



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

MONDAY, October 3, 2011

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 93** offered by Representative Bies.

Assembly substitute amendment 1 to **Assembly Bill 164** offered by Representative Endsley.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 164** offered by Representative Endsley.

Assembly amendment 1 to **Senate Bill 109** offered by Representative Endsley.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 13

Relating to: the removal of the portrait of Jeremiah Rusk from the assembly chamber.

By Representatives Richards, Sinicki, Berceau, Grigsby, Mason, Pasch, Pope–Roberts, Roys and Turner.

To committee on **Rules**.

Assembly Joint Resolution 60

Relating to: the life and public service of Judge Terence T. Evans.

By Representatives Richards, Berceau, Grigsby, Kerkman, Kessler, Pasch, C. Taylor and Turner; cosponsored by Senators C. Larson, S. Coggs, Risser, Schultz and Taylor.

To committee on **Rules**.

Assembly Joint Resolution 61

Relating to: the life and public service of Gervase A. Hephner.

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

To committee on **Rules**.

Assembly Bill 296

Relating to: treatment of contributions used to finance recall petition drives.

By Representatives Roys, Bernard Schaber, Sinicki, Turner, Pasch, Hebl, Berceau, Young, Clark, Toles, Kessler, C. Taylor, Pocan, Zamarripa, Barca, Seidel and Grigsby; cosponsored by Senators C. Larson and Risser.

To committee on **Election and Campaign Reform**.

Assembly Bill 297

Relating to: prohibiting an insurer from taking various actions with respect to property insurance because of claims based on acts of nature.

By Representatives Hebl, Berceau, C. Taylor, Sinicki, Kessler, Roys, Pasch, Toles, Pope–Roberts, Grigsby and Bewley; cosponsored by Senators Hansen, S. Coggs, Carpenter and Wirch.

To committee on **Insurance**.

Assembly Bill 298

Relating to: authorizing the creation of a Dane County regional transit authority and making appropriations.

By Representatives Roys, Berceau, Hulsey, C. Taylor, Pocan, Barca, Bernard Schaber, Bewley and Grigsby; cosponsored by Senators Risser and C. Larson.

To committee on **Transportation**.

Assembly Bill 299

Relating to: law enforcement officers and firearms in school zones and certain injunctions against law enforcement agencies.

By Representatives Kleefisch and Stroebel; cosponsored by Senators Kedzie and Holperin.

To committee on **Criminal Justice and Corrections**.

Assembly Bill 300

Relating to: registration plates for dealers, distributors, manufacturers, and transporters of motor vehicles.

By Representatives A. Ott, Bies, Doyle, Endsley, Jacque, Jorgensen, Kaufert, Kerkman, Kestell, Knilans, Marklein, Molepske Jr, Petrowski, Steineke, Thiesfeldt, Tranel, Turner, Vos, Weininger and Clark; cosponsored by Senators Olsen, Carpenter, Cowles, T. Cullen, Galloway, Hansen, Holperin, Lazich, Leibham, Schultz and Taylor.

To committee on **Transportation**.

COMMITTEE REPORTS

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

Assembly Bill 42

Relating to: presumption and conclusive determination of paternity on basis of genetic test results and orders that may be granted on the basis of genetic test results.

Assembly Amendment 1 adoption:

Ayes: 6 – Representatives Pridemore, Krug, Kestell, Williams, Thiesfeldt and Pope–Roberts.

Noes: 0.

Passage:

Ayes: 5 – Representatives Pridemore, Krug, Kestell, Williams and Thiesfeldt.

Noes: 1 – Representative Pope–Roberts.

To committee on **Rules**.

DONALD PRIDEMORE
Chairperson
Committee on Children and Families

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

Assembly Bill 39

Relating to: composition of the Board of Regents of the University of Wisconsin System.

Passage:

Ayes: 9 – Representatives Nass, Knudson, Ballweg, Pridemore, Farrow, Wynn, Toles, Berceau and Molepske Jr.

Noes: 1 – Representative Pocan.

To committee on **Rules**.

Assembly Bill 142

Relating to: enrollment requirements for recipients of talent incentive grants.

Passage:

Ayes: 10 – Representatives Nass, Knudson, Ballweg, Pridemore, Farrow, Wynn, Toles, Berceau, Molepske Jr and Pocan.

Noes: 0.

To committee on **Rules**.

Assembly Bill 144

Relating to: creating a commission on financial aid consolidation and modernization.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Nass, Knudson, Ballweg, Pridemore, Farrow, Wynn, Toles, Berceau, Molepske Jr and Pocan.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Nass, Knudson, Ballweg, Pridemore, Farrow, Wynn, Toles, Berceau, Molepske Jr and Pocan.

Noes: 0.

To committee on **Rules**.

Senate Bill 28

Relating to: composition of the Board of Regents of the University of Wisconsin System.

Concurrence:

Ayes: 9 – Representatives Nass, Knudson, Ballweg, Pridemore, Farrow, Wynn, Toles, Berceau and Molepske Jr.

Noes: 1 – Representative Pocan.

To committee on **Rules**.

STEPHEN NASS
Chairperson
Committee on Colleges and Universities

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

Assembly Bill 165

Relating to: the display of turf fertilizer containing phosphorus.

Assembly Substitute Amendment 1 adoption:

Ayes: 13 – Representatives Mursau, Williams, Kleefisch, Nerison, Severson, Steineke, Tiffany, Stroebel, Litjens, Mason, Molepske Jr, Danou and Clark.

Noes: 2 – Representatives Milroy and Hulsey.

Passage as amended:

Ayes: 11 – Representatives Mursau, Williams, Kleefisch, Nerison, Severson, Steineke, Tiffany, Stroebel, Litjens, Molepske Jr and Danou.

Noes: 4 – Representatives Mason, Clark, Milroy and Hulsey.

To committee on **Rules**.

JEFFREY MURSAU
Chairperson
Committee on Natural Resources

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

Assembly Bill 206

Relating to: inattentive driving and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 14 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Steinbrink, Bernard Schaber, Jorgensen, Bewley and Doyle.

Noes: 1 – Representative Vruwink.

Passage as amended:

Ayes: 14 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Steinbrink, Bernard Schaber, Jorgensen, Bewley and Doyle.

Noes: 1 – Representative Vruwink.

To committee on **Rules**.

Assembly Bill 248

Relating to: annual or consecutive month permits for vehicles transporting overheight loads of hay or straw.

Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Steinbrink, Vruwink, Bernard Schaber, Jorgensen, Bewley and Doyle.
Noes: 0.

Passage as amended:

Ayes: 15 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Steinbrink, Vruwink, Bernard Schaber, Jorgensen, Bewley and Doyle.
Noes: 0.

To committee on **Rules**.

Assembly Bill 252

Relating to: seasonal weight limitations for certain vehicles transporting agricultural crops.

Passage:

Ayes: 15 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Steinbrink, Vruwink, Bernard Schaber, Jorgensen, Bewley and Doyle.
Noes: 0.

To committee on **Rules**.

Assembly Bill 253

Relating to: the maximum permissible length of vehicles carrying poles, pipe, girders, and similar materials on highways.

Passage:

Ayes: 15 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Steinbrink, Vruwink, Bernard Schaber, Jorgensen, Bewley and Doyle.
Noes: 0.

To committee on **Rules**.

Assembly Bill 254

Relating to: the maximum permissible length of single vehicles operated on a highway without an overlength permit.

Passage:

Ayes: 15 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Steinbrink, Vruwink, Bernard Schaber, Jorgensen, Bewley and Doyle.
Noes: 0.

To committee on **Rules**.

JERRY PETROWSKI
Chairperson
Committee on Transportation

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

Assembly Bill 192

Relating to: provision of police or fire protection services by a county sheriff or municipality.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Brooks, Thiesfeldt, Spanbauer, Jacque, Ziegelbauer, Ringhand and Pocan.
Noes: 1 – Representative Knudson.

Passage as amended:

Ayes: 7 – Representatives Brooks, Thiesfeldt, Spanbauer, Jacque, Ziegelbauer, Ringhand and Pocan.
Noes: 1 – Representative Knudson.

To committee on **Rules**.

Senate Bill 18

Relating to: requiring political subdivisions to pay health insurance premiums for survivors of a law enforcement officer who dies, or has died, in the line of duty.

Assembly Amendment 1 adoption:

Ayes: 9 – Representatives Brooks, Thiesfeldt, Spanbauer, Jacque, Knudson, Ziegelbauer, Ringhand, E. Coggs and Pocan.
Noes: 0.

Concurrence as amended:

Ayes: 9 – Representatives Brooks, Thiesfeldt, Spanbauer, Jacque, Knudson, Ziegelbauer, Ringhand, E. Coggs and Pocan.
Noes: 0.

To joint committee on **Finance**.

EDWARD BROOKS
Chairperson
Committee on Urban and Local Affairs

The committee on **Veterans and Military Affairs** reports and recommends:

Assembly Bill 121

Relating to: expanding the eligibility of an unremarried surviving spouse of a veteran to claim the veterans and surviving spouses property tax credit.

Passage:

Ayes: 11 – Representatives Spanbauer, Wynn, Petrowski, Bies, Nerison, Petryk, Kooyenga, Milroy, Radcliffe, Sinicki and Ringhand.
Noes: 0.

To joint committee on **Finance**.

RICHARD SPANBAUER
Chairperson
Committee on Veterans and Military Affairs

SPEAKER'S COMMUNICATIONS

DATE: September 30, 2011
TO: Patrick E. Fuller, Assembly Chief Clerk
FROM: Speaker Jeff Fitzgerald
RE: Representative Brett Hulsey's committee appointment

Assembly Speaker Jeff Fitzgerald, in accordance with Assembly Rule 9 (2)(c) has confirmed Assembly Minority Leader Peter Barca's nomination of Representative Brett Hulsey to the Committee on Tourism, Recreation, and State Properties. Representative Hulsey will be replacing Cory Mason on the Committee on Tourism, Recreation and State Properties.

COMMUNICATIONS

State of Wisconsin
Legislative Reference Bureau
Madison

DATE: September 30, 2011
TO: Patrick E. Fuller
Assembly Chief Clerk

Robert Marchant
Senate Chief Clerk

FROM: Bruce J. Hoesly
Code Editor

SUBJECT: Rules published in the September 30, 2011
Wisconsin Administrative Register, No. 669.

The following rules have been published:

- Clearinghouse Rule 10-109 effective 10-1-2011
- Clearinghouse Rule 11-004 effective 10-1-2011
- Clearinghouse Rule 11-018 effective 10-1-2011
- Clearinghouse Rule 11-019 effective 10-1-2011
- Clearinghouse Rule 11-028 effective 10-1-2011

October 3, 2011

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 261, the rail passenger service assistance and promotion program.

Sincerely,
DEAN KAUFERT
State Representative
55th Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
WHA Information Center
Madison

September 26, 2011

To the Honorable, the Legislature:

Enclosed is a hard copy of the Fiscal Year 2010 Uncompensated Health Care Report produced by WHA Information Center pursuant to s. 153.22, Wis. Stats. The report was posted on our Web site in August 2011. Please feel free to download and print additional copies.

If you have any questions regarding the report you may contact me at 608-274-1820, 800-231-8340 or drickelman@wha.org.

Sincerely,
DEBBIE RICKELMAN
Senior Director
WHA Information Center

Referred to committee on **Health**.

State of Wisconsin
Supreme Court of Wisconsin
Madison

October 3, 2011

To the Honorable, the Legislature:

Under ss. 758.19 (5)(e) and 758.19 (6)(d), Wis. Stats., each county is required to submit an annual report to the Director of State Courts that provides information on the actual amount of revenues collected and expenditures incurred by the county for the operation of its circuit courts. Pursuant to s. 758.19 (5)(i), Wis. Stats., the Director of State Courts is required to compile and annually submit the information to the Governor and the Legislature.

Since state fiscal year (FY) 1994-95, the Director of State Courts has compiled the counties' financial information with the warning that since counties do not submit audited reports, the information was not reliable and not comparable among counties because there are differing and inconsistent accounting practices among and within counties. To address these concerns, the 2007- 2009 biennial budget, 2007 Act 20, gave the Director of State Courts the statutory authority to institute a standardized program for recording, reporting, and auditing the revenues and expenditures of Wisconsin's circuit Courts. Specifically, s. 758.19(5)(am), Wis. Stats., allowed the Director of State Courts to create a uniform chart of accounts that "each county shall be required to use for the recording of all financial transactions relating to the operation of circuit courts." In addition, statutes authorize the Director to audit the counties' annual financial information reported to ensure compliance with the uniform chart of accounts. 2007 Act 20 also authorized a two-year project auditor position to assist in the creation of this new program. The extension of the two-year auditor position in 2009 Act 28 allowed the audit

function to be implemented. The project auditor position was converted to a permanent position in the 2011-2013 biennial budget, [2011 Act 32](#).

In October 2008, the Director of State Court released the Circuit Court Revenue and Expenditure Uniform Chart of Accounts. The chart of accounts provides guidance to counties on how to complete the annual reporting requirements of circuit court revenues and expenditures under s. 758.19 (5)(e), Wis. Stats. Beginning with the reporting of calendar year 2008 information (reported to the Director in May 2009), each county has been required to report the county's revenue and cost information associated with operating the county's circuit court over the past calendar year in a manner that comports with the State's uniform chart of accounts.

The auditing of counties' financial reports began in FY 2009-10. Early audit findings have shown the importance of this audit function by confirming the Director's long held belief that even with a uniform chart of accounts counties' financial data is not complete. In FY 2009-10, the auditor visited 19 counties and found in all counties inconsistencies in the reporting of county financial and staffing. The 24 counties visited by the auditor in FY 2010-11 also had variances between the requirements of the uniform chart of accounts and information reported. My office continues to work with the counties to improve the accuracy of reporting and identifying system improvements at the county level.

To comply with s. 758.19 (5)(i), Wis. Stats., the Director of State Courts has compiled the counties' revenue and expenditure information for calendar year 2010. In total, counties reported receiving \$93.9 million in court-related revenue. However, until all counties have been audited, it has not been verified that this amount represents only revenue collected by the counties that actually support circuit court functions. In addition, during 2010, counties reported incurring total court costs of \$199.1 million, which includes costs relating to courtroom security, rent, utilities, maintenance, rehabilitation, and construction of court facilities for the operation of their circuit courts during 2010 (costs totaled \$159.8 million that are allowable under s. 758.19 (5)(a), Wis. Stats.). Because the initial audits have determined counties' financial information to be inconsistently reported, individual county data is not being presented until all counties have been audited and their reports have been found in substantial compliance with the State's uniform chart of accounts.

Sincerely,
A. JOHN VOELKER
Director of State Courts

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

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

September 29, 2011

To the Honorable, the Assembly:

As required by s. 13.94 (1)(dg), Wis. Stats., we have completed a limited-scope review of the dental services grant provided by the Department of Health Services to the Marquette University School of Dentistry for fiscal year (FY) 2008-09 and FY 2009-10. During that two-year period, Marquette University received \$5.5 million in general purpose revenue to help fund dental services provided to underserved individuals at clinics in various locations throughout Wisconsin.

Overall, we found Marquette University has developed and implemented adequate procedures to ensure compliance with statutory and grant requirements. In addition, we confirmed that dental services grant funds were expended only for services normally considered a part of comprehensive general dental treatments.

We note that dental services expenses exceeded revenues by \$2.8 million in FY 2008-09 and \$2.9 million in FY 2009-10. Marquette University staff indicate that clinic revenues, which include the dental services grant, patient fees, and other revenues, are not intended to cover all costs. Instead, the focus of the clinics is to provide clinical education experiences for dental students and dental services for underserved Wisconsin residents.

We appreciate the courtesy and cooperation extended to us by Marquette University staff during our review.

Respectfully submitted,
JOE CHRISMAN
Interim State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

September 29, 2011

To the Honorable, the Assembly:

As required by s. 39.46, Wis. Stats., we have completed a limited-scope review of the dental education contract between the State of Wisconsin and the Marquette University School of Dentistry for fiscal year (FY) 2008-09 and FY 2009-10. During that two-year period, the State expended nearly \$2.8 million in general purpose revenue to provide tuition aid for Wisconsin residents enrolled in the undergraduate dental education program. Individuals were awarded \$8,753 in FY 2008-09 and \$8,665 in FY 2009-10.

Overall, we found that Marquette University was in compliance with its contract and with requirements set forth in s. 39.46, Wis. Stats. The funds were spent only for the undergraduate dental school program, Wisconsin residents were targeted for program enrollment, and minority enrollment was promoted.

We also confirmed that the students for whom tuition aid was claimed had been certified by the Higher Educational Aids Board as Wisconsin residents and were eligible to receive this aid. In the course of that work, we identified one instance in which a student who received tuition aid during FY 2009-10 later withdrew from school, and Marquette University failed to return the tuition aid as required. In response to our inquiries, Marquette University staff reviewed all student withdrawals from FY 2006-07 through FY 2008-09, identified one additional exception, and appropriately returned tuition aid that had been received for these two students to the Higher Educational Aids Board. Marquette University subsequently implemented procedures to ensure tuition aid payments are properly returned in the event of future student withdrawals, and we will evaluate those procedures during our next review.

We appreciate the courtesy and cooperation extended to us by Marquette University staff during our review.

Respectfully submitted,
JOE CHRISMAN
Interim State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

September 30, 2011

To the Honorable, the Assembly:

As required by s. 39.15, Wis. Stats., we have completed a limited-scope review of aid for medical education and of other financial support provided by the State to the Medical College of Wisconsin for fiscal year (FY) 2008-09 and FY 2009-10. During the two-year period we reviewed, the Legislature appropriated \$4.0 million in general purpose revenue for tuition aid and provided the Medical College with approximately \$6.5 million in general purpose revenue for the development and operation of its family practice residency program. In addition, the Medical College received \$299,000 in funding for breast cancer and prostate cancer research through the income tax check-off program, and the State made \$2.8 million in debt service payments related to general obligation debt that it issued in the past to fund a number of construction projects at the Medical College.

Overall, we found that the Medical College was in compliance with requirements set forth in ss. 39.15 and 39.155, Wis. Stats. Students claimed for tuition aid were eligible to receive it and the Medical College targeted 35 to 50 percent of first-year class openings for Wisconsin residents, promoted minority enrollment, and expended funds provided by the State in a manner consistent with legislative intent. We also found that the State's debt service payments were consistent with the debt repayment schedules maintained by the Department of Administration for the applicable Medical College construction projects.

We appreciate the courtesy and cooperation extended to us by staff of the Medical College of Wisconsin during this review.

Respectfully submitted,
JOE CHRISMAN
Interim State Auditor