



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

3:00 P.M.

THURSDAY, February 26, 2004

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

Representative Ott in the chair.

The Assembly dispensed with the call of the roll.

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### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 797** offered by committee on **Criminal Justice**.

Assembly amendment 2 to **Assembly Bill 797** offered by committee on **Criminal Justice**.

Assembly substitute amendment 1 to **Assembly Bill 868** offered by committee on **Agriculture**.

Assembly amendment 2 to **Assembly Bill 869** offered by committee on **Veterans and Military Affairs**.

Assembly amendment 2 to **Assembly Bill 881** offered by Representative Underheim.

Assembly amendment 3 to **Assembly Bill 881** offered by Representative Underheim.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 911**

Relating to: use of preferential voting to determine the results of elections for nonpartisan local offices and granting rule-making authority.

By Representatives Gottlieb, J. Wood, Pocan, Miller and Berceau; cosponsored by Senator Reynolds.

To committee on **Campaigns and Elections**.

#### **Assembly Bill 912**

Relating to: the sale of unpasteurized milk.

By Representatives Gronemus, Sherman, M. Williams, Berceau, Hahn, Turner, Gundrum, Musser and Kreibich; cosponsored by Senator Brown.

To committee on **Agriculture**.

#### **Assembly Bill 913**

Relating to: limits under the agricultural production loan guarantee program.

By Representatives Ott, Gronemus, Ainsworth, Towns, Townsend, Musser, Albers, Hines, Freese, Loeffelholz, Ward, Vruwink, Montgomery and Hahn; cosponsored by Senator Schultz.

To committee on **Agriculture**.

#### **Assembly Bill 914**

Relating to: making private insurance available to facilitate environmental cleanups.

By Representatives Johnsrud, Gunderson, Krawczyk and Pettis; cosponsored by Senators Roessler, Kedzie and Panzer.

To committee on **Natural Resources**.

#### **Assembly Bill 915**

Relating to: prohibiting the disposal in solid waste disposal facilities of dredged material that contains polychlorinated biphenyls.

By Representatives Owens, Olsen, Freese, Jeskewitz, Hines, Ainsworth, F. Lasee and Hahn; cosponsored by Senator Ellis.

To committee on **Natural Resources**.

#### **Assembly Bill 916**

Relating to: possession of certain white-tailed deer in Walworth County.

By Representative Lothian; cosponsored by Senator Kedzie.

To committee on **Natural Resources**.

#### **Assembly Bill 917**

Relating to: life insurance and annuity contract exemptions from creditor claims.

By Representatives Ladwig, J. Lehman, McCormick, Kerkman, Hundertmark and Albers; cosponsored by Senator Schultz.

To committee on **Insurance**.

#### **Assembly Bill 918**

Relating to: changes to the room tax law and the creation of destination marketing organizations and tourism committees.

By Representatives Pettis, Kestell, Kreibich, Hines, Ladwig, Nass, Townsend, M. Lehman, Montgomery, Nischke, McCormick, D. Meyer and Suder; cosponsored by Senators Harsdorf, Roessler, Zien, Breske and Kanavas.

To committee on **Tourism**.

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## CHIEF CLERK REPORTS

### MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

**Assembly Bill 909**

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The Chief Clerk records:

**Assembly Bill 183**

**Assembly Bill 202**

**Assembly Bill 279**

**Assembly Bill 909**

Presented to the Governor on Thursday, February 26.

*PATRICK E. FULLER*

Assembly Chief Clerk

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### 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 600**

**Assembly Bill 909**

*PATRICK E. FULLER*

Assembly Chief Clerk

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### SPEAKER'S COMMUNICATIONS

February 26, 2004

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

Dear Patrick:

Pursuant to Assembly Rule [42 \(3\)\(c\)](#), I am withdrawing **Assembly Bill 903** from the Assembly Committee on Labor and re-referring it to the Assembly Committee on Aging and Long-Term Care. I have obtained the consent of Representative Nass, chairman of the Assembly Committee on Labor.

Sincerely,  
*JOHN G. GARD*  
Speaker

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### REFERENCE BUREAU CORRECTIONS

Assembly amendment 1 to **Assembly Bill 16**

1. Page 3, line 18: delete "are".
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### REFERRAL OF AGENCY REPORTS

State of Wisconsin

Child Abuse and Neglect Prevention Board

Madison

October 15, 2003

To the Honorable, the Legislature:

We are pleased to present the 2001-2003 biennial report of the Child Abuse and Neglect Prevention (CANP) Board, also known as the Children's Trust Fund. This report gives us the opportunity to share our efforts to provide leadership and a statewide focus on the prevention of child abuse and neglect, and to encourage and support effective community prevention efforts.

The Children's Trust Fund celebrates its 20th anniversary this year. We are recognized as state government's voice in promoting a vision that all Wisconsin children will grow up free of physical, sexual, and emotional abuse and all forms of neglect.

Guided by a 5-year strategic plan, the CANP Board has affirmed a new mission statement "to advocate, support, and sustain a statewide culture that encourages family and community life in which children will develop and flourish in a safe environment free from all forms of abuse and neglect."

Continuing to work with our partners, the Children's Trust Fund is providing leadership for a broadbased effort to develop a Wisconsin call to action – a plan to inform and guide this state's future investment in the work to end child abuse and neglect in Wisconsin.

Despite the hard decisions facing your administration and the tough budget cuts that had to be made, we commend you and our state legislators for supporting this Board. Thank you for maintaining the state's current investment in prevention during these times of limited resources.

We know prevention works. This biennial report includes the results of an evaluation of family resource centers that we have conducted during the past 4 years. Prevention requires a significant financial investment to achieve positive outcomes for families. We realize that there is still much work to be done. Wisconsin spends \$789 million every year repairing the damage done to children from abuse and neglect. Conversely, we spend only 1% of that amount – \$8.07 million – each year on prevention.

We appreciate your continued commitment to strengthening Wisconsin families and preventing child abuse and neglect.

Sincerely,  
*NIC DIBBLE*  
Chair, Child Abuse and Neglect Prevention Board

*MARY ANNE SNYDER*  
Executive Director, Children's Trust Fund

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

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State of Wisconsin  
Department of Health and Family Services  
Madison

February 19, 2004

To the Honorable, the Assembly:

In [1997 Act 27](#), the 97-99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. DHFS and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to the Department, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections [48.685\(5g\)](#) and [50.065\(5g\)](#) of the Wisconsin Statutes direct the Department to submit an annual report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the report for 2003.

Questions about this report should be referred to Linda Dawson, Deputy Chief Legal Counsel, at 608-266-0355.

Thank you for distributing this report to members of the Assembly.

Sincerely,  
*HELENE NELSON*  
Secretary

Referred to committee on **Health**.

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State of Wisconsin  
Department of Workforce Development  
Madison

February 23, 2004

To the Honorable, the Assembly:

Pursuant to [§ 109.12\(2\)](#) and [\(3\)](#), Wis. Stats., I hereby submit the Department of Workforce Development's (DWD) 2003 annual report on the administration and enforcement of [§ 109.07](#) and [109.075](#), Wis. Stats. The report contains three sections. The first section lists all employers in 2003 that notified DWD of business closings and mass layoffs planned in Wisconsin. The second section of the report lists employers against whom DWD has received business closing or mass layoff notification complaints and the current status or outcome of those complaints. The third section of the report lists employers against whom DWD has received healthcare cessation notification complaints, DWD's actions and the current status or outcome of those complaints.

If you have any questions regarding the information contained in this report please contact Micabil Diaz-Martinez, Administrator of the Equal Rights Division, at (608) 266-0946.

Sincerely,  
*ROBERTA GASSMAN*  
Secretary

Referred to committee on **Labor**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

February 26, 2004

To the Honorable, the Legislature:

We have completed an evaluation of the Department of Natural Resources' (DNR's) air management programs, as requested by the Joint Legislative Audit Committee. DNR administers two separate permitting programs for controlling air pollution at 2,219 stationary facilities in Wisconsin: the operation permit program and the construction permit program. In fiscal year 2002-03, expenditures for all air management programs – including permitting, monitoring, vehicle emissions, and enforcement – totaled \$17.9 million, including \$13.3 million in salaries and fringe benefits for 184.0 full-time equivalent employees.

As of June 30, 2003, DNR had issued operation permits to just over half of the facilities required to obtain them. Although 1,128 permits have been issued since 1995, the number of facilities in the backlog was 1,091. Wisconsin is among the slowest states in the nation to issue operation permits, and it is the slowest among midwestern states. The Legislature recently passed [2003 Wisconsin Act 118](#) to streamline the permitting process and increase the number of permits issued

in a timely manner. We have included additional recommendations for streamlining the operation permit process.

Although DNR has generally met statutory and administrative code timeliness standards for issuing construction permits – which are needed for new construction or facility modification – we found 40 construction permits, or 29.2 percent of all pending applications, have been backlogged for at least two years. We recommend changes to streamline the process and issue construction permits in a more timely manner.

We also found numerous examples where program management could be improved, including better emission fee billing, issuing completed permits, obtaining applications from required facilities, issuing renewal permits, inspecting facilities, and consistently following federal and state enforcement policies.

We appreciate the courtesy and cooperation extended to us by DNR staff. The agency's response follows the appendices.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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### **ADJOURNMENT**

Representative Huebsch moved that the Assembly stand adjourned until 11:00 A.M. on Tuesday, March 2.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

3:01 P.M.