and the transfer program at the University of Wisconsin Medical School (suggested as remedial legislation by the Board of Regents of the University of Wisconsin System).

By Law Revision Committee.  
To committee on **Colleges and Universities**.

#### **Assembly Bill 687**

Relating to: possession of ecstasy and providing penalties.  
By Representatives Underheim, Hahn, Olsen, Krawczyk, Petrowski, Hines, Van Roy, Townsend, Lothian, Gunderson and Ott.  
To committee on **Criminal Justice**.

#### **Assembly Bill 688**

Relating to: distributing controlled substances in a place in which a child is present and providing a penalty.  
By Representatives Underheim, Ainsworth, Krawczyk, Musser, Petrowski, Hines, Townsend, Lothian, Gunderson and Ott; cosponsored by Senators Darling, A. Lasee and Roessler.  
To committee on **Criminal Justice**.

#### **Assembly Bill 689**

Relating to: prescription drug labels.  
By Representatives Wieckert, Lothian, Ainsworth, Owens, Seratti, Hines, Olsen, Hahn, Gunderson, Albers, Ladwig, Krawczyk, Townsend, Ott, J. Lehman, Morris, Taylor and Van Roy; cosponsored by Senators Brown, Wirch, Roessler and Stepp.  
To committee on **Health**.

#### **Assembly Bill 690**

Relating to: allowing any provider to participate in a health care plan under the terms of the plan, requiring an annual period for providers to elect to participate in health care plans, and requiring notice to a provider of the reason for exclusion from a health care plan.  
By Representatives Berceau, Wasserman, Turner and Boyle; cosponsored by Senator Robson.  
To committee on **Insurance**.

#### **Assembly Bill 691**

Relating to: prohibiting the transmission of certain electronic mail messages, prohibiting the collection of certain electronic mail addresses, prohibiting the registration for electronic mail accounts for certain purposes, and prohibiting the violation of policies of electronic mail service providers.  
By Representatives Black, Richards, Miller, Taylor, Turner, Staskunas, Seratti, Krug, Pocan, Molepske, Berceau, J. Lehman, Lothian, Shilling, Gunderson, Pope-Roberts and Van Akkeren; cosponsored by Senator Robson.  
To committee on **State Affairs**.

**Assembly Bill 692**

Relating to: payment of fixed annuity increases under the Wisconsin Retirement System.

By Representatives Vrakas, Musser, Albers, Hahn, Hines, Seratti, Stone and J. Lehman; cosponsored by Senators Schultz and Wirch, by request of Department of Employee Trust Funds and Employee Trust Funds Board.

To joint survey committee on **Retirement Systems**.

**Assembly Bill 693**

Relating to: qualifications for a clinical social worker license and granting rule-making authority.

By Representatives Bies, Ainsworth, Berceau, Cullen, Hines, Huebsch, Jeskewitz, Kreibich, J. Lehman, Olsen, Owens, Petrowski, Pope-Roberts, Seratti, Shilling, Wasserman, Ott and Van Roy; cosponsored by Senators A. Lasee and Hansen.

To committee on **Children and Families**.

**Assembly Bill 694**

Relating to: restrictions imposed on the installation and use of solar energy systems and wind energy systems in cities, villages, and towns that are located on the banks, bluffs, or bluff tops of the Lower St. Croix River between the dam near St. Croix Falls and its confluence with the Mississippi River.

By Representatives Pettis, Hines, McCormick and Hahn; cosponsored by Senators Harsdorf and Schultz.

To committee on **Energy and Utilities**.

**Assembly Bill 695**

Relating to: trailers used to transport livestock.

By Representatives Johnsrud, Hahn, Petrowski, Musser, Albers, Towns, Hines, Townsend, Stone, Freese, Lothian, Ward and Gronemus; cosponsored by Senators Schultz and Welch.

To committee on **Highway Safety**.

**Assembly Bill 696**

Relating to: providing information related to seller assisted financing on the real estate transfer return.

By Representatives J. Lehman, Ladwig, Berceau, Seratti and Albers; cosponsored by Senator Wirch.

To committee on **Financial Institutions**.

**Assembly Bill 697**

Relating to: the maximum permissible length of single vehicles operated on a highway without an overlength permit.

By Representatives Ainsworth, Albers, Hahn, Ott, Owens and Petrowski; cosponsored by Senator Zien.

To committee on **Transportation**.

**Assembly Bill 698**

Relating to: renewable resource requirements for electric utilities and cooperatives.

By Representatives Miller, Ott, Zepnick, J. Lehman, Black, Berceau and Plouff; cosponsored by Senator Risser.

To committee on **Energy and Utilities**.

**Assembly Bill 699**

Relating to: payments to ethanol producers and making an appropriation.

By Representatives Freese, J. Wood, Gronemus, Ward, Ott, Ainsworth, Petrowski, Suder, Hines, Loeffelholz, Towns, Balow, Vruwink, Gunderson, Hahn, Pettis, Albers, Owens, McCormick, Musser and Bies; cosponsored by Senators Harsdorf, Welch, Roessler, A. Lasee, Schultz and Zien.

To committee on **Agriculture**.

**Assembly Bill 700**

Relating to: environmental compliance audits, environmental management systems, providing incentives for improving environmental performance, providing immunity from civil penalties for certain violations of environmental requirements, access to certain information, granting rule-making authority, and providing a penalty.

By Representatives Miller, Ott, Plouff and Berceau; cosponsored by Senators Cowles, Wirch, Erpenbach, Lassa and Risser.

To committee on **Natural Resources**.

---

**COMMITTEE REPORTS**

The committee on **Property Rights and Land Management** reports and recommends:

**Assembly Bill 442**

Relating to: quorum requirements for a zoning board of appeals or adjustment.

Assembly Substitute Amendment 1 adoption:

Ayes: 5 – Representatives Albers, Musser, Ainsworth, Seratti and J. Wood.

Noes: 2 – Representatives Black and Huber.

Passage as amended:

Ayes: 5 – Representatives Albers, Musser, Ainsworth, Seratti and J. Wood.

Noes: 2 – Representatives Black and Huber.

To committee on **Rules**.

**Assembly Bill 608**

Relating to: making changes to the comprehensive planning statute known as Smart Growth.

Passage:

Ayes: 7 – Representatives Albers, Musser, Ainsworth, Seratti, J. Wood, Black and Huber.

Noes: 0.

To committee on **Rules**.

*SHERYL ALBERS*

Chairperson

Committee on Property Rights and Land Management

---

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

**Assembly Bill 525**

Relating to: transferring certain alcohol beverage licenses to premises in another municipality within the same county.

Passage:

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 **Ways and Means** reports and recommends:

### **Assembly Bill 488**

Relating to: the administration of local exposition district taxes.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives M. Lehman, J. Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, W. Wood, Young, Berceau, Ziegelbauer and Hebl.  
Noes: 0.

Passage as amended:

Ayes: 11 – Representatives M. Lehman, J. Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, W. Wood, Young, Berceau and Hebl.  
Noes: 1 – Representative Ziegelbauer.

To committee on **Rules**.

### **Senate Bill 6**

Relating to: creating a sales tax and use tax exemption for the sale of game birds.

Concurrence:

Ayes: 12 – Representatives M. Lehman, J. Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, W. Wood, Young, Berceau, Ziegelbauer and Hebl.  
Noes: 0.

To committee on **Rules**.

### **Senate Bill 305**

Relating to: making technical and policy changes in the tax incremental financing program based in part on the recommendations of the governor's December 2000 working group on tax incremental finance, authorizing certain counties to create tax incremental financing districts, and making a modification to the environmental remediation tax incremental financing program.

Concurrence:

Ayes: 9 – Representatives M. Lehman, J. Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, W. Wood and Hebl.  
Noes: 3 – Representatives Young, Berceau and Ziegelbauer.

To committee on **Rules**.

### **Senate Bill 306**

Relating to: making changes to the Tax Incremental Financing program, authorizing the Department of Revenue to impose a fee to determine or redetermine the tax incremental base of a tax incremental financing district, and requiring the department to prepare a tax incremental financing manual.

Concurrence:

Ayes: 12 – Representatives M. Lehman, J. Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, W. Wood, Young, Berceau, Ziegelbauer and Hebl.  
Noes: 0.

To committee on **Rules**.

*MICHAEL LEHMAN*  
Chairperson  
Committee on Ways and Means

---

## **SPEAKER'S COMMUNICATIONS**

December 2, 2003

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

Dear Patrick:

Representative Jim Kreuser has requested that Representatives Jon Richards, Dan Schooff and Bob Ziegelbauer be appointed to the Select Committee on Job Creation. I have granted this request and ask that they be appointed to the committee effective immediately.

Sincerely,  
*JOHN G. GARD*  
Speaker

---

December 2, 2003

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

Dear Patrick:

Representative Jim Kreuser has requested that Representative Shirley Krug be appointed to the Joint Committee on Finance to fill the vacancy created by former Representative Spencer Cogg's election to the Senate. I will grant this request and ask that she be appointed to the committee effective immediately.

Sincerely,  
*JOHN G. GARD*  
Speaker

---

December 2, 2003

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

Dear Patrick:

Pursuant to Assembly Rule 23 (4), please message Enrolled **Assembly Bill 592** 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 121**  
**Assembly Bill 458**  
**Assembly Bill 592**  
Presented to the Governor on Tuesday, December 2.

**Assembly Bill 507**  
Presented to the Governor on Friday, December 5.

*PATRICK E. FULLER*  
Assembly Chief Clerk

---

### EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison

December 4, 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>
<b>Assembly Bill 328</b>	91	December 3, 2003
<b>Assembly Bill 130</b>	93	December 3, 2003
<b>Assembly Bill 251</b>	94	December 3, 2003
<b>Assembly Bill 48</b>	95	December 3, 2003
<b>Assembly Bill 458</b>	97	December 4, 2003
<b>Assembly Bill 121</b>	98	December 4, 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>
<b>Assembly Bill 328</b>	91	December 17, 2003
<b>Assembly Bill 130</b>	93	December 17, 2003
<b>Assembly Bill 251</b>	94	December 17, 2003
<b>Assembly Bill 48</b>	95	December 17, 2003

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

---

December 1, 2003

Speaker John Gard  
State Capitol, 211 West  
Madison, WI 53708

Dear Speaker Gard:

I respectfully request the appointment of Representative Shirley Krug to the Joint Committee on Finance to fill the vacancy created by former Representative Spencer Coggs' election to the Senate.

Thank you for your attention to this request. Please feel free to contact me if you have any concerns or questions.

Sincerely,  
*JIM KREUSER*  
Assembly Democratic Leader

---

December 3, 2003

Mr. Patrick Fuller  
Assembly Chief Clerk  
208 Risser Justice Center

Dear Mr. Fuller:

I respectfully request that I be added as a co-sponsor to the following bill:

Representative Montgomery's **Assembly Bill 683**, relating to the selection of one or more financial institutions to serve as vendors of the college savings program and granting rule-making authority.

Sincerely,  
*REPRESENTATIVE KARL VAN ROY*

## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Office of State Employment Relations  
Madison

October 2003

To the Honorable, the Legislature:

The Written Hiring Reasons Report for Wisconsin State Government is enclosed. The report, covering the period July 1, 2002, through June 30, 2003, is required under s. [230.25 \(1p\)](#) and [230.27 \(2k\)](#), Wis. Stats., created by [1991 Wisconsin Act 101](#). Act 101 made several changes in Wisconsin civil service law regarding veterans preference and affirmative action. The law requires "written hiring reasons" for certain hiring transactions and requires the Office of State Employment Relations (OSER) to summarize the hiring reasons and prepare the report.

Information for this report came from summary information provided by each agency. Your efforts and cooperation in compiling the summary reports are appreciated. The report includes as summary and information for each state agency and UW System unit.

If you have questions, please contact Claire Sehnert, Division of Affirmative Action, at (608) 267-1005 or e-mail [claire.dehnert@oser.state.wi.us](mailto:claire.dehnert@oser.state.wi.us).

Sincerely,  
*KAREN E. TIMBERLAKE*  
Director

Referred to committee on **Labor**.

---

State of Wisconsin  
Office of State Employment Relations  
Madison

November 2003

To the Honorable, the Legislature:

Pursuant to s. [230.04 \(9\)\(em\)](#), Wis. Stats., I am pleased to submit the Veterans Employment Report for 2003. The report summarizes veteran new hires and on-board statistics for the fiscal year 2003 and includes information for each state agency and each institution of the University of Wisconsin System.

Veterans comprise an important segment of the Wisconsin workforce in both the private and public sectors. State government, no less than any other employer, can benefit

greatly by recruiting and retaining our nations' trained and motivated veterans.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Director

Referred to committee on **Veterans and Military Affairs**.

---

State of Wisconsin  
Department of Health and Family Services  
Madison

November 20, 2003

To the Honorable, the Legislature:

Enclosed is the 2003 annual report of the Wisconsin Council on Physical Disabilities. Preparation and distribution of the report is required by section 456.29 (1)(f) of the state statutes.

If you have any questions about the report, please contact Dan Johnson at 608/267-9582. Mr. Johnson is Director of the state Office for Persons with Physical Disabilities, the unit to which the Council is administratively attached.

Sincerely,  
*HELENE NELSON*  
Secretary

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

---

State of Wisconsin  
Technical College System  
Madison

November 26, 2003

To the Honorable, the Legislature:

This letter certifies that all sixteen Wisconsin Technical Colleges have provided sexual assault and harassment orientation, material and information to students as required under state statute 28.12 (11) for the 2003-2004 school year.

Individual college letters assuring compliance are on file in our office at this time. If you have any questions or need additional information, please contact Keith Krinke, System Equal Opportunity Office, of my staff at 266-1844.

Sincerely,  
*RICHARD CARPENTER*  
President

Referred to committee on **Colleges and Universities**.