



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

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TUESDAY, February 14, 2006

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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 substitute amendment 1 to **Assembly Bill 150** offered by Representative Albers.

Assembly substitute amendment 1 to **Assembly Bill 359** offered by Representative A. Williams.

Assembly amendment 1 to Assembly amendment 3 to **Assembly Bill 500** offered by Representative Gunderson.

Assembly amendment 3 to **Assembly Bill 539** offered by committee on **Aging and Long-Term Care**.

Assembly amendment 4 to **Assembly Bill 539** offered by committee on **Aging and Long-Term Care**.

Assembly amendment 5 to **Assembly Bill 539** offered by committee on **Aging and Long-Term Care**.

Assembly amendment 2 to **Assembly Bill 602** offered by Representative Albers.

Assembly substitute amendment 1 to **Assembly Bill 851** offered by Representative Albers.

Assembly amendment 1 to **Assembly Bill 852** offered by Representative Pettis.

Assembly substitute amendment 1 to **Assembly Bill 945** offered by Representative Towns.

Assembly substitute amendment 1 to **Assembly Bill 954** offered by Representative Moulton.

Assembly amendment 1 to **Assembly Bill 955** offered by Representative Moulton.

Assembly amendment 1 to **Assembly Bill 969** offered by Representative Suder.

Assembly amendment 1 to **Assembly Bill 994** offered by Representative Pettis.

Assembly amendment 1 to **Senate Bill 259** offered by Representative Towns.

Assembly amendment 3 to **Senate Bill 272** offered by Representative LeMahieu.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 05-069**

Relating to architecture, engineering and construction solicitation, bidding and contracting.

Submitted by Department of Administration.

Report received from Agency, February 9, 2006.

To committee on **State Affairs**.

Referred on February 14, 2006.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 76**

Relating to: residency requirements for state and local elective officers (first consideration).

By Representatives Lothian, Ainsworth, Albers, Mursau and Ott; cosponsored by Senator Olsen.

To committee on **Campaigns and Elections**.

#### **Assembly Joint Resolution 77**

Relating to: creating a revenue limit for the state and local governmental units, depositing excess revenue into an emergency reserve, returning excess revenue to taxpayers, elector approval for exceeding the revenue limit, state and local governmental approval for reducing the revenue limit, allowing local governmental units to raise revenue to compensate for reductions in state aid, requiring the state to reduce its revenue limit in conjunction with reduction in state aid, reimbursing the reasonable costs of imposing state mandates, standing to bring a suit to enforce the revenue limits, and requiring the approval of only one legislature to amend the revenue limit provisions (first consideration).

By Representatives Wood, Honadel, Huebsch, Gard, Pridemore, Strachota, Kerkman, Nass, Lothian, F. Lasee, J. Fitzgerald, Gundrum, Hundertmark, Jensen, Musser, Pettis, Nischke, LeMahieu, Vos, Kleefisch, Gunderson, Newcomer, Kestell, Vukmir, Suder and Montgomery; cosponsored by Senators Grothman, Lazich, Darling, S. Fitzgerald, A. Lasee, Kedzie, Kanavas, Zien, Leibham, Reynolds, Schultz and Stepp.

To committee on **Ways and Means**.

**Assembly Joint Resolution 78**

Relating to: the life and public serve of Coretta Scott King.  
By Representatives Young, A. Williams, Grigsby, Fields,  
Toles, Turner, Hebl, Sherman and Richards.  
To committee on **Rules**.

**Assembly Bill 1016**

Relating to: the acquisition of land, easements, and  
development rights in land by the Department of  
Transportation for highway projects.  
By Representatives Albers, Hahn, Owens, Bies,  
Gunderson, Towns and Nass.  
To committee on **Transportation**.

**Assembly Bill 1017**

Relating to: increasing aid to Forward Wisconsin, Inc.,  
and making an appropriation.  
By Representatives Krawczyk, Cullen, Jeskewitz, Turner,  
Fields, McCormick, Lehman, Seidel and Molepske;  
cosponsored by Senators Stepp, Plale, Harsdorf, Lassa, Zien  
and Wirch.  
To joint committee on **Finance**.

**Assembly Bill 1018**

Relating to: penalties for certain crimes committed by  
three or more persons and providing penalties.  
By Representatives Young, Albers, Musser, Ott, Turner  
and Kreuser; cosponsored by Senators Coggs and A. Lasee.  
To committee on **Criminal Justice and Homeland  
Security**.

**Assembly Bill 1019**

Relating to: background checks for certain Department of  
Transportation employees.  
By Representatives Ainsworth, Bies, Freese, Jeskewitz,  
Krawczyk, Loeffelholz, Ott, Owens, Petrowski, Townsend,  
Vos and McCormick.  
To committee on **Transportation**.

**Assembly Bill 1020**

Relating to: the privilege of self-defense.  
By Representatives Owens, Albers, Bies, Gunderson,  
Hahn, Jeskewitz, F. Lasee, Loeffelholz, Mursau, Musser,  
Nass, Petrowski and Vos; cosponsored by Senators Roessler,  
Stepp and Reynolds.  
To committee on **Criminal Justice and Homeland  
Security**.

**Assembly Bill 1021**

Relating to: inadmissibility of a statement of apology or  
condolence by a health care provider.  
By Representatives Gielow, Albers, Bies, Hahn,  
Krawczyk, Jeskewitz, Shilling, Strachota, Van Roy, Vos and  
Gundrum; cosponsored by Senators Roessler, Grothman, A.  
Lasee, Olsen and Reynolds.  
To committee on **Judiciary**.

**Assembly Bill 1022**

Relating to: exempting a city, town, village, or school  
district from the county library tax.  
By Representatives Gielow, Gottlieb, Jeskewitz and  
LeMahieu, by request of Ozaukee County Board.  
To committee on **Urban and Local Affairs**.

**Assembly Bill 1023**

Relating to: discovery in implied consent cases involving  
drunken driving and in certain prosecutions for alcohol  
beverage violations.  
By Representatives Gundrum, Ziegelbauer and Mursau;  
cosponsored by Senator Roessler.  
To committee on **Judiciary**.

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**COMMITTEE REPORTS**

The committee on **Aging and Long-Term Care** reports  
and recommends:

**Assembly Bill 785**

Relating to: protective placements and protective  
services, involuntary administration of psychotropic  
medication, and requiring the exercise of rule-making  
authority.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Townsend, Hines, Pettis,  
LeMahieu, Strachota, Krusick, Vruwink and Pope-Roberts.  
Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 8 – Representatives Townsend, Hines, Pettis,  
LeMahieu, Strachota, Krusick, Vruwink and Pope-Roberts.  
Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Townsend, Hines, Pettis,  
LeMahieu, Strachota, Krusick, Vruwink and Pope-Roberts.  
Noes: 0.

To committee on **Rules**.

**Senate Bill 312**

Relating to: expanding relocations from nursing homes  
under a community integration program to include persons  
who are diverted from imminent entry into nursing homes.

Concurrence:

Ayes: 8 – Representatives Townsend, Hines, Pettis,  
LeMahieu, Strachota, Krusick, Vruwink and Pope-Roberts.  
Noes: 0.

To committee on **Rules**.

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*JOHN TOWNSEND*

Chairperson

Committee on Aging and Long-Term Care

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

**Assembly Bill 755**

Relating to: designating the bridge on STH 141 in the town of Lena in Oconto County as the Nichole M. Frye Memorial Bridge.

Passage:

Ayes: 11 – Representatives Ainsworth, Hahn, Suder, Friske, Ott, Van Roy, Davis, Steinbrink, Gronemus, Vruwink and Nelson.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 935**

Relating to: authorizing specific information signs on certain portions of USH 151.

Passage:

Ayes: 11 – Representatives Ainsworth, Hahn, Suder, Friske, Ott, Van Roy, Davis, Steinbrink, Gronemus, Vruwink and Nelson.

Noes: 0.

To committee on **Rules**.

*JOHN AINSWORTH*  
Chairperson  
Committee on Transportation

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

**Assembly Bill 851**

Relating to: allowing a city, town, or village to allow persons to operate a neighborhood electric vehicle on local highways.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Fields and Parisi.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 7 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Fields and Parisi.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Fields and Parisi.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 852**

Relating to: requiring tracer wires in the installation of private sewage systems.

Passage:

Ayes: 7 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Fields and Parisi.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 870**

Relating to: investment of funds by the City of Milwaukee Employees' Retirement System.

Passage:

Ayes: 7 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Fields and Parisi.

Noes: 0.

To committee on **Rules**.

*DANIEL LEMAHIEU*  
Chairperson  
Committee on Urban and Local Affairs

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

**Assembly Bill 644**

Relating to: creating an income and franchise tax credit for sales taxes paid on services provided by a temporary help company.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota, Pridemore, Ziegelbauer, Toles and Fields.

Noes: 2 – Representatives Berceau and Hebl.

Assembly Substitute Amendment 1 adoption:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota, Pridemore, Berceau, Ziegelbauer, Toles and Fields.

Noes: 1 – Representative Hebl.

Passage as amended:

Ayes: 8 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota and Pridemore.

Noes: 5 – Representatives Berceau, Ziegelbauer, Toles, Hebl and Fields.

To joint committee on **Finance**.

**Assembly Bill 735**

Relating to: an income and franchise tax credit for insulating concrete forms used in the construction of any building.

Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota, Pridemore, Ziegelbauer, Toles and Fields.

Noes: 2 – Representatives Berceau and Hebl.

Passage as amended:

Ayes: 10 – Representatives Wood, Nass, Hahn, Lothian, Strachota, Pridemore, Berceau, Ziegelbauer, Toles and Fields.

Noes: 3 – Representatives Jeskewitz, Kerkman and Hebl.

To joint committee on **Finance**.

**Assembly Bill 913**

Relating to: an income and franchise tax credit for the sales and use tax paid on construction materials, labor, and services that are sold under a lump sum contract.

Assembly Substitute Amendment 1 adoption:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota, Pridemore, Berceau, Ziegelbauer, Toles and Fields.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota, Pridemore, Berceau, Ziegelbauer, Toles and Fields.

Noes: 0.

To joint committee on **Finance**.

*JEFFREY WOOD*  
Chairperson  
Committee on Ways and Means

**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 150**  
**Senate Bill 473**

**ACTION ON THE SENATE MESSAGE**

**Senate Bill 150**

Relating to: making technical and minor substantive changes in the administrative rule-making process.

By Joint Legislative Council.

To committee on **State Affairs**.

**Senate Bill 473**

Relating to: terms of office of and vacancies in the office of county highway commissioner.

By Senators Brown and Olsen; cosponsored by Representatives Gronemus, Musser and Albers.

To committee on **State Affairs**.

**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 61**  
**Assembly Joint Resolution 73**  
**Assembly Joint Resolution 74**

*PATRICK E. FULLER*  
Assembly Chief Clerk

**CHIEF CLERK REPORTS**

The Chief Clerk records:

**Assembly Bill 213**

Presented to the Governor on Tuesday, February 14.

*PATRICK E. FULLER*  
Assembly Chief Clerk

**SPEAKER'S APPOINTMENTS**

February 13, 2006

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

Dear Clerk Fuller:

Pursuant to Assembly Rule 9(2)(a) and Wisconsin State Statute Section 13.48(2), I have appointed Representative Montgomery to the Building Commission and removed Representative Fitzgerald.

Sincerely,  
*JOHN G. GARD*  
Speaker

**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison

February 13, 2006

To the Honorable Members of the Assembly:

The following bill, originating in the Assembly, has been approved, signed and deposited in the office of the Secretary of State:

Bill Number                      Act Number                      Date Approved  
**Assembly Bill 698** . . . . . 111 . . . . . February 13, 2006

Respectfully submitted,  
*JIM DOYLE*  
Governor

COMMUNICATIONS

February 13, 2006

February 13, 2006

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

Dear Mr. Fuller:

Please remove my name as a co-sponsor of Assembly Bill 853, relating to administering anesthesia in an office-based setting and requiring the exercise of rule-making authority.

Sincerely,  
*SCOTT SUDER*  
State Representative  
69th Assembly District

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

Dear Chief Clerk Fuller:

I would like to request that my name be added as a co-sponsor to Assembly Bill 1011.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,  
*RON BROWN*  
State Senator  
31st Senate District