



# STATE OF WISCONSIN

# Assembly Journal

## One-Hundredth Regular Session

12:55 A.M.

THURSDAY, June 16, 2011

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

Speaker Pro Tempore Kramer in the chair.

Representative Suder asked unanimous consent that the prayer and the pledge of allegiance from June 2011 Extraordinary Session be applied to Regular Session. Granted.

The roll was taken.

The result follows:

Present – Representatives August, Ballweg, Barca, Berceau, Bernard Schaber, Bernier, Bewley, Bies, Brooks, Clark, E. Cogs, Craig, D. Cullen, Danou, Doyle, Endsley, Farrow, Fields, Grigsby, Hebl, Hintz, Honadel, Hulsey, Jacque, Jorgensen, Kapenga, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Mason, Meyer, Milroy, Molepske Jr, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Pasch, Petersen, Petrowski, Petryk, Pocan, Pope–Roberts, Pridemore, Radcliffe, Richards, Ringhand, Ripp, Rivard, Roys, Seidel, Severson, Shilling, Sinicki, Spanbauer, Staskunas, Steinbrink, Steineke, Stone, Strachota, Stroebel, Suder, Tauchen, Thiesfeldt, Tiffany, Toles, Tranel, Turner, Van Roy, Vos, Vruwink, Weininger, Williams, Wynn, Young, Zamarripa, Zepnick, Ziegelbauer and Speaker Fitzgerald – 98.

Absent with leave – None.

Vacancies – 48th Assembly District – 1.

### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 161** offered by committee on **Election and Campaign Reform**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 161** offered by committee on **Election and Campaign Reform**.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 161** offered by committee on **Election and Campaign Reform**.

Assembly substitute amendment 1 to **Assembly Bill 162** offered by committee on **Election and Campaign Reform**.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 10–121**

Relating to food processing plant license exemptions for certain home–canners and maple sap processors.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, June 7, 2011.

To committee on **Agriculture**.

Referred on June 16, 2011.

#### **Assembly Clearinghouse Rule 10–129**

Relating to the lottery and gaming and school levy tax credits and plat review fees.

Submitted by Department of Revenue.

Report received from Agency, June 10, 2011.

To committee on **Homeland Security and State Affairs**.

Referred on June 16, 2011.

#### **Assembly Clearinghouse Rule 11–006**

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

Submitted by Department of Natural Resources.

Report received from Agency, June 8, 2011.

To committee on **Natural Resources**.

Referred on June 16, 2011.

#### **Assembly Clearinghouse Rule 11–018**

Relating to sign language interpreters.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 7, 2011.

To committee on **Health**.

Referred on June 16, 2011.

#### **Assembly Clearinghouse Rule 11–021**

Relating to readability and electronic access to insurance policies and affecting small business.

Submitted by Insurance Commissioner.

Report received from Agency, June 7, 2011.

To committee on **Insurance**.

Referred on June 16, 2011.

#### **Assembly Clearinghouse Rule 11–028**

Relating to social work training certificate.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 3, 2011.

To committee on **Health**.

Referred on June 16, 2011.

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## INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

### Assembly Bill 183

Relating to: applicability of the prevailing wage law; the thresholds for applicability of that law; calculation of the prevailing wage rate; the treatment of volunteers, truck drivers, subjourneypersons, and incidental work under that law; the submission to the Department of Workforce Development of payroll records of persons performing work that is subject to that law; the inspection of those records; and the remedies for a violation of that law.

By Representatives Williams, Nass, Brooks, Tauchen, Strachota, J. Ott, A. Ott, Ballweg, Bernier, Jacque, Kapenga, Kestell, Knodl, Knudson, Kuglitsch, T. Larson, LeMahieu, Litjens, Marklein, Meyer, Murtha, Nerison, Petrowski, Petryk, Rivard, Thiesfeldt, Tiffany, Tranel, Van Roy, Wynn, Ziegelbauer, Ripp, Spanbauer, Kerkman, Steineke, Mursau, Farrow, Craig, Kleefisch, Knilians and Vos; cosponsored by Senators Galloway, Lasee, Grothman, Moulton, Leibham, Kedzie and Lazich.

To committee on **Jobs, Economy and Small Business**.

### Assembly Bill 184

Relating to: prohibiting the inclusion of Racine County in the jurisdiction of a local professional baseball park district.

By Representatives Mason, Turner, Zepnick and Vos; cosponsored by Senators Wanggaard and Wirch.

To committee on **Homeland Security and State Affairs**.

### Assembly Bill 185

Relating to: authorizing certain individuals to contribute to a college savings plan account.

By Representatives Pasch, Grigsby, Shilling, Jorgensen, Vruwink, Turner, Pope-Roberts, Berceau, Endsley, Roys and Doyle; cosponsored by Senators C. Larson, Taylor and Lassa.

To committee on **Colleges and Universities**.

### Assembly Bill 186

Relating to: an income and franchise tax credit for investments in a community development financial institution, increasing the credit amounts for the dairy manufacturing facility, meat processing facility, and food processing facility investment credits, and granting rule-making authority.

By Representatives Shilling, Clark, Barca, Berceau, Doyle, Hebl, Jorgensen, Molepske Jr, Ringhand, Seidel, Staskunas and Vruwink; cosponsored by Senators Lassa, Holperin, Hansen, Erpenbach, Miller and Taylor.

To committee on **Jobs, Economy and Small Business**.

### Assembly Bill 187

Relating to: requiring the Wisconsin Economic Development Corporation to create and implement a business retention program, increasing the funding for skills enhancement grants, advanced manufacturing skills grants for technical colleges, and making an appropriation.

By Representatives Shilling, Jorgensen, Barca, Berceau, Molepske Jr, Ringhand, Roys, Seidel, Staskunas, Steinbrink, Turner and Clark; cosponsored by Senators Lassa, Hansen, Wirch, Erpenbach, Holperin, Miller, Risser and Taylor.

To committee on **Jobs, Economy and Small Business**.

### Assembly Bill 188

Relating to: delaying the date by which school districts must comply with certain orders related to terminating the use of a race-based nickname, logo, mascot, or team name.

By Representatives Craig, Kapenga, Nass, Endsley, Jacque, Kerkman, LeMahieu, Marklein, Pridemore, Thiesfeldt and Wynn; cosponsored by Senators Lazich, Kedzie and Galloway.

To committee on **Homeland Security and State Affairs**.

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## ENROLLED JOINT RESOLUTIONS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

**Assembly Joint Resolution 1**  
**Assembly Joint Resolution 39**  
**Assembly Joint Resolution 45**

*PATRICK E. FULLER*  
Assembly Chief Clerk

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Representative Suder asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

12:56 A.M.

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## RECESS

1:06 A.M.

The Assembly reconvened.

Speaker Pro Tempore Kramer in the chair.

The committee on **Rules** introduced a privileged resolution.

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## INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

### Assembly Resolution 10

Relating to: establishing a special order of business for Tuesday, June 21, 2011.

By committee on Rules.

Privileged and read.

The question was: Shall **Assembly Resolution 10** be adopted?

Motion carried.

**Senate Bill 93** be made a special order of business at 10:01 A.M. on Tuesday, June 21 pursuant to **Assembly Resolution 10**.

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**AGENCY REPORTS**

State of Wisconsin  
Legislative Audit Bureau  
Madison

June 16, 2011

To the Honorable, the Assembly:

At the request of the Department of Workforce Development and to meet our audit responsibilities under s. 13.94, Wis. Stats., we have audited the financial statements of the State of Wisconsin Unemployment Reserve Fund. It funds regular unemployment benefits paid to eligible individuals and is funded primarily through taxes paid by employers. During the period we reviewed, certain other benefits funded by the federal government, including extended and emergency unemployment benefits, were also paid. This audit report contains our unqualified opinion on the Unemployment Reserve Fund's financial statements and related notes for the years ended June 30, 2010 and 2009.

In the past ten years, the Fund's balance has declined from a high of \$1.9 billion as of June 30, 2000, to a deficit in the amount of (\$920.4 million) as of June 30, 2010. As its reserves have been depleted, the Fund has borrowed from the federal government to pay unemployment benefits to eligible individuals. The balance owed to the federal government as of May 31, 2011, was \$1.3 billion plus an additional \$25.4 million in interest accrued on the loan as of that date.

Accompanying the financial statements is the Schedule of Cash Balance Related to Taxable Employers, which is used to determine the tax rate paid by employers. Section 108.18(3m), Wis. Stats., requires the highest tax rate schedule to be applied when the Fund's cash balance as of June 30 is less than \$300 million. Consequently, the highest of four tax rate schedules is being applied in calendar year 2011.

We appreciate the courtesy and cooperation extended to us by Department of Workforce Development staff in completing the audit.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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**ADJOURNMENT**

Representative Suder moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, June 21.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

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**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 148</b>	..... 27	..... June 29, 2011

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

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**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
University of Wisconsin System  
Madison

June 15, 2011

To the Honorable, the Legislature:

[2009 Wisconsin Act 265](#) authorized the WiSys Technology Foundation to conduct the Wisconsin Small Company Advancement Program (WiSCAP) and appropriated \$2 million in funds under s. 20.285 (1)(cd), Wisconsin Statutes. The program was formulated to utilize the considerable technical expertise of faculty and staff members working at University of Wisconsin System comprehensive campuses in helping small, Wisconsin-based companies meet their research and development needs.

Section 36.25 (52)(c) Wisconsin Statutes requires the Board of Regents of the University of Wisconsin System to report on the program's activities at least annually to the Joint Committee on Finance and the Chief Clerks of both houses of the Wisconsin Legislature. This required report is attached for your information and distribution to appropriate members of the legislature (i.e., JCF and standing committees on Higher Education).

Please contact Dr. Maliyakal John, Managing Director of the WiSys Technology Foundation at (608) 265-2135 if you have any questions related to this report.

Sincerely,  
*DEBORAH A. DURCAN*  
Vice President for Finance

Referred to committee on **Colleges and Universities**.

1:07 A.M.