



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

11:45 A.M.

THURSDAY, June 9, 2005

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

Speaker Pro Tempore Freese in the chair.

The Assembly dispensed with the call of the roll.

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### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 26** offered by Representative Gunderson.

Assembly substitute amendment 1 to **Assembly Bill 100** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Bill 269** offered by Representative Wieckert.

Assembly amendment 3 to **Assembly Bill 270** offered by Representative Wasserman.

Assembly amendment 1 to **Assembly Bill 341** offered by Representative Strachota.

Assembly amendment 2 to **Assembly Bill 341** offered by Representative Strachota.

Assembly amendment 1 to **Assembly Bill 386** offered by Representative Freese.

Assembly amendment 3 to **Assembly Bill 400** offered by committee on **Family Law**.

Assembly amendment 4 to **Assembly Bill 400** offered by committee on **Family Law**.

Assembly amendment 1 to **Assembly Bill 438** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Joint Resolution 24** offered by Representative Albers.

Assembly amendment 1 to **Senate Joint Resolution 3** offered by Representative Nischke.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 05–015**

Relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, June 7, 2005.

To committee on **Natural Resources**.

Referred on June 9, 2005.

#### **Assembly Clearinghouse Rule 05–017**

Relating to hunting and trapping regulation changes.

Submitted by Department of Natural Resources.

Report received from Agency, June 7, 2005.

To committee on **Natural Resources**.

Referred on June 9, 2005.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 465**

Relating to: the transfer of patient health care records from one health care provider to another and providing a penalty.

By Representative Schneider.

To committee on **Health**.

#### **Assembly Bill 466**

Relating to: return of security deposit to tenant and granting rule-making authority.

By Representative Schneider.

To committee on **Housing**.

#### **Assembly Bill 467**

Relating to: gifts given or offered by prescription drug manufacturers and distributors to encourage practitioners to prescribe certain drugs and providing a penalty.

By Representative Schneider.

To committee on **Health**.

#### **Assembly Bill 468**

Relating to: prohibiting persons who provide broadcast and cable television services from transmitting programming that is encrypted in a certain manner.

By Representative Schneider.

To committee on **Energy and Utilities**.

#### **Assembly Bill 469**

Relating to: notices required on the packages of compact discs and digital video discs.

By Representative Schneider.

To committee on **Judiciary**.

**Assembly Bill 470**

Relating to: regulating the possession of Asian carp.  
By Representative Schneider.  
To committee on **Natural Resources**.

**Assembly Bill 471**

Relating to: gender discrimination in prescription drug pricing.  
By Representative Schneider.  
To committee on **Health**.

**Assembly Bill 472**

Relating to: admissibility of digitally produced photograph, film, motion picture, audio, or video.  
By Representative Schneider.  
To committee on **Judiciary**.

**Assembly Bill 473**

Relating to: health insurance coverage for wigs for cancer patients.  
By Representative Schneider.  
To committee on **Insurance**.

**Assembly Bill 474**

Relating to: disclosure of social security numbers by persons who purchase goods from sellers of goods at retail and providing a penalty.  
By Representative Schneider.  
To committee on **Small Business**.

**Assembly Bill 475**

Relating to: capturing an image of a nude or partially nude person in a locker room, written policies on privacy in locker rooms, and providing a penalty.  
By Representative Schneider.  
To committee on **Criminal Justice and Homeland Security**.

**Assembly Bill 476**

Relating to: contracts for commercial mobile telephone service.  
By Representative Schneider.  
To committee on **Energy and Utilities**.

**Assembly Bill 477**

Relating to: prohibiting school districts from contracting for commercial television programs.  
By Representative Schneider.  
To committee on **Education**.

**Assembly Bill 478**

Relating to: domestic abuse identification training.  
By Representative Schneider.  
To committee on **Health**.

**Assembly Bill 479**

Relating to: Golf Wisconsin special distinguishing registration plates associated with the WPGA Junior Foundation and the promotion of golf in this state and making appropriations.

By Representatives Ziegelbauer, Gard, Hahn, Krawczyk, Lehman, LeMahieu, Lothian, Molepske, Montgomery, Ott, Seidel, Sheridan, Turner, Underheim and Van Akkeren; cosponsored by Senator Leibham.  
To committee on **Transportation**.

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**COMMITTEE REPORTS**

The committee on **Campaigns and Elections** reports and recommends:

**Assembly Bill 66**

Relating to: acceptance of certain political contributions by certain elective state officials and committees.

Assembly Amendment 1 adoption:

Ayes: 4 – Representatives Freese, Gundrum, Wood and Vos.

Noes: 2 – Representatives Travis and Kessler.

Assembly Amendment 4 adoption:

Ayes: 6 – Representatives Freese, Gundrum, Wood, Vos, Travis and Kessler.

Noes: 0.

Without recommendation (Assembly Rule 19):

Ayes: 3 – Representatives Freese, Travis and Kessler.

Noes: 3 – Representatives Gundrum, Wood and Vos.

To committee on **Rules**.

**Assembly Bill 428**

Relating to: deletion of changes to campaign finance and related laws made by [2001 Wisconsin Act 109](#).

Passage:

Ayes: 6 – Representatives Freese, Gundrum, Wood, Vos, Travis and Kessler.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 429**

Relating to: deletion of changes to campaign finance and related laws made by [2001 Wisconsin Act 109](#) affecting public information concerning the Wisconsin election campaign fund.

Passage:

Ayes: 6 – Representatives Freese, Gundrum, Wood, Vos, Travis and Kessler.

Noes: 0.

To committee on **Rules**.

**Assembly Joint Resolution 7**

Relating to: appointment of temporary acting senators and representatives to the assembly for legislators performing ordered military duty (first consideration).

Assembly Substitute Amendment 1 adoption:

Ayes: 6 – Representatives Freese, Gundrum, Wood, Vos, Travis and Kessler.

Noes: 0.

Adoption as amended:

Ayes: 6 – Representatives Freese, Gundrum, Wood, Vos, Travis and Kessler.  
Noes: 0.

To committee on **Rules**.

**Assembly Joint Resolution 31**

Relating to: terms of office members of the senate and assembly (first consideration).

Without recommendation (Assembly Rule 19):

Ayes: 3 – Representatives Freese, Wood and Travis.  
Noes: 3 – Representatives Gundrum, Vos and Kessler.

To committee on **Rules**.

**Senate Bill 171**

Relating to: the scheduling of referenda to approve school district borrowing or exceed a school district's revenue limit.

Concurrence:

Ayes: 5 – Representatives Freese, Gundrum, Wood, Vos and Kessler.  
Noes: 1 – Representative Travis.

To committee on **Rules**.

*STEPHEN FREESE*  
Chairperson  
Committee on Campaigns and Elections

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The committee on **Corrections and the Courts** reports and recommends:

**Assembly Bill 211**

Relating to: collection of fees, fines, forfeitures, and surcharges by credit or debit card; setoffs against tax refunds; disclosing information obtained by the Department of Transportation to the Department of Revenue; and creation of a fine or forfeiture service fee and a payment plan fee.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Bies, Gundrum, Underheim, Owens, Suder, LeMahieu, Pope–Roberts, Wasserman, Seidel and Parisi.  
Noes: 0.

Assembly Amendment 3 adoption:

Ayes: 10 – Representatives Bies, Gundrum, Underheim, Owens, Suder, LeMahieu, Pope–Roberts, Wasserman, Seidel and Parisi.  
Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Bies, Gundrum, Underheim, Owens, Suder, LeMahieu, Pope–Roberts, Wasserman, Seidel and Parisi.  
Noes: 0.

To committee on **Rules**.

*GAREY BIES*  
Chairperson  
Committee on Corrections and the Courts

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

**Assembly Bill 309**

Relating to: instruction in marriage and parental responsibility.

Passage:

Ayes: 6 – Representatives Owens, Kestell, Albers, Ballweg, Cullen and Krusick.  
Noes: 0.

To committee on **Rules**.

**Assembly Bill 311**

Relating to: ordering modifications to legal custody or periods of physical placement contingent upon the occurrence of a specified future event or a specified change in conditions.

Passage:

Ayes: 5 – Representatives Owens, Kestell, Albers, Ballweg and Krusick.  
Noes: 1 – Representative Cullen.

To committee on **Rules**.

**Assembly Bill 343**

Relating to: prohibiting the University of Wisconsin System from advertising the availability of, prescribing, and dispensing certain hormonal medication or combination of medications and prohibiting persons from advertising, prescribing, or dispensing the medication or combination of medications on University of Wisconsin System property.

Passage:

Ayes: 5 – Representatives Owens, Kestell, Albers, Ballweg and Krusick.  
Noes: 1 – Representative Cullen.

To committee on **Rules**.

**Assembly Bill 400**

Relating to: moving with a child.

Assembly Amendment 1 adoption:

Ayes: 4 – Representatives Owens, Kestell, Albers and Ballweg.  
Noes: 2 – Representatives Cullen and Krusick.

Assembly Amendment 3 adoption:

Ayes: 4 – Representatives Owens, Kestell, Albers and Ballweg.  
Noes: 2 – Representatives Cullen and Krusick.

Assembly Amendment 4 adoption:

Ayes: 6 – Representatives Owens, Kestell, Albers, Ballweg, Cullen and Krusick.  
Noes: 0.

Passage as amended:

Ayes: 4 – Representatives Owens, Kestell, Albers and Ballweg.  
Noes: 2 – Representatives Cullen and Krusick.

To committee on **Rules**.

*CAROL OWENS*  
Chairperson  
Committee on Family Law

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

**Assembly Bill 438**

Relating to: increasing funding for the Department of Corrections and the University of Wisconsin System for energy-related and utility-related expenses; the Senior Care Program; transferring moneys from the general fund to the Medical Assistance trust fund; supplemental Medical Assistance payments to nursing homes; general fund statutory balance; and making appropriations.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

Passage as amended with emergency statement attached pursuant to s. 16.47(2) Wisconsin Statutes:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.  
Noes: 0.

To committee on **Rules**.

*DEAN KAUFERT*  
Assembly Chairperson  
Joint Committee on Finance

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

**Assembly Bill 315**

Relating to: allowing the operation of certain 2-vehicle combinations on certain highways without a permit, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule-making procedures, and granting rule-making authority.

Passage:

Ayes: 7 – Representatives Petrowski, Bies, Ainsworth, Van Roy, Musser, Young and Shilling.  
Noes: 0.

To committee on **Rules**.

*JERRY PETROWSKI*  
Chairperson  
Committee on Highway Safety

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

**Assembly Bill 207**

Relating to: employment discrimination based on creed; and exemption from liability and discipline for health care professionals and health care facility employees who refuse to participate in sterilization, abortion, assisted suicide, and other procedures on moral or religious grounds.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Nass, Vrakas, J. Fitzgerald, Wieckert, Hundertmark, Vos, Van Akkeren and Sheridan.  
Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Nass, Vrakas, J. Fitzgerald, Wieckert, Hundertmark and Vos.  
Noes: 2 – Representatives Van Akkeren and Sheridan.

To committee on **Rules**.

*STEPHEN NASS*  
Chairperson  
Committee on Labor

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The committee on **Public Health** reports and recommends:

**Assembly Bill 385**

Relating to: designation of state agency status for certain health care providers who provide services during a state of emergency related to public health or a state of emergency declared by a city, village, or town.

Passage:

Ayes: 7 – Representatives Hines, Underheim, Townsend, Freese, McCormick, Wasserman and Benedict.  
Noes: 0.

To committee on **Rules**.

*J.A. HINES*  
Chairperson  
Committee on Public Health

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The committee on **Ways and Means** reports and recommends:

**Assembly Bill 156**

Relating to: allowing certain counties to create tax incremental financing districts.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Strachota, Pridemore, Berceau, Ziegelbauer, Toles, Hebl and Fields.  
Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Strachota, Pridemore, Berceau, Ziegelbauer, Toles, Hebl and Fields.  
Noes: 0.

To committee on **Rules**.

*JEFFREY WOOD*  
Chairperson  
Committee on Ways and Means

**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 49</b> .....	12 .....	June 15, 2005

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

State of Wisconsin  
Joint Legislative Council  
Madison

June 6, 2005

Mr. Patrick Fuller  
Assembly Chief Clerk  
P.O. Box 8952  
Madison, WI 53708

Dear Patrick:

I am pleased to transmit to you the following report to the 2005 Legislature on legislation introduced by the Joint Legislative Council:

RL 2005-04 Special Committee on Septage Disposal (2005 Assembly Bill 449)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available in the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at [www.legis.state.wi.us/lc/](http://www.legis.state.wi.us/lc/).

Sincerely,  
*TERRY C. ANDERSON*  
Director

**DATE:** June 9, 2005

**TO:** Patrick E. Fuller  
Assembly Chief Clerk

**FROM:** State Representative Robin Vos

**RE:** Removing co-sponsorship of Assembly Bill 195

Please remove my name as a co-sponsor of Assembly Bill 195 relating to retained earnings of telecommunications cooperatives.

Thank you.

**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Department of Commerce  
Madison

June 3, 2005

To the Honorable, the Legislature:

Pursuant to Section 1 (1)(c) of 2003 Wisconsin Act 96, the Department of Commerce hereby submits the attached report and recommendations to you, for distribution in the manner provided in section 13.172 (2) of the statutes.

This report and its included recommendations address disposal of oil filters and other oil-absorbent materials in Wisconsin.

Also pursuant to Section 1 (1)(c) of 2003 Wisconsin Act 96, the Department is concurrently submitting the attached report and recommendations to the Governor.

Respectfully submitted,  
*MARY P. BURKE*  
Secretary

Referred to committee on **Natural Resources**.

State of Wisconsin  
Department of Health and Family Services  
Madison

June 3, 2005

To the Honorable, the Assembly:

Pursuant to Wis. Stat., s. 50.04 (5)(fr), the Department is required to submit an annual report to the Legislature related to Class A violations committed by nursing homes, including facilities serving individuals with developmental disabilities, and forfeitures assessed on nursing homes for those violations. Enclosed is the report.

A Class A violation is a violation of Chapter 50, Wis. Stats., HFS 132, or 134, Wis. Adm. Code, that creates a condition or occurrence relating to the operation and maintenance of a nursing home presenting a substantial probability that death or serious mental or physical harm to a resident will result.

The Department issued 35 Class A violations to nursing homes between January 1, 2004 and December 31, 2004. The

attached chart details all of the Class A violations, including the original forfeiture amount assessed and the status of payment.

I am pleased to inform you that the Department has met the goal of assessing forfeitures within 120 days of the survey exit which is an improvement over past years.

Sincerely,  
*HELENE NELSON*  
Secretary

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

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

June 8, 2005

To the Honorable, the Legislature:

As required by s. [66.0317 \(2\)\(e\)](#), Wis. Stats., we have reviewed the performance of area cooperation compacts entered into by Wisconsin cities, villages, and towns. Municipalities in designated high-population areas are required to enter into at least two intergovernmental agreements with neighboring municipalities for joint service delivery, shared planning efforts, municipal revenue sharing, boundary agreements, or other types of agreements intended to reduce service delivery costs. Counties may participate in such agreements but are not required to do so. The Department of Revenue surveys municipalities annually on

their compliance with these requirements, which began in 2003.

In June 2002, 82.3 percent of the municipalities responding to a survey by the Department, or 368 municipalities, indicated that they planned to enter into compacts by 2003. By June 2004, 72.3 percent of municipalities responding to the Department's survey indicated they had entered into compacts, although inconsistencies in survey responses create some uncertainty about the validity of these results.

We include a recommendation for the Department to improve the quality of the data collected from municipalities and thereby enable more comprehensive assessments of the program in the future.

I hope you find this information useful. Please contact me if you have additional questions.

Sincerely,  
*JANICE MUELLER*  
State Auditor

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## ADJOURNMENT

Representative J. Fitzgerald moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, June 14.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

11:46 A.M.