



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

MONDAY, February 9, 2004

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 290** offered by Representative Hahn.

Assembly substitute amendment 1 to **Assembly Bill 517** offered by Representative Johnsrud.

Assembly amendment 1 to **Assembly Bill 623** offered by Representative Pettis.

Assembly amendment 1 to **Assembly Bill 675** offered by Representative Hahn.

Assembly amendment 1 to **Assembly Bill 689** offered by Representative Gielow.

Assembly amendment 2 to **Assembly Bill 724** offered by Representative Musser.

Assembly amendment 2 to **Assembly Bill 725** offered by Representatives Plouff and Hines.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 03-064

Relating to the exclusion of costs to elevate a nonconforming building or a building with a nonconforming use from the 50% provisions of this paragraph.

Submitted by Department of Natural Resources.

Report received from Agency, February 2, 2004.

To committee on **Natural Resources**.

Referred on February 9, 2004.

Assembly Clearinghouse Rule 03-079

Relating to the definition of prohibited dual relationships, the elaboration of the prohibition on exploitative relationships, the responsibility of license-holders to cooperate with board investigations, a requirement to maintain records, and violations of board orders.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 2, 2004.

To committee on **Health**.

Referred on February 9, 2004.

Assembly Clearinghouse Rule 03-082

Relating to minor changes to conform the rules to current practices and to correct oversights and problematic language in the current rules, especially related to the board's adoption of Part IV of the national exam in lieu of a state-administered exam to demonstrate clinical competence.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 30, 2004.

To committee on **Health**.

Referred on February 9, 2004.

Assembly Clearinghouse Rule 03-107

Relating to sport fishing for yellow perch in Green Bay and its major tributaries and all other tributary streams, rivers and ditches to Green Bay and to commercial fishing for yellow perch in Green Bay.

Submitted by Department of Natural Resources.

Report received from Agency, February 2, 2004.

To committee on **Natural Resources**.

Referred on February 9, 2004.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 66

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (first consideration).

By Representatives Gundrum, W. Wood, Vukmir, Nischke, Weber, Krawczyk, Suder, J. Fitzgerald, Towns, Owens, Ladwig, McCormick, Hundertmark, M. Williams, Seratti, Van Roy, Grothman, Bies, LeMahieu, Honadel, Pettis, Nass, Ott, Vrakas, F. Lasee, Hahn, Kestell, Lothian, Hines, Olsen, Gottlieb, Townsend, Gunderson, Kreibich, Petrowski, D. Meyer and Huebsch; cosponsored by Senators S. Fitzgerald, Stepp, Roessler, Lazich, Leibham, Zien, Kanavas and Schultz.

To committee on **Judiciary**.

Assembly Bill 823

Relating to: requirements for ordering maintenance.

By Representatives Schneider and Hahn.

To committee on **Family Law**.

Assembly Bill 824

Relating to: the tax-exempt status of charitable organizations that do not contribute to veterans groups.

By Representative Schneider.

To committee on **Ways and Means**.

Assembly Bill 825

Relating to: public financing of elections for certain state offices, providing an exemption from emergency rule procedures, granting rule-making authority, providing a penalty, and making appropriations.

By Representatives Pocan, Berceau, Black, Boyle, Miller, Plouff, Pope-Roberts, Sinicki, Turner and Vruwink; cosponsored by Senators Risser, Carpenter, Chvala and Coggs.

To committee on **Campaigns and Elections**.

Assembly Bill 826

Relating to: exempting local governments from the motor vehicle fuel tax.

By Representatives Plouff, Sinicki, Turner, Zepnick, Miller, Pocan, Berceau, J. Lehman, Staskunas, Stone, Bies and Gronemus; cosponsored by Senators Hansen and Lassa.

To joint survey committee on **Tax Exemptions**.

Assembly Bill 827

Relating to: exempting school districts from the motor vehicle fuel tax.

By Representatives Plouff, Sinicki, Turner, Pope-Roberts, Jeskewitz, Miller, Pocan, Berceau, J. Lehman, Staskunas, Stone, Shilling, Bies and Gronemus; cosponsored by Senators Hansen and Lassa.

To joint survey committee on **Tax Exemptions**.

Assembly Bill 828

Relating to: the preservation of student records of a school approved by the Educational Approval Board and certain other schools when the school discontinues its operations and making appropriations.

By Representatives M. Williams, M. Lehman, Gronemus, Gielow, Jeskewitz, Kestell, Towns, J. Wood, McCormick, Hahn, Albers, Hines, Krawczyk, J. Lehman, Taylor, Stone, Gunderson, Pope-Roberts, Van Roy and Vrakas; cosponsored by Senator Decker.

To committee on **Colleges and Universities**.

Assembly Bill 829

Relating to: interest rates for residential loans involving the Wisconsin Housing and Economic Development Authority.

By Representatives Grothman, LeMahieu, Ainsworth, Hines, Krawczyk, Nass, Gundrum, Owens, J. Wood, Van Roy and Albers; cosponsored by Senators Lazich and Reynolds.

To committee on **Labor**.

Assembly Bill 830

Relating to: funding for engineering instruction at the University of Wisconsin-Rock County campus and making an appropriation.

By Representatives Towns, W. Wood, Powers, Ward, Gard, Loeffelholz, Musser, J. Wood, Albers, Ott, Hines, McCormick, Gunderson, Freese and Kaufert; cosponsored by Senators Schultz, Kanavas, Welch and Darling.

To joint committee on **Finance**.

Assembly Bill 831

Relating to: restriction violations by persons holding instruction permits or probationary licenses to operate motor vehicles, and providing a penalty.

By Representatives Friske, Petrowski and Young; cosponsored by Senator Roessler.

To committee on **Highway Safety**.

COMMITTEE REPORTS

The committee on **Energy and Utilities** reports and recommends:

Senate Bill 8

Relating to: withholding certain security information from public inspection.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Jensen, Montgomery, Gottlieb, Nischke, Honadel, Steinbrink, Krug and Travis.

Noes: 0.

Assembly Amendment 2 to Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Jensen, Montgomery, Gottlieb, Nischke, Honadel, Steinbrink, Krug and Travis.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Jensen, Montgomery, Gottlieb, Nischke, Honadel, Steinbrink, Krug and Travis.

Noes: 0.

Concurrence as amended:

Ayes: 6 – Representatives Jensen, Montgomery, Gottlieb, Nischke, Honadel and Steinbrink.

Noes: 2 – Representatives Krug and Travis.

To committee on **Rules**.

SCOTT JENSEN

Chairperson

Committee on Energy and Utilities

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

Assembly Bill 368

Relating to: requiring parties to an action affecting the family to attend an educational parenting program.

Assembly Amendment 1 adoption:

Ayes: 6 – Representatives Owens, Kestell, Jensen, Friske, Berceau and Krusick.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 6 – Representatives Owens, Kestell, Jensen, Friske, Berceau and Krusick.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Owens, Kestell, Jensen, Friske, Berceau and Krusick.

Noes: 0.

To committee on **Rules**.

Assembly Bill 557

Relating to: ordering genetic tests when a child's mother or her husband desires to rebut the presumption of paternity.

Passage:

Ayes: 6 – Representatives Owens, Kestell, Jensen, Friske, Berceau and Krusick.

Noes: 0.

To committee on **Rules**.

CAROL OWENS
Chairperson
Committee on Family Law

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

Assembly Bill 211

Relating to: a nonstock, nonprofit corporation organized by the Child Abuse and Neglect Prevention Board, the membership of that board, the grant programs administered by that board, and making appropriations.

Assembly Amendment 1 to Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf, Kanavas, Decker and Moore.

Noes: 0.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf, Kanavas, Decker and Moore.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 16 – Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf, Kanavas, Decker and Moore.

Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf, Kanavas, Decker and Moore.

Noes: 0.

To committee on **Rules**.

Assembly Bill 431

Relating to: a county's tax levy for library services.

Assembly Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf, Kanavas and Moore.

Noes: 1 – Senator Decker.

Passage as amended:

Ayes: 13 – Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer and Krug; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf and Kanavas.

Noes: 3 – Representative Schooff; Senators Decker and Moore.

To committee on **Rules**.

DEAN KAUFERT
Assembly Chairperson
Joint committee on Finance

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

Assembly Bill 794

Relating to: annual or consecutive month permits for vehicles or combinations of vehicles transporting loads near the Wisconsin–Michigan border.

Passage:

Ayes: 6 – Representatives Petrowski, Bies, Ainsworth, Musser, Young and Shilling.

Noes: 0.

To committee on **Rules**.

JERRY PETROWSKI
Chairperson
Committee on Highway Safety

The committee on **Urban and Local Affairs** reports and recommends:

Assembly Bill 658

Relating to: authorizing a city or a village to abolish its police department and contract for law enforcement services with a county.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Gottlieb, Huber, Berceau and Taylor.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Gunderson, LeMahieu, M. Lehman, Lothian, Gottlieb, Huber, Berceau and Taylor.

Noes: 0.

To committee on **Rules**.

SCOTT GUNDERSON
Chairperson
Committee on Urban and Local Affairs

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 225

Senate Bill 227

Senate Bill 255

Senate Bill 410

Amended and concurred in as amended:

Assembly Bill 169 (Senate amendment 1 adopted)

Assembly Bill 600 (Senate amendments 1 and 2 adopted)

ACTION ON THE SENATE MESSAGE

Senate Bill 225

Relating to: continuing education for dental hygienists.

By Senators Roessler, Brown, Harsdorf, Kanavas, Lazich, Schultz and Robson; cosponsored by Representatives Freese, Jeskewitz, Gunderson, Hahn, Kreibich, J. Lehman, Loeffelholz, Miller, Musser, Olsen, Ott, Owens, Petrowski, Seratti, Van Roy, Vrakas, Taylor, Huber, Shilling and Plouff.

To committee on **Health**.

Senate Bill 227

Relating to: priorities, completion guidelines, and notices required for health care professional disciplinary cases; identification of health care professionals in possible need of investigation; additional public members for the Medical Examining Board; Authority of the Medical Examining Board to limit credentials and impose forfeitures; reporting requirements for reports submitted to the National Practitioner Data Bank; inclusion of health care professionals who practice alternative forms of health care on panels of health care experts established by the Department of Regulation and Licensing; reports by coroners and medical examiners regarding therapeutic-related deaths; providing an exemption from rule-making procedures; requiring the exercise of rule-making authority; and providing a penalty.

By Senators Roessler, Schultz and Risser; cosponsored by Representatives Underheim, Albers, Hundertmark, Gunderson, J. Lehman and Townsend.

To committee on **Health**.

Senate Bill 255

Relating to: licensing interpreters for the deaf or hard of hearing, granting rule-making authority, and providing a penalty.

By Senators Kedzie, Stepp and Lassa; cosponsored by Representatives Lothian, Kerkman, Nass, Owens and Hines.
To committee on **Labor**.

Senate Bill 410

Relating to: eligibility for a grant under the fire dues program.

By Senators Brown, S. Fitzgerald, Kanavas, Kedzie and Roessler; cosponsored by Representatives M. Williams, Kerkman, Hundertmark, Albers, Gunderson, Huebsch, J. Lehman, M. Lehman, McCormick, Ott, Stone, Vruwink, Musser and Hahn.

To committee on **Urban and Local Affairs**.

Assembly Bill 169

Relating to: the disclosure of public library records.

By Representatives Albers, Krawczyk, Bies, Friske, Grothman, Gunderson, Hahn, Hines, Jeskewitz, Ladwig, M. Lehman, Nass, Ott, Owens, Petrowski, Seratti, Stone, Townsend and Van Roy; cosponsored by Senators Leibham, Cowles, Lazich and Roessler.

To committee on **Rules**.

Assembly Bill 600

Relating to: election administration, voter registration and voting requirements and procedures and granting rule-making authority.

By committee on Campaigns and Elections, by request of Elections Board.

To committee on **Rules**.

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 131

Assembly Bill 183

Assembly Bill 195

Assembly Bill 202

Assembly Bill 279

Assembly Bill 283

Assembly Bill 284

Assembly Bill 323

Assembly Bill 365

Assembly Bill 390

Assembly Bill 409

Assembly Bill 508

Assembly Bill 732

Assembly Bill 733

Assembly Bill 735

PATRICK E. FULLER

Assembly Chief Clerk

EXECUTIVE COMMUNICATIONS

February 9, 2004

State of Wisconsin
Office of the Governor
Madison

February 6, 2004

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>
Assembly Bill 459	120	February 6, 2004
Assembly Bill 120	121	February 6, 2004
Assembly Bill 54	123	February 6, 2004

Respectfully submitted,
JAMES DOYLE
Governor

Mr. Patrick Fuller
Chief Clerk, Wisconsin State Assembly
17 West Main Street, Room 208
Box 8952
Madison, WI 53708

Dear Mr. Fuller:

Please add my name to the list of cosponsors of 2003 **Assembly Bill 554**.

Thank you for your attention to this matter.

Sincerely,
CURT GIELOW
State Representative
23rd District

February 9, 2004

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>
Assembly Bill 477	119	February 13, 2004
Assembly Bill 459	120	February 20, 2004
Assembly Bill 120	121	February 20, 2004
Assembly Bill 54	123	February 20, 2004

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

January 30, 2004

Patrick Fuller
Assembly Chief Clerk
208 Risser Justice Building
Madison, Wisconsin

Dear Mr. Fuller:

Please remove my name as a co-sponsor of **Assembly Bill 724**. Thank you for your assistance.

Sincerely,
MARY LAZICH
State Senator
Senate District 28

Mr. Patrick Fuller
Chief Clerk, Wisconsin State Assembly
17 West Main Street, Room 208
Box 8952
Madison, WI 53708

Dear Mr. Fuller:

Please add my name to the list of cosponsors of 2003 **Assembly Bill 689**.

Thank you for your attention to this matter.

Sincerely,
CURT GIELOW
State Representative
23rd District

February 9, 2004

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

Dear Assembly Chief Clerk Fuller:

Due to an oversight by my office, these names were inadvertently left off the bill jacket of **Assembly Bill 814** upon its introduction. I would request that the following names be added as co-sponsors: Senators Brown, Kanavas, Lasee, Lazich, Reynolds, Welch, Stepp and Schultz.

Please feel free to contact me if you have any questions.

Sincerely,
BONNIE LADWIG
State Representative
63rd Assembly District

February 9, 2004

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

Dear Assembly Chief Clerk Fuller:

Due to an oversight by my office, Senator Alan Lasee's name was inadvertently left off the bill jacket for **Assembly Bill 815** upon its introduction. I would like to request that you add his name as a co-sponsor.

Please feel free to contact me if you have any questions.

Sincerely,
BONNIE LADWIG
State Representative
63rd Assembly District

February 9, 2004

Patrick Fuller
Assembly Chief Clerk
208 RJC

Dear Pat:

On Thursday, February 5, I voted incorrectly on an Assembly Bill.

Assembly Bill 308 was a bill I voted in favor of, and my intention was to vote as a "nay". At that point during the session, the votes were coming rather quickly, and I simply misread the board. Would you be so kind as to note in the journal that I would like to have voted "nay"? I realize this puts me in the minority side of that vote, but that is how I had intended to vote.

Sincerely,
STEVE WIECKERT
State Representative

February 3, 2004

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

Dear Speaker Gard:

I respectfully request the following committee appointments for Representative Barbara Toles:

Children and Families
Health
Workforce Development

Representative Toles will replace Representative Krug on the Children and Families and Health committees. Thank you

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

Sincerely,
JIM KREUSER
Assembly Democratic Leader

SPEAKER'S APPOINTMENTS

February 6, 2004

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

Dear Patrick:

Representative Jim Kreuser has nominated newly-elected Representative Barbara Toles to the following committees: Children and Families, Health and Workforce Development.

Per Representative Kreuser's request, I will appoint Representative Toles to the Children and Families, Health and Workforce Development Committees. Representative Toles will fill the vacancy on Workforce Development Committee that was created as a result of Spencer Cogg's election to the Senate. Also, per Representative Kreuser, Representative Toles will replace Representative Shirley Krug on the Health Committee and the Children and Families Committee.

Sincerely,
JOHN G. GARD
Assembly Speaker

COMMUNICATIONS

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: February 1, 2004

TO: Patrick E. Fuller
Assembly Chief Clerk

Robert J. Marchant
Senate Chief Clerk

FROM: Gary L. Poulson
Deputy Revisor of Statutes

SUBJECT: Rules published in the January 31, 2004, Wisconsin Administrative Register, No. 577.

The following rules have been published:

Clearinghouse Rule 02-129	effective	2-1-2004
Clearinghouse Rule 03-003	effective	2-1-2004
Clearinghouse Rule 03-010	effective	2-1-2004
Clearinghouse Rule 03-025	effective	2-1-2004
Clearinghouse Rule 03-033	effective	2-1-2004
Clearinghouse Rule 03-056	effective	2-1-2004
Clearinghouse Rule 03-057	effective	2-1-2004

Clearinghouse Rule 03-062 effective 2-1-2004
Clearinghouse Rule 03-072 effective 2-1-2004
Clearinghouse Rule 03-073 effective 2-1-2004
Clearinghouse Rule 03-084 effective 2-1-2004

REFERENCE BUREAU CORRECTIONS

Senate amendment 1 to **Assembly Bill 323**

In enrolling, the following correction was made:

1. Page 1, line 9: delete lines 9 and 10 and substitute:
- “2. Page 19, line 22: on page 2 of assembly amendment 1 to assembly substitute amendment 2, delete line 10 and substitute:”.

Assembly amendment 1 to **Assembly Bill 508**

In enrolling, the following correction was made:

1. Page 1, line 5: delete “appropriation.” and substitute “appropriation”.

Assembly Bill 659

1. Page 2, line 10: delete “the the” and substitute “the”.