



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

3:34 P.M.

TUESDAY, February 14, 2012

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

Representative Honadel in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 216** offered by committee on **Transportation**.

Assembly substitute amendment 1 to **Assembly Bill 322** offered by Representatives Knilans and Seidel.

Assembly amendment 1 to **Assembly Bill 440** offered by committee on **Transportation**.

Assembly amendment 1 to **Assembly Bill 516** offered by committee on **Transportation**.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 107

Relating to: the life and public service of John Gower and honoring his many accomplishments.

By Representatives Nygren, Jacque, Ballweg, Berceau, Bies, Endsley, Kerkman, Klenke, Krug, Marklein, Mursau, A. Ott, Petrowski, Pridemore, Spanbauer, Sinicki, Steineke, Suder, Tauchen, Tranel, Van Roy, Weininger and Ziegelbauer; cosponsored by Senators Grothman, Lasee, Cowles, Hansen, Schultz and Taylor.

To committee on **Rules**.

Assembly Joint Resolution 108

Relating to: declaring December 12, 2012, Aaron Rodgers Day.

By Representatives Bies, A. Ott, Bernard Schaber, E. Coggs, Endsley, Hebl, Honadel, Jacque, J. Ott, Jorgensen, Van Roy, Kaufert, Kerkman, Marklein, Mason, Mursau, Nygren, Pasch, Petrowski, Petryk, Pridemore, Rivard, Spanbauer, Staskunas, Strachota, Tranel, Williams and

Wynn; cosponsored by Senators Carpenter, T. Cullen, Darling, Hansen, C. Larson, Lasee, Olsen, Risser, Schultz and Taylor.

To committee on **Rules**.

Assembly Joint Resolution 109

Relating to: commending the University of Wisconsin Badgers football team on an outstanding 2011 season.

By Representatives Jacque, Weininger, Ballweg, Bernier, Bies, Brooks, E. Coggs, Hebl, Hintz, Jorgensen, Kerkman, Kuglitsch, Marklein, Mason, Murtha, A. Ott, Petryk, Pocan, Sinicki, Spanbauer, Steineke, Tauchen, C. Taylor, Tranel and Williams; cosponsored by Senators Galloway, Harsdorf, Lazich, Miller, Olsen, Risser, Schultz and Taylor.

To committee on **Rules**.

Assembly Bill 563

Relating to: changes to the local room tax and providing a penalty.

By Representatives Bies, August, Ballweg, Brooks, Clark, A. Ott, Petersen, Tranel, Van Roy, Vos and Wynn; cosponsored by Senators Olsen, Holperin and Schultz.

To committee on **Tourism, Recreation and State Properties**.

Assembly Bill 564

Relating to: a pupil's possession and use of an epinephrine auto-injector.

By Representatives Pasch, Ballweg, Jorgensen, Thiesfeldt, C. Taylor, Berceau, Bewley, Turner, Billings, Radcliffe, Sinicki, Seidel, Grigsby and Doyle; cosponsored by Senators Vinehout, C. Larson, Olsen, Risser and Taylor.

To committee on **Education**.

Assembly Bill 565

Relating to: spending by certain electric and natural gas public utilities on energy efficiency, conservation, and renewable resource programs.

By Representatives Hulsey, Pocan, Zepnick, Jorgensen, Ringhand, Hebl, Molepske Jr, E. Coggs, Roys, Turner, Pasch, Berceau, Mason, Sinicki and Clark; cosponsored by Senators Risser, Holperin and Taylor.

To committee on **Energy and Utilities**.

COMMITTEE REPORTS

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

Assembly Bill 357

Relating to: allowing members of a dairy cooperative to claim the dairy manufacturing facility investment credit in the next taxable year.

Assembly Substitute Amendment 1 adoption:

Ayes: 14 – Representatives Nerison, Tranel, A. Ott, Mursau, Murtha, Tauchen, Brooks, Ripp, Marklein, Vruwink, Molepske Jr, Jorgensen, Radcliffe and Danou.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Nerison, Tranel, A. Ott, Mursau, Murtha, Tauchen, Brooks, Ripp, Marklein, Vruwink, Molepske Jr, Jorgensen, Radcliffe and Danou.

Noes: 0.

To committee on **Rules**.

Assembly Bill 498

Relating to: regulating certain substitutes for ozone-depleting refrigerants.

Passage:

Ayes: 13 – Representatives Nerison, Tranel, A. Ott, Mursau, Murtha, Tauchen, Brooks, Ripp, Marklein, Molepske Jr, Jorgensen, Radcliffe and Danou.

Noes: 1 – Representative Vruwink.

To committee on **Rules**.

LEE NERISON
Chairperson
Committee on Agriculture

The committee on **Criminal Justice and Corrections** reports and recommends:

Assembly Bill 118

Relating to: aiding a felon and providing penalties.

Assembly Amendment 1 adoption:

Ayes: 5 – Representatives Bies, Jacque, Kestell, Brooks and Thiesfeldt.

Noes: 2 – Representatives Turner and Hebl.

Passage as amended:

Ayes: 6 – Representatives Bies, Jacque, Kestell, Brooks, Thiesfeldt and Turner.

Noes: 1 – Representative Hebl.

To committee on **Rules**.

Assembly Bill 299

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

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Bies, Jacque, Kestell, Brooks, Thiesfeldt, Turner and Hebl.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Bies, Jacque, Kestell, Brooks, Thiesfeldt, Turner and Hebl.

Noes: 0.

To committee on **Rules**.

Assembly Bill 420

Relating to: providing alcohol beverages to an underage person who suffers great bodily harm or death from their consumption and providing a penalty.

Passage:

Ayes: 6 – Representatives Bies, Jacque, Kestell, Thiesfeldt, Turner and Hebl.

Noes: 1 – Representative Brooks.

To committee on **Rules**.

Assembly Bill 449

Relating to: increased penalty for repeated domestic abuse offenses and providing a penalty.

Passage:

Ayes: 6 – Representatives Bies, Jacque, Brooks, Thiesfeldt, Turner and Hebl.

Noes: 1 – Representative Kestell.

To committee on **Rules**.

GAREY BIES
Chairperson
Committee on Criminal Justice and Corrections

The committee on **Financial Institutions** reports and recommends:

Assembly Bill 549

Relating to: adopting amendments to the Uniform Commercial Code Article 9, relating to secured transactions, recommended by the National Conference of Commissioners on Uniform State Laws.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Kramer, Kooyenga, Kaufert, Kerkman, Marklein, Tranel, Craig, Stroebel, Fields, Zepnick, Young and Hintz.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Kramer, Kooyenga, Kaufert, Kerkman, Marklein, Tranel, Craig, Stroebel, Fields, Zepnick, Young and Hintz.

Noes: 0.

To committee on **Rules**.

BILL KRAMER
Chairperson
Committee on Financial Institutions

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

Assembly Bill 499

Relating to: various changes to the worker's compensation law, granting rule-making authority, and making an appropriation.

Passage:

Ayes: 8 – Representatives Ballweg, Nass, Honadel, Kuglitsch, Litjens, Sinicki, Toles and C. Taylor.

Noes: 0.

To committee on **Rules**.

Assembly Bill 504

Relating to: concealment of benefit claim information, availability for work, interest on delinquent payments, and the composition and authority of appeal tribunals under the unemployment insurance law.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Ballweg, Nass, Honadel, Kuglitsch, Litjens, Sinicki, Toles and C. Taylor.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Ballweg, Nass, Honadel, Kuglitsch, Litjens, Sinicki, Toles and C. Taylor.

Noes: 0.

To committee on **Rules**.

JOAN BALLWEG

Chairperson

Committee on Labor and Workforce Development

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

Assembly Bill 416

Relating to: collection of money owed for failure to pay for gasoline or diesel fuel and obtaining information with personal identifiers from the Department of Transportation.

Assembly Amendment 1 adoption:

Ayes: 13 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Vruwink, Bernard Schaber, Jorgensen and Bewley.

Noes: 1 – Representative E. Coggs.

Passage as amended:

Ayes: 13 – Representatives Petrowski, Farrow, A. Ott, Stone, Van Roy, Honadel, Ripp, Endsley, Knilans, Vruwink, Bernard Schaber, Jorgensen and Bewley.

Noes: 1 – Representative E. Coggs.

To committee on **Rules**.

Assembly Bill 453

Relating to: registration and operation of all-terrain vehicles and utility terrain vehicles, granting rule-making authority, and making appropriations.

Assembly Amendment 1 adoption:

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

Noes: 0.

Assembly Amendment 2 adoption:

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

Noes: 0.

Passage as amended:

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

Noes: 0.

To committee on **Rules**.

Assembly Bill 485

Relating to: personalized registration plates for vehicles registered by certain veterans with a disability that limits the ability to walk (suggested as remedial legislation by the Department of Transportation).

Passage:

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

Noes: 0.

To committee on **Rules**.

Assembly Bill 486

Relating to: the definitions of vehicle and motor vehicle (suggested as remedial legislation by the Department of Transportation).

Passage:

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

Noes: 0.

To committee on **Rules**.

Assembly Bill 490

Relating to: photographs on operator's licenses.

Passage:

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

Noes: 0.

To committee on **Rules**.

Assembly Bill 501

Relating to: seasonal weight limitations for certain vehicles transporting manure.

Assembly Substitute Amendment 1 adoption:

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

Noes: 0.

Passage as amended:

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

Noes: 0.

To committee on **Rules**.

JERRY PETROWSKI

Chairperson

Committee on Transportation

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

Assembly Bill 380

Relating to: a sales and use tax exemption for building materials that become a part of a facility for a local unit of government or nonprofit organization.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Ziegelbauer, Steinbrink, C. Taylor and Billings.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Ziegelbauer, Steinbrink, C. Taylor and Billings.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Ziegelbauer, Steinbrink, C. Taylor and Billings.

Noes: 0.

Assembly Bill 381

Relating to: a sales and use tax exemption for items and services sold as part of a lump sum contract.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Ziegelbauer, Steinbrink, C. Taylor and Billings.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Ziegelbauer, Steinbrink, C. Taylor and Billings.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Ziegelbauer, Steinbrink, C. Taylor and Billings.

Noes: 0.

Assembly Bill 456

Relating to: extending the expenditure period for a tax incremental district in the village of Denmark.

Passage:

Ayes: 8 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Staskunas, C. Taylor and Billings.

Noes: 1 – Representative Ziegelbauer.

To committee on **Rules**.

SAMANTHA KERKMAN

Chairperson

Committee on Ways and Means

MESSAGE FROM THE SENATE

From: Jeffrey Renk, Assistant Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 111

Senate Bill 138

Senate Bill 381

Senate Bill 391

Concurred in:

Assembly amendment 1 to **Senate Bill 184**

Assembly Joint Resolution 57

Assembly Joint Resolution 90

Assembly Joint Resolution 94

Assembly Joint Resolution 97

ACTION ON THE SENATE MESSAGE

Senate Bill 111

Relating to: the regulation of indirect sources of air pollution and the suspension of a rule promulgated by the Department of Natural Resources.

By joint committee for review of Administrative Rules.

To **calendar of February 16, 2012**.

Senate Bill 138

Relating to: the regulation of emissions of hazardous air contaminants associated with agricultural waste and the partial suspension of rules promulgated by the Department of Natural Resources.

By joint committee for review of Administrative Rules.

To **calendar of February 16, 2012**.

Senate Bill 202

Relating to: elimination of compensatory and punitive damages for acts of employment discrimination or unfair honesty or genetic testing.

By Senators Grothman, Galloway, Darling, Lasee, Kedzie, Zipperer and Moulton; cosponsored by Representatives Litjens, LeMahieu, Pridemore, Thiesfeldt,

Honadel, Brooks, Knodl, Kleefisch, T. Larson, Kooyenga, Rivard, Kapenga, Steineke, Severson, Petersen, Stroebel, Vos, Knilans, Craig, A. Ott, Kaufert, Tauchen, Bies, Kuglitsch, Endsley and Strachota.

To committee on **Rules**.

Senate Bill 381

Relating to: county and municipal canvassing procedures, provisional ballot information, the deadline for filing a recount petition, terms of town officers, the date of the annual town meeting, and technical revisions to certain election laws.

By Senator Lazich; cosponsored by Representative Tauchen, by request of Government Accountability Board.

To committee on **Rules**.

Senate Bill 391

Relating to: the procedure for the administrative dissolution of corporations.

By Senator Grothman; cosponsored by Representative Kramer.

To **calendar of February 16, 2012**.

REFERENCE BUREAU CORRECTIONS

Assembly Bill 558

1. Page 12, line 15: delete "115.38-(2)" and substitute "115.38 (2)".

SPEAKER'S COMMUNICATIONS

DATE: February 13, 2012
TO: Patrick E. Fuller, Assembly Chief Clerk
FROM: Speaker Jeff Fitzgerald
RE: February 14th Assembly Rules Committee

Assembly Speaker Jeff Fitzgerald has approved the nomination of Representative Sandy Pasch in place of Representative Donna Seidel, Representative Fred Clark in place of Representative Kelda Helen Roys, Representative SONDY POPE-ROBERTS in place of Representative Fred Clark, and Representative Bob Turner for the February 14th meeting of the Assembly Rules Committee.

COMMUNICATIONS

February 13, 2012

Speaker Jeff Fitzgerald
Room 211 West, State Capitol
P.O. Box 8952
Madison, WI 53708

Speaker Fitzgerald:

This letter is to request modifications to the minority membership of a joint legislative standing committee.

Under Assembly Rule 9 (c), the minority leader is charged with nominating minority members for appointment by the Speaker to legislative standing committees. At this time I would like to temporarily revise the nominations made earlier this session.

I would now like to nominate Representative Jon Richards to serve on the Joint Committee on Finance. Representative Richards will temporarily serve on this committee in place of Representative Tamara Grigsby until Representative Grigsby is able to make a full medical recovery.

If you have any follow-up questions or if I can be of any additional assistance on this matter, please do not hesitate to contact me.

Sincerely,
PETER W. BARCA
Assembly Minority Leader
64th Assembly District

February 13, 2012

Speaker Jeff Fitzgerald
Room 211 West, State Capitol
P.O. Box 8952
Madison, WI 53708

Speaker Fitzgerald:

This letter is to request modifications to the minority membership of a legislative standing committee for the scheduled February 14th meeting of the Assembly Rules Committee.

Under Assembly Rule 9 (c), the minority leader is charged with nominating minority members for appointment by the Speaker to legislative standing committees. At this time I would like to temporarily revise the nominations made earlier this session.

For the February 14th meeting of the Assembly Rules Committee, I would like to nominate myself, Representative Sandy Pasch in place of Representative Donna Seidel, Representative Fred Clark in place of Representative Kelda Helen Roys, Representative SONDY POPE-ROBERTS in place of Representative Fred Clark, and Representative Bob Turner.

If you have any follow-up questions or if I can be of any additional assistance on this matter, please do not hesitate to contact me.

Sincerely,
PETER W. BARCA
Assembly Minority Leader
64th Assembly District

February 14, 2012

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 216, Assembly Bill 266, Assembly Bill 280 and Assembly Bill 529.

Sincerely,
ELIZABETH COGGS
State Representative
10th Assembly District

February 13, 2012

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

Dear Patrick:

I am pleased to transmit to you the following reports to the 2011 Legislature on legislation introduced by the Joint Legislative Council as well as activities of this committee:

RL 2011–13 Special Committee on Health Care Access (2011 Senate Bill 450).

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

Sincerely,
TERRY C. ANDERSON
Joint Legislative Council
Director

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health Services
Department of Children and Families
Madison

February 1, 2012

To the Honorable, the Legislature:

In [1997 Act 27](#), the 1997-99 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. Effective July 1, 2008, the Department of Health and Family Services (DHFS) became the Department of Health Services (DHS) and the DHFS Division of Children and Family Services became the Department of Children and Families (DCF). DHS, DCF 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 DHS and/or DCF, 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 DHS and DCF 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. DHS has continued to utilize the skills, support and knowledge of its personnel to process all rehabilitation review applications and we are, therefore, submitting a joint report. Attached is the report for 2011.

Questions about this report should be referred to the Department of Health Services, Sandra Rowe, Deputy Chief Legal Counsel, at 608-266-0355.

Sincerely,
DENNIS G. SMITH
Secretary
Department of Health Services
ELOISE ANDERSON
Secretary
Department of Children and Families

Referred to committee on **Health**.

ADJOURNMENT

Representative Kramer moved that the Assembly stand adjourned until 11:00 A.M. on Thursday, February 16.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

3:35 P.M.