



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

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FRIDAY, September 9, 2005

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

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### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 188** offered by committee on **Criminal Justice and Homeland Security**.

Assembly substitute amendment 1 to **Assembly Bill 489** offered by committee on **Criminal Justice and Homeland Security**.

Assembly substitute amendment 1 to **Assembly Bill 511** offered by committee on **Children and Families**.

Assembly amendment 1 to **Assembly Bill 521** offered by committee on **Children and Families**.

Assembly amendment 2 to **Assembly Bill 521** offered by committee on **Children and Families**.

Assembly amendment 3 to **Assembly Bill 521** offered by committee on **Children and Families**.

Assembly substitute amendment 1 to **Assembly Bill 522** offered by committee on **Children and Families**.

Assembly amendment 1 to **Assembly Bill 589** offered by Representative Wasserman.

Assembly substitute amendment 1 to **Assembly Bill 606** offered by committee on **Agriculture**.

Assembly substitute amendment 1 to **Assembly Bill 646** offered by committee on **Agriculture**.

Assembly amendment 1 to **Assembly Bill 648** offered by Representative Gundrum.

Assembly substitute amendment 1 to **Senate Bill 95** offered by Representative Underheim.

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### REFERRAL OF VETOES

#### **Assembly Bill 3**

Relating to: the number of pupils eligible to participate in the Milwaukee Parental Choice Program.

To committee on **Rules**.

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### REFERRAL OF PARTIAL VETOES

#### **Assembly Bill 100**

Relating to: state finances and appropriations, constituting the executive budget act of the 2005 legislature.

To committee on **Rules**.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 50**

Relating to: proclaiming October Wisconsin Kids Voting USA month.

By Representatives Petrowski, Gard, Seidel, Suder, Lothian, M. Williams, Young, Strachota, Hahn, Berceau, Musser, Kerkman, Lehman, Nass, Gunderson, Ott, Kestell, McCormick, Krawczyk, Bies, Hines, Jeskewitz, Nerison, Ainsworth, Nelson, F. Lasee and Van Roy; cosponsored by Senators Olsen, Decker, Roessler, Hansen and Erpenbach.

To committee on **Rules**.

#### **Assembly Joint Resolution 51**

Relating to: the life and public service of Wilfrid J. Turba.

By Representatives Kestell and Ott; cosponsored by Senators Leibham and A. Lasee.

To committee on **Rules**.

#### **Assembly Joint Resolution 52**

Relating to: prohibiting partial vetoes from creating new sentences (first consideration).

By Representatives Friske, Stone, Albers, Pridemore, Kerkman, Gundrum, Lothian, Pettis, Ballweg, Strachota, Krawczyk, Musser, Bies, Ainsworth, J. Fitzgerald, Townsend, Vos, Gunderson, Nerison, Gottlieb, Kestell, Montgomery, Suder, Hahn, Jeskewitz, Moulton, Van Roy, Kleefisch, Mursau, Rhoades, Nischke, F. Lasee, Honadel and Wood; cosponsored by Senators Harsdorf, S. Fitzgerald, Darling, Grothman, Olsen, A. Lasee, Stepp, Schultz, Leibham, Zien, Kedzie and Reynolds.

To committee on **Judiciary**.

**Assembly Bill 650**

Relating to: nonprobate transfer of real property at death.

By Representatives Sherman, Hahn, Berceau, Cullen, Lehman, McCormick, Seidel, Ott, Vos, Ainsworth, Boyle, Davis, Hebl, Hines, Lothian and Petrowski; cosponsored by Senators Risser, Erpenbach, Miller, Hansen, Lassa and Brown.

To committee on **Judiciary**.

**Assembly Bill 651**

Relating to: certain underage persons possessing, consuming, or being provided alcohol beverages, creating an underage service member surcharge, and providing a penalty.

By Representatives Pettis, Musser, Suder, Gundrum, Hahn and F. Lasee; cosponsored by Senators A. Lasee and Hansen.

To committee on **State Affairs**.

**Assembly Bill 652**

Relating to: engaging in sexual activity while infected with AIDS, HIV, or a sexually transmitted disease and providing a penalty.

By Representatives McCormick, Albers, Musser, Townsend, Ott, Gunderson, Friske, Krawczyk, LeMahieu, Bies, Owens, Hines and Pettis; cosponsored by Senators A. Lasee and Roessler.

To committee on **Criminal Justice and Homeland Security**.

**Assembly Bill 653**

Relating to: providing a penalty for the possession of a cigarette or tobacco product by a minor.

By Representatives Lehman, Berceau, Gielow, Hines, Kerkman, Ott, Sheridan, Townsend and Turner; cosponsored by Senator Lassa.

To committee on **Criminal Justice and Homeland Security**.

**Assembly Bill 654**

Relating to: consideration of income disparity in determining child support and information to be included in family action petitions.

By Representatives Kestell, Pettis, Nelson, Ott, Musser, F. Lasee, Hahn, Gunderson, M. Williams, Nass, Friske and Kerkman; cosponsored by Senator Grothman.

To committee on **Children and Families**.

**Assembly Bill 655**

Relating to: a certain highway improvement project related to STH 21 in Winnebago County.

By Representative Owens.

To committee on **Transportation**.

**Assembly Bill 656**

Relating to: determining fair market value of property taken by condemnation.

By Representatives Suder, Wood, M. Williams, Moulton, Musser, Petrowski, Gronemus, Gunderson, Hines, Kerkman,

Ainsworth, Freese and McCormick; cosponsored by Senators Zien, Brown and Reynolds.

To committee on **Property Rights and Land Management**.

**Assembly Bill 657**

Relating to: prohibiting the condemnation of property under certain circumstances.

By Representatives M. Williams, Wood, Gronemus, Davis, Moulton, Honadel, Jensen, Hines, Kestell, Pettis, Owens, Meyer, Ainsworth, Kerkman, Ott, LeMahieu, Musser, Van Roy, Freese, Lehman, Albers, Hundertmark, Suder, Strachota, Nischke, Hahn and Gard; cosponsored by Senators Zien, Darling, Harsdorf, Reynolds, Olsen, Roessler, Brown, Lazich, Leibham and Grothman.

To committee on **Property Rights and Land Management**.

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**COMMITTEE REPORTS**

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

**Assembly Bill 21**

Relating to: computing expense deductions and amortization and depreciation on property used in farming for income and franchise tax purposes.

Assembly Amendment 2 adoption:

Ayes: 12 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Vruwink, Molepske and Parisi.

Noes: 1 – Representative Ziegelbauer.

Passage as amended:

Ayes: 12 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Vruwink, Molepske and Parisi.

Noes: 1 – Representative Ziegelbauer.

**Assembly Bill 606**

Relating to: an income and franchise tax credit for sales and use taxes paid on the purchase of electricity used in agricultural biotechnology and on the purchase of products used on livestock.

Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Ziegelbauer and Parisi.

Noes: 2 – Representatives Vruwink and Molepske.

Passage as amended:

Ayes: 11 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Ziegelbauer and Parisi.

Noes: 2 – Representatives Vruwink and Molepske.

To committee on **Rules**.

*ALVIN OTT*

Chairperson

Committee on Agriculture

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The committee on **Children and Families** reports and recommends:

**Assembly Bill 511**

Relating to: sexual abuse of children placed in substitute care and providing a penalty.

Assembly Substitute Amendment 1 adoption:

Ayes: 6 – Representatives Kestell, Vos, Albers, Jeskewitz, Grigsby and Seidel.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Kestell, Vos, Albers, Jeskewitz, Grigsby and Seidel.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 521**

Relating to: termination of parental rights and adoption, granting rule-making authority, and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 6 – Representatives Kestell, Vos, Albers, Jeskewitz, Grigsby and Seidel.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 6 – Representatives Kestell, Vos, Albers, Jeskewitz, Grigsby and Seidel.

Noes: 0.

Assembly Amendment 3 adoption:

Ayes: 6 – Representatives Kestell, Vos, Albers, Jeskewitz, Grigsby and Seidel.

Noes: 0.

Passage as amended:

Ayes: 4 – Representatives Kestell, Vos, Albers and Jeskewitz.

Noes: 2 – Representatives Grigsby and Seidel.

To joint committee on **Finance**.

**Assembly Bill 522**

Relating to: considering a person's criminal record and evidence of abuse or neglect of a child when modifying custody or physical placement of a child.

Assembly Substitute Amendment 1 adoption:

Ayes: 6 – Representatives Kestell, Vos, Albers, Jeskewitz, Grigsby and Seidel.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Kestell, Vos, Albers, Jeskewitz, Grigsby and Seidel.

Noes: 0.

To committee on **Rules**.

*STEVE KESTELL*

Chairperson

Committee on Children and Families

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The committee on **Colleges and Universities** reports and recommends:

**Assembly Bill 87**

Relating to: nonresident tuition exemption for dependents of certain active members of the armed forces.

Assembly Substitute Amendment 1 adoption:

Ayes: 10 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns, Lamb, Shilling, Black and Molepske.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns, Lamb, Shilling, Black and Molepske.

Noes: 0.

To joint committee on **Finance**.

**Assembly Bill 297**

Relating to: an education tax credit for businesses.

Passage:

Ayes: 6 – Representatives Kreibich, Underheim, Nass, Jeskewitz, Towns and Lamb.

Noes: 3 – Representatives Schneider, Black and Molepske.

To joint committee on **Finance**.

**Assembly Bill 439**

Relating to: determination of salary and other compensation paid to University of Wisconsin System senior executives.

Passage:

Ayes: 8 – Representatives Kreibich, Underheim, Nass, Jeskewitz, Towns, Lamb, Black and Molepske.

Noes: 1 – Representative Schneider.

To committee on **Rules**.

*ROB KREIBICH*

Chairperson

Committee on Colleges and Universities

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The committee on **Criminal Justice and Homeland Security** reports and recommends:

**Assembly Bill 188**

Relating to: prohibiting certain computer postings that invite harassment or obscene, lewd, or profane communication and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner and Krusick.

Noes: 3 – Representatives Black, Kessler and Grigsby.

To committee on **Rules**.

### **Assembly Bill 365**

Relating to: traffic control signal emergency preemption devices, and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 408**

Relating to: interfering with a 911 emergency telephone call and providing a penalty.

Passage:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 436**

Relating to: domestic abuse arrests and providing a penalty.

Passage:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 444**

Relating to: the definition of sexual contact and providing penalties.

Passage:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 459**

Relating to: graffiti and providing a penalty.

Passage:

Ayes: 7 – Representatives Suder, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner and Krusick.

Noes: 5 – Representatives Friske, Owens, Black, Kessler and Grigsby.

To committee on **Rules**.

### **Assembly Bill 489**

Relating to: the statute of limitations for felonies in which biological material is left on the victim or at the crime scene.

Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

Passage as amended:

Ayes: 11 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

### **Assembly Bill 636**

Relating to: harassment restraining orders.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

### **Senate Bill 21**

Relating to: county ordinances regarding drug paraphernalia or the possession of marijuana.

Concurrence:

Ayes: 12 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Vukmir, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

*SCOTT SUDER*

Chairperson

Committee on Criminal Justice and  
Homeland Security

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

**Assembly Bill 425**

Relating to: school and school district performance reports.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Towns, Kestell, Davis, A. Williams, Ziegelbauer, Pope–Roberts and Van Akkeren.

Noes: 1 – Representative Nass.

Passage as amended:

Ayes: 7 – Representatives Towns, Kestell, Davis, A. Williams, Ziegelbauer, Pope–Roberts and Van Akkeren.

Noes: 1 – Representative Nass.

To committee on **Rules**.

*DEBRA TOWNS*  
Chairperson  
Committee on Education

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

**Assembly Bill 26**

Relating to: entering into the wildlife violator compact.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Gunderson, Moulton, Ott, Pettis, Bies, M. Williams, Petrowski, Gronemus, Steinbrink, Van Akkeren and Molepske.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Gunderson, Moulton, Ott, Pettis, Bies, M. Williams, Petrowski, Gronemus, Steinbrink, Van Akkeren and Molepske.

Noes: 0.

Passage as amended:

Ayes: 11 – Representatives Gunderson, Moulton, Ott, Pettis, Bies, M. Williams, Petrowski, Gronemus, Steinbrink, Van Akkeren and Molepske.

Noes: 0.

To joint committee on **Finance**.

**Assembly Bill 486**

Relating to: the management of double–crested cormorants and granting rule–making authority.

Passage:

Ayes: 13 – Representatives Gunderson, Moulton, Ott, Pettis, Bies, Krawczyk, M. Williams, Petrowski, Mursau, Gronemus, Steinbrink, Van Akkeren and Molepske.

Noes: 2 – Representatives Black and Hebl.

To joint committee on **Finance**.

**Assembly Bill 523**

Relating to: resident hunting and fishing approvals for members of the armed forces.

Passage:

Ayes: 15 – Representatives Gunderson, Moulton, Ott, Pettis, Bies, Krawczyk, M. Williams, Petrowski, Mursau, Black, Gronemus, Steinbrink, Van Akkeren, Molepske and Hebl.

Noes: 0.

To joint committee on **Finance**.

*SCOTT GUNDERSON*  
Chairperson  
Committee on Natural Resources

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

**Assembly Bill 534**

Relating to: sale, by the Department of Transportation, of surplus real property.

Assembly Substitute Amendment 1 adoption:

Ayes: 5 – Representatives Albers, Nass, Musser, Wood and Hebl.

Noes: 0.

Passage as amended:

Ayes: 5 – Representatives Albers, Nass, Musser, Wood and Hebl.

Noes: 0.

To joint committee on **Finance**.

*SHERYL ALBERS*  
Chairperson  
Committee on Property Rights and Land Management

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The joint committee for **Review of Administrative Rules** reports and recommends:

**Assembly Clearinghouse Rule 05–027**

Relating to conversion of federal campaign committee funds.

Concurrence in objection failed:

Ayes: 5 – Representatives Gottlieb, LeMahieu and Friske; Senators Grothman and Stepp\*.

Noes: 5 – Representatives Schneider and Black; Senators Reynolds, Jauch and Miller.

\*Senator Stepp voted by polling

*MARK GOTTLIEB*  
Assembly Chairperson  
Joint Committee for Review of Administrative Rules

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

**Assembly Bill 55**

Relating to: immunity of private campground owners and operators.

Passage:

Ayes: 7 – Representatives Pettis, Mursau, Gunderson, Hines, Van Roy, Moulton and Nerison.

Noes: 5 – Representatives Ziegelbauer, Young, Van Akkeren, Seidel and Grigsby.

To committee on **Rules**.

**Assembly Bill 448**

Relating to: allowing school buses to tow trailers.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Pettis, Mursau, Gunderson, Hines, Van Roy, Moulton, Nerison, Ziegelbauer, Young, Van Akkeren, Seidel and Grigsby.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Pettis, Mursau, Gunderson, Hines, Van Roy, Moulton, Nerison and Young.

Noes: 4 – Representatives Ziegelbauer, Van Akkeren, Seidel and Grigsby.

To committee on **Rules**.

**Assembly Bill 566**

Relating to: noise level requirements for snowmobiles.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Pettis, Mursau, Hines, Van Roy, Moulton, Nerison, Young, Van Akkeren, Seidel and Grigsby.

Noes: 2 – Representatives Gunderson and Ziegelbauer.

Passage as amended:

Ayes: 10 – Representatives Pettis, Mursau, Gunderson, Hines, Van Roy, Moulton, Nerison, Van Akkeren, Seidel and Grigsby.

Noes: 2 – Representatives Ziegelbauer and Young.

To committee on **Rules**.

*MARK PETTIS*  
Chairperson  
Committee on Tourism

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

**Assembly Bill 219**

Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 13 – Representatives Ainsworth, Petrowski, Hahn, Suder, Friske, Ott, Lamb, Van Roy, Davis, Gronemus, Vruwink, Molepske and Nelson.

Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Ainsworth, Petrowski, Hahn, Suder, Friske, Ott, Lamb, Van Roy, Davis, Gronemus, Vruwink, Molepske and Nelson.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 340**

Relating to: lighting and visibility marking requirements for certain agricultural vehicles and agricultural implements operated or towed upon a highway, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and requiring the exercise of rule-making authority.

Passage:

Ayes: 13 – Representatives Ainsworth, Petrowski, Hahn, Suder, Friske, Ott, Lamb, Van Roy, Davis, Gronemus, Vruwink, Molepske and Nelson.

Noes: 0.

To committee on **Rules**.

*JOHN AINSWORTH*  
Chairperson  
Committee on Transportation

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

**Assembly Bill 263**

Relating to: payment of litigation expenses of emergency medical services personnel, fire fighters, first responders, and law enforcement or correctional officers.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Berceau, Fields and Parisi.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Berceau, Fields and Parisi.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 538**

Relating to: setoffs against tax refunds for debts related to property taxes.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Berceau, Fields and Parisi.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives LeMahieu, Pridemore,  
Gunderson, Lothian, Gottlieb, Berceau, Fields and Parisi.  
Noes: 0.

To committee on **Rules**.

*DANIEL LEMAHIEU*  
Chairperson  
Committee on Urban and Local Affairs

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State of Wisconsin  
Investment Board  
Madison

September 9, 2005

To the Honorable, the Legislature:

Members of the Assembly:

Pursuant to s. 1.11(2)(j) of the Statutes, the State of Wisconsin Investment Board is pleased to report that it did not consider any proposals for legislation or major actions in Wisconsin during fiscal year 2005 that would have significantly affected the quality of the human environment. Accordingly, the agency was not required to prepare any environmental assessments or impact statements under s. 1.11, Stats.

Please contact Sandy Drew at 261-0182 if you have any questions concerning this report.

Sincerely,  
*DAVID C. MILLS*  
Executive Director

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Health and Family Services  
Madison

September 8, 2005

To the Honorable, the Legislature:

In accordance with sec. 1.11 (2)(j) Wis. Stats., the Department of Health and Family Services reports that it did not conduct any Environmental Assessments or Environmental Impact Statements during the reporting period of July 1, 2004 through June 30, 2005.

Sincerely,  
*HELENE NELSON*  
Secretary

Referred to committee on **Natural Resources**.

Referred to committee on **Natural Resources**.