



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

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MONDAY, January 30, 2006

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

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### AMENDMENTS OFFERED

Assembly amendment 2 to **Assembly Bill 539** offered by Representative Nischke.

Assembly substitute amendment 1 to **Senate Bill 186** offered by Representative Wasserman.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 05–107**

Relating to training program grants.  
Submitted by Technical College System Board.  
Report received from Agency, January 27, 2006.  
To committee on **Colleges and Universities**.  
Referred on January 30, 2006.

#### **Assembly Clearinghouse Rule 05–112**

Relating to student protection fees paid by schools subject to the approval of the EAB.  
Submitted by Educational Approval Board.  
Report received from Agency, January 19, 2006.  
To committee on **Colleges and Universities**.  
Referred on January 30, 2006.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 945**

Relating to: special education programs for children with disabilities.

By Representatives Towns, Kestell, Hines, Newcomer, Hundertmark, Nischke, Pettis, Ott, Mursau, Ballweg, Kerkman, Lamb, Gronemus, Strachota, Lothian, Hahn, Bies, Musser, Petrowski, Ainsworth, Freese, Rhoades, Moulton, Wood, Suder, LeMahieu, Honadel and McCormick; cosponsored by Senators Olsen, Zien, Harsdorf, Darling,

Grothman, Roessler, Brown, Schultz, Kapanke, A. Lasee, Stepp, Kedzie, Plale, Leibham and Cowles.

To committee on **Education**.

#### **Assembly Bill 946**

Relating to: landscape architecture.  
By Representatives Lothian, Owens and Shilling.  
To committee on **Labor**.

#### **Assembly Bill 947**

Relating to: the establishment of charter schools by certain colleges or universities.

By Representatives McCormick, Musser, Nischke, Bies, Pridemore, Albers, Fields, Van Roy, Krawczyk, Gunderson, Ott and Townsend; cosponsored by Senators Darling, A. Lasee and Grothman.

To committee on **Education Reform**.

#### **Assembly Bill 948**

Relating to: regulating certain rebate and refund offers.  
By Representatives Nelson, Zepnick, Pocan, Albers, Travis, Parisi, Musser, Young, Seidel and Grigsby; cosponsored by Senators Erpenbach and Coggs.  
To committee on **Judiciary**.

#### **Assembly Bill 949**

Relating to: awards for dependents of deceased victims of crime.

By Representatives Molepske, Bies, Nelson, Musser, Ott, Zepnick, Townsend, Berceau, Seidel, Pocan, Sheridan, Lehman, Petrowski, Van Akkeren, Ballweg, Gunderson, Turner and Toles; cosponsored by Senators Lassa, Miller and Taylor.

To committee on **Judiciary**.

#### **Assembly Bill 950**

Relating to: depositing sales and use tax revenues from the sale or use of motor vehicle parts into the transportation fund and general transportation aids to local governments.

By Representatives Hahn, Petrowski, Albers, Hines, Moulton, Mursau, Musser, Owens, Pettis and Freese; cosponsored by Senator A. Lasee.

To committee on **Transportation**.

#### **Assembly Bill 951**

Relating to: an income and franchise credit for property taxes paid on restaurant kitchen machinery and equipment.

By Representatives Van Roy, Ainsworth, Davis, Freese, Gard, Gronemus, Gunderson, Hines, Jensen, Jeskewitz, Krawczyk, Kreibich, F. Lasee, Mursau, Musser, Nass,

Nischke, Ott, Owens, Pettis, Petrowski, Seidel, Shilling, Strachota, Suder, Towns, Vos, M. Williams and Wood; cosponsored by Senators Leibham, Kedzie, A. Lasee, Reynolds and Roessler.

To committee on **Small Business**.

### **Assembly Bill 952**

Relating to: an individual income tax credit for the sales and use taxes paid on self-service laundry services.

By Representatives Van Roy, Kreibich, Hahn, Kestell, Musser, Kerkman, Hines, Pettis, Gunderson, Owens, Petrowski, Pridemore, LeMahieu, Gundrum, Towns, Strachota, Townsend, Lothian, Albers, J. Fitzgerald and Krawczyk; cosponsored by Senators Grothman, Olsen, Lazich, Roessler, Leibham, A. Lasee, Kedzie, Kanavas and Darling.

To committee on **Small Business**.

### **Assembly Bill 953**

Relating to: sexual intercourse or sexual contact with a person who is under the influence of alcohol beverages and providing a penalty.

By Representatives Strachota, Berceau, Kaufert, Turner, McCormick, Nischke, Seidel, Montgomery, Jeskewitz, Ainsworth, Sherman, Loeffelholz, Wasserman, Ballweg, Van Roy, Lothian, Lamb, Parisi, Kreibich, Zepnick, Albers, Petrowski, Owens, Molepske, Ott, Lehman, Bies, Gunderson, Hubler and Kleefisch; cosponsored by Senators Stepp, Zien, Lassa, S. Fitzgerald, Roessler, Kedzie, Miller, Brown, Olsen, Kanavas, Lazich, Darling and Risser.

To committee on **Judiciary**.

### **Assembly Bill 954**

Relating to: an income and franchise tax credit for workplace wellness programs and requiring the exercise of rule-making authority.

By Representatives Moulton, Underheim, Vruwink, Ott, Hines, Krawczyk, LeMahieu, Bies, Vos, Kreibich, Honadel and Petrowski; cosponsored by Senators Leibham and Roessler.

To committee on **Ways and Means**.

### **Assembly Bill 955**

Relating to: an income and franchise tax credit for information technology equipment used to maintain medical records in electronic form.

By Representatives Moulton, Davis, Nischke, Musser, Townsend, Mursau, Krawczyk, Albers, Kreibich, Underheim and F. Lasee; cosponsored by Senators Roessler and Zien.

To committee on **Ways and Means**.

### **Assembly Bill 956**

Relating to: ordinances establishing standards for places of employment and public buildings.

By Representatives Moulton, F. Lasee, LeMahieu, Musser, Strachota, McCormick, Petrowski, Ott, J. Fitzgerald, Hines, Krawczyk, Jeskewitz and Nischke; cosponsored by Senators A. Lasee, Grothman and Stepp.

To committee on **Labor**.

### **Assembly Bill 957**

Relating to: single trip permits for overweight vehicles transporting certain buildings on the highways.

By Representatives Petrowski, Vruwink, Ainsworth, Ballweg, Bies, Gunderson, Krawczyk, Kreibich, F. Lasee, Molepske, Montgomery, Musser, Nass, Nerison, Seidel, Shilling, Suder, Wood and Young; cosponsored by Senators A. Lasee, Lassa, Grothman, Hansen, Olsen and Roessler.

To committee on **Highway Safety**.

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## **COMMITTEE REPORTS**

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

### **Assembly Bill 641**

Relating to: creating a nonrefundable individual and corporate income tax credit based on interest received from bonds or notes issued by the Wisconsin Health and Educational Facilities Authority for purposes related to an educational facility and authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance a project undertaken by the Wisconsin Association of Independent Colleges and Universities related to an educational facility.

Assembly Substitute Amendment 1 adoption:

Ayes: 12 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns, Lamb, Shilling, Schneider, Black, Boyle and Molepske.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns, Lamb, Shilling, Schneider, Black, Boyle and Molepske.

Noes: 0.

To joint committee on **Finance**.

### **Assembly Bill 882**

Relating to: appointment of student members of the Board of Regents of the University of Wisconsin System.

Passage:

Ayes: 12 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns, Lamb, Shilling, Schneider, Black, Boyle and Molepske.

Noes: 0.

To committee on **Rules**.

*ROB KREIBICH*

Chairperson

Committee on Colleges and Universities

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

### **Assembly Bill 821**

Relating to: eliminating certain conditions that must be met before a proceeding may be brought against a child under

12 years of age for habitual truancy or against his or her parent or guardian for failure to cause the child to attend school regularly.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Towns, Kestell, Nass, Hundertmark, Townsend, Hines, Davis, Lehman, Ziegelbauer, Pope–Roberts and Van Akkeren.

Noes: 1 – Representative A. Williams.

Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Towns, Kestell, Nass, Hundertmark, Townsend, Hines, Davis, Lehman, Ziegelbauer, Pope–Roberts and Van Akkeren.

Noes: 1 – Representative A. Williams.

Passage as amended:

Ayes: 11 – Representatives Towns, Kestell, Nass, Hundertmark, Townsend, Hines, Davis, Lehman, Ziegelbauer, Pope–Roberts and Van Akkeren.

Noes: 1 – Representative A. Williams.

To committee on **Rules**.

*DEBRA TOWNS*  
Chairperson  
Committee on Education

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

#### **Assembly Bill 884**

Relating to: the admissibility of evidence of the discovery of an endangered or threatened species during the course of certain proceedings.

Assembly Amendment 2 adoption:

Ayes: 5 – Representatives Gundrum, McCormick, Pridemore, Kerkman and Kleefisch.

Noes: 3 – Representatives Staskunas, Turner and Kessler.

Passage as amended:

Ayes: 5 – Representatives Gundrum, McCormick, Pridemore, Kerkman and Kleefisch.

Noes: 3 – Representatives Staskunas, Turner and Kessler.

To committee on **Rules**.

*MARK GUNDRUM*  
Chairperson  
Committee on Judiciary

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### **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 5**

**Senate Bill 297**

**Senate Bill 299**

**Senate Bill 319**

**Senate Bill 399**

**Senate Bill 411**

**Senate Bill 417**

**Senate Bill 450**

**Senate Bill 464**

**Senate Bill 485**

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### **ACTION ON THE SENATE MESSAGE**

#### **Senate Bill 5**

Relating to: creation of a Joint Committee on State Mandates and required funding of state mandates.

By Senators Darling, Leibham, Kapanke, Brown, Kanavas, A. Lasee, Stepp, Lazich, Lassa and Harsdorf; cosponsored by Representatives Stone, McCormick, Gunderson, Gronemus, Musser, Jeskewitz, Rhoades, Gundrum, Hahn, Lothian and Mursau.

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

#### **Senate Bill 297**

Relating to: the powers of tribal law enforcement officers under state law.

By Joint Legislative Council.

To committee on **State Affairs**.

#### **Senate Bill 299**

Relating to: conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission.

By Joint Legislative Council.

To committee on **Rules**.

#### **Senate Bill 319**

Relating to: recovery of costs in nonearnings garnishments.

By Senator Ellis; cosponsored by Representative Hahn, by request of Ken Tschantz.

To committee on **Judiciary**.

#### **Senate Bill 399**

Relating to: creating a new license issued by municipalities authorizing the retail sale of wine in unopened original containers for consumption off the premises where sold.

By Senators Harsdorf and Grothman; cosponsored by Representatives Townsend, Hines and Ballweg.

To committee on **State Affairs**.

#### **Senate Bill 411**

Relating to: a school attendance officer's duties.

By Senators Olsen and Roessler; cosponsored by Representatives Towns, Kestell, Nischke, Hundertmark, Lehman, Ott, Lothian, Musser, Albers, Jeskewitz, Bies, McCormick, Strachota, Krawczyk, Nerison, Davis, Petrowski and Gunderson.

To committee on **Rules**.

#### **Senate Bill 417**

Relating to: ineligibility of convicted felons for licensure as lobbyists.

By Senator A. Lasee; cosponsored by Representative Bies.  
To committee on **State Affairs**.

**Senate Bill 450**

Relating to: construction liens, requirements for securing payment for work on publicly financed projects, and providing a penalty.

By Senators Zien, Brown, Grothman, Roessler and A. Lasee; cosponsored by Representatives Moulton, Townsend, Van Roy, Vos and Hines.

To committee on **Judiciary**.

**Senate Bill 464**

Relating to: authorizing a person to transport an unencased firearm in a motor vehicle under certain circumstances.

By Senators Brown, A. Lasee, Breske, Decker, Grothman and Reynolds; cosponsored by Representatives Gunderson, Suder, Gronemus, Hahn, Hines, Jensen, Krawczyk, F. Lasee, Lothian, Mursau, Musser, Boyle, Nass, Pettis, Petrowski, Van Roy and M. Williams.

To committee on **Rules**.

**Senate Bill 485**

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

By Senators Stepp, Leibham and A. Lasee; cosponsored by Representatives Nerison, Vos, Petrowski, Gronemus, Pettis, Owens, Towns, Musser, Albers, McCormick and Ballweg.

To committee on **Transportation**.

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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 116**
- Assembly Bill 133**
- Assembly Bill 144**
- Assembly Bill 240**
- Assembly Bill 728**

*PATRICK E. FULLER*  
Assembly Chief Clerk

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**COMMUNICATIONS**

January 26, 2006

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Chief Clerk Fuller:

Please add my name as a co-sponsor of Assembly Bill 907.

Thank you,  
*TERRY MOULTON*  
State Representative  
68th Assembly District

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January 26, 2006

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53708

Dear Patrick:

Please add my name to the list of Senate co-sponsors of Assembly Bill 944. Feel free to call me at 266-2509 if you have any further questions.

Sincerely,  
*ROGER BRESKE*  
State Senator  
12th District

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**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Ice Age Park and Trail Foundation  
Madison

January 4, 2006

To the Honorable, the Legislature:

In 1999 the State Legislature included a \$75,000 annual grant in the state budget to be matched with \$25,000 of private funds for the purpose of establishing, maintaining and promoting the Ice Age National and State Scenic Trail. The Ice Age Park and Trail Foundation (IAPTF) has been delighted to be the recipient of that grant since 2000. It is with a great deal of pride that I submit our final report for the year 2005, as required by statute s. [23.925](#).

The Ice Age Park and Trail Foundation is a volunteer and member based organization whose mission is to create, support and protect the Ice Age Trail - designated a National Scenic Trail in 1980 and State Scenic Trail in 1987. The Trail is the *only* unit of the National Park Service and the *only* National Scenic Trail that commemorates the effects of continental glaciation in the United States.

We genuinely appreciate your continuing support and your true partnership. Please call me at 608-663-1240 with any questions you may have.

Sincerely,  
*CHRISTINE THISTED*  
Executive Director

Referred to committee on **Tourism**.

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State of Wisconsin  
Department of Health and Family Services  
Madison

January 23, 2006

To the Honorable, the Legislature:

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 2005.

Questions about this report should be referred to Diane Welsh, Chief Legal Counsel, at 608-266-1404.

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

Sincerely,  
*HELENE NELSON*  
Secretary

Referred to committee on **Health**.