



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

6:43 P.M.

TUESDAY, January 30, 2007

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

Speaker Huebsch in the chair.

Representative J. Fitzgerald asked unanimous consent that the prayer, pledge of allegiance and attendance roll call from special session be applied to the regular session. Granted.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Resolution 4** offered by Representative Wasserman.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 4

Relating to: the assembly rules.

By Representatives Huebsch and J. Fitzgerald.

To committee on **Rules**.

Assembly Joint Resolution 10

Relating to: the life and public service of David A. Brandemuehl.

By Representatives A. Ott, Huebsch, Kreuser, Suder, Montgomery, Townsend, Schneider, Nass, Rhoades, Hahn, Travis, Kestell, Owens, Gundrum, Boyle, Kerkman, Vos, Cullen, Nerison, Berceau, Garthwaite, Hubler, Newcomer, Ballweg and Lothian; cosponsored by Senators Schultz, Harsdorf, A. Lasee, Roessler, Cowles, Grothman and Breske.

To committee on **Rules**.

Assembly Joint Resolution 11

Relating to: the life and public service of President Gerald R. Ford.

By Representatives Roth, Bies, Hahn, Huebsch, Jeskewitz, F. Lasee, Lothian, Meyer, Nass, Nerison, Nygren, Owens, Schneider, Stone, Townsend, Vos and M. Williams; cosponsored by Senators Cowles, Darling, A. Lasee, Lazich, Leibham, Plale, Roessler, Schultz and Wirch.

To committee on **Rules**.

Assembly Joint Resolution 12

Relating to: Seymour, Wisconsin, as the home of the hamburger.

By Representative Nelson; cosponsored by Senator Cowles.

To committee on **Rules**.

Assembly Joint Resolution 13

Relating to: limiting the number of years state constitutional officers and members of the state legislature may serve in the same office (first consideration).

By Representatives Pridemore, Ziegelbauer and Kaufert; cosponsored by Senator Leibham.

To committee on **Elections and Constitutional Law**.

Assembly Bill 37

Relating to: the administration by a dentist of oral medication to induce conscious sedation.

By joint committee for review of Administrative Rules.

To committee on **Health and Healthcare Reform**.

Assembly Bill 38

Relating to: motor vehicle accidents while using a cellular telephone, cellular telephone dealers, and providing a penalty.

By Representative Owens.

To committee on **Transportation**.

Assembly Bill 39

Relating to: allowing access to pending paternity proceeding information for purposes of administering the child support establishment program.

By Representatives Seidel, Gundrum, Albers, Jeskewitz, Kessler, Kreuser, LeMahieu, Molepske, Mursau, Nelson, Newcomer, Sheridan, Steinbrink, Turner, A. Ott and Hraychuck; cosponsored by Senators Taylor, Grothman, Kedzie, Lassa, Lazich, Olsen and Cowles.

To committee on **Children and Family Law**.

Assembly Bill 40

Relating to: prohibiting the disposal in solid waste disposal facilities of dredged material that contains polychlorinated biphenyls.

By Representatives Owens, Kaufert, Kerkman and Musser; cosponsored by Senators Ellis and Risser.

To committee on **Natural Resources**.

Assembly Bill 41

Relating to: time-share licenses.

By Representatives Hines, Nass, Hahn, Mursau and A. Ott; cosponsored by Senators Lassa, Olsen, Decker, Risser and Schultz.

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

Assembly Bill 42

Relating to: the appointment of the secretary of natural resources.

By Representatives Black, Zepnick, Molepske, Sherman, Van Akkeren, Hubler, Hebl, Berceau, Pope–Roberts, Pocan, Boyle and Smith; cosponsored by Senators Wirch, Miller, Carpenter, Lassa, Risser, Hansen, Lehman, Breske and Sullivan.

To committee on **Natural Resources.**

Assembly Bill 43

Relating to: creditable military service under the Wisconsin Retirement System.

By Representatives Musser, Hubler, Petrowski, Bies, Boyle, Wood, Schneider, Kerkman, Gronemus, Hahn, Hebl, Suder, LeMahieu, Friske, Fields, Hines, Gundrum, Albers, Nelson, Kaufert, Nerison, Gunderson, A. Ott and M. Williams; cosponsored by Senators Jauch, Leibham, Hansen, Harsdorf, Erpenbach, Roessler, Sullivan, Lassa, Breske, Cogg and Plale.

To committee on **Veterans and Military Affairs.**

Assembly Bill 44

Relating to: state government holidays.

By Representatives Musser, Vos, Gronemus, Turner, Owens, Bies and Albers; cosponsored by Senator Lassa.

To committee on **State Affairs.**

Assembly Bill 45

Relating to: requiring that personal flotation devices be worn by certain underage persons in certain boats.

By Representatives Gottlieb, Staskunas, Hines, Berceau, Bies, Black, Hahn, Hebl, Hintz, Molepske, Nerison, A. Ott, Owens, Stone, Townsend and Van Roy; cosponsored by Senators Sullivan, Roessler, Miller, Cowles, Lassa, Lehman, Risser and Wirch.

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

Assembly Bill 46

Relating to: daylight saving time and closing hours for certain alcohol beverages retailers.

By Representatives Boyle, Musser, Sheridan, Turner, Sherman, Pocan and Berceau; cosponsored by Senator Breske.

To committee on **State Affairs.**

Assembly Bill 47

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

By Representatives Kaufert, Moulton, Jeskewitz, Davis, Ziegelbauer, F. Lasee, J. Fitzgerald, Petrowski, Ballweg, Kerkman, Hubler, Albers, Roth, Tauchen, Wood, Lothian,

Hines, Van Roy, A. Ott, Meyer, Hahn, Petersen, Townsend, Strachota, Murtha, Owens, Rhoades, J. Ott, Nass, Bies, Zipperer, Stone, LeMahieu, Montgomery, Friske, M. Williams, Nerison, Nygren, Musser, Kestell, Gunderson, Kramer, Kleefisch, Suder, Gundrum and Vos; cosponsored by Senators Darling, Harsdorf, Grothman, A. Lasee, Lazich, Leibham, Kapanke, Roessler, Olsen, Kanavas, Kedzie and Schultz.

To committee on **Health and Healthcare Reform.**

Assembly Bill 48

Relating to: designating and marking a bridge across the Wisconsin River in the city of Tomahawk as Veterans Memorial Bridge.

By Representatives Friske, Petrowski, Bies, Ziegelbauer, Meyer, Mursau, Nerison, Gunderson, Jeskewitz, Kerkman, M. Williams, Musser, Albers and Owens; cosponsored by Senators Breske, S. Fitzgerald, Lassa, A. Lasee, Miller, Kapanke, Grothman and Sullivan.

To committee on **Transportation.**

Assembly Bill 49

Relating to: fees charged to qualified lake associations for certain permits to control aquatic plants.

By Representatives Friske, Gronemus, Meyer, Vos, Mursau, Lothian, Petrowski, Hahn, LeMahieu, Musser, Albers, Kaufert, Nass and F. Lasee; cosponsored by Senators Breske, Schultz and Grothman.

To committee on **Natural Resources.**

Assembly Bill 50

Relating to: preparation of state agency base budget review reports.

By Representatives Friske, Meyer, Kerkman, J. Ott, Jeskewitz, Bies, Mursau, Petrowski, Nerison, Van Roy, Gunderson, Musser, Hahn, Hines, Albers, Wood, LeMahieu and F. Lasee; cosponsored by Senators Lassa, Leibham, Schultz, Cowles and Darling.

To committee on **Ways and Means.**

Assembly Bill 51

Relating to: prohibiting certain computer messages or postings that invite harassment or obscene, lewd, or profane communication and providing a penalty.

By Representatives Friske, Schneider, Bies, Petrowski, J. Ott, Mursau, Ballweg, A. Ott, Nerison, Jeskewitz, Gunderson, Musser, Townsend, Hahn and Albers; cosponsored by Senators Lassa, Darling, Roessler and Lazich.

To committee on **Criminal Justice.**

Assembly Bill 52

Relating to: an exception for law enforcement dogs to the requirement that a dog that bites a person be quarantined.

By Representatives Kerkman, Steinbrink, Albers, Bies, Gunderson, Hahn, Mursau, Musser, A. Ott, Nass, Stone and Townsend; cosponsored by Senators Lassa, Kedzie and Grothman.

To committee on **Public Health.**

Assembly Bill 53

Relating to: inadmissibility of a statement of apology or condolence by a health care provider.

By Representatives Wasserman, Jeskewitz, Benedict, Albers, Hahn, Hines, Musser, Nass, Townsend and Van Roy; cosponsored by Senators Lassa, Roessler, Darling and Schultz.

To committee on **Judiciary and Ethics**.

Assembly Bill 54

Relating to: repeat drunken driving offenders and providing a penalty.

By Representatives Staskunas, Ziegelbauer, Kerkman, Hubler, Black, Jeskewitz, Hahn, Benedict, Gundrum, Hebl, Mason, Berceau, Gunderson, Wasserman, Cullen, Molepske, Fields, Lothian and Hraychuck; cosponsored by Senators Sullivan, Roessler, Leibham, Breske, Darling, Grothman, Cogs and Kedzie.

To committee on **Judiciary and Ethics**.

COMMITTEE REPORTS

The committee on **Elections and Constitutional Law** reports and recommends:

Assembly Joint Resolution 1

Relating to: prohibiting partial vetoes from creating new sentences (second consideration).

Adoption:

Ayes: 6 – Representatives Albers, Gundrum, Montgomery, Kramer, J. Ott and Molepske.

Noes: 2 – Representatives Kessler and A. Williams.

To committee on **Rules**.

SHERYL ALBERS
Chairperson
Committee on Elections and Constitutional Law

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

Assembly Bill 19

Relating to: the filing of certain forms related to tax incremental financing district number 3 in the village of Edgar.

Passage:

Ayes: 13 – Representatives Kerkman, Lothian, Hahn, Jeskewitz, Wood, Pridemore, Strachota, Ziegelbauer, Steinbrink, Fields, Hebl, Toles and Kessler.

Noes: 0.

To committee on **Rules**.

SAMANTHA KERKMAN
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

Adopted and asks concurrence in:

Senate Joint Resolution 6

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 6

Relating to: the Professional Ambulance Association of Wisconsin.

By Senators Wirch, Miller, Olsen, Jauch, Lassa, Cowles, Darling, Schultz, Roessler, A. Lasee, Lehman, Grothman, Leibham and Erpenbach; cosponsored by Representatives Davis, M. Williams, Kerkman, Hahn, Schneider, Pope-Roberts, Ballweg, Vos, Jeskewitz, Musser, A. Ott, Petrowski, Lothian, Kaufert, Kestell, Hintz, Boyle and F. Lasee.

To committee on **Rules**.

EXECUTIVE COMMUNICATIONS

January 11, 2007

The Honorable Fred A. Risser
President of the Senate
220 South, State Capitol
Madison, WI 53702

The Honorable Michael Huebsch
Speaker of the Assembly
211 West, State Capitol
Madison, WI 53702

Dear Senator Risser and Speaker Huebsch:

I respectfully request a joint session of the Wisconsin State Legislature for January 30, 2007 at 7:00 P.M. This joint session will be for the purpose of delivering the 2007 State of the State Address.

Thank you for your consideration of this request and I look forward to addressing the full Legislature as well as the citizens of Wisconsin.

Sincerely,
JIM DOYLE
Governor

January 26, 2007

The Honorable Fred Risser
President of the Senate
220 South, State Capitol
Madison, WI 53702

The Honorable Michael Huebsch
Speaker of the Assembly
211 West, State Capitol
Madison, WI 53702

Dear Senator Risser and Speaker Huebsch:

I respectfully request an extension of the deadline to submit the 2007-2009 state budget and request a joint session of the Wisconsin State Legislature for February 13, 2007 at 7:00 P.M. This joint session will be for the purpose of delivering the 2007-2009 biennial state budget address.

Thank you for your consideration of this request and I look forward to presenting my budget to the full Legislature as well as the citizens of Wisconsin.

Sincerely,
JIM DOYLE
Governor

COMMUNICATIONS

State of Wisconsin
Joint Committee on Legislative Organization

January 26, 2007

The Honorable Jim Doyle
Governor of Wisconsin
Room 115 East, State Capitol
Madison, WI 53702

Dear Governor Doyle:

Thank you for your letter of January 26 regarding the scheduling of your budget address. We are pleased to inform you that Senate Joint Resolution 1 extends the statutory deadline to that date.

We look forward to receiving your budget message at a joint session, held February 13, 2007 at 7:00 P.M.

Sincerely,
PRESIDENT FRED A. RISSER
Co-chair
SPEAKER MIKE HUEBSCH
Co-chair

SPEAKER'S APPOINTMENTS

January 24, 2007

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

Dear Chief Clerk Fuller:

This letter is to inform you of a change on the Assembly Committee on Aging and Long-Term Care. I am removing

Representative Carol Owens and replacing her with Representative Bill Kramer.

Thank you for your assistance. Please let me know if you should have any questions or concerns.

Sincerely,
MIKE HUEBSCH
Assembly Speaker

January 30, 2007

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

Dear Chief Clerk Fuller:

This letter is to inform you of a change, due to a clerical error, on the Assembly Committee on Consumer Protection and Personal Privacy. Per the request I received from Minority Leader Jim Kreuser, please remove Representative Jennifer Shilling from this committee and replace her with Representative Christine Sinicki. I am requesting that this change be effective immediately.

Thank you for your assistance. Please let me know if you should have any questions or concerns.

Sincerely,
MIKE HUEBSCH
Assembly Speaker

January 30, 2007

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

Dear Chief Clerk Fuller:

This letter is to inform you of a change on the Assembly Committee on Tourism, Recreating and State Properties. Per the request I received from Minority Leader Jim Kreuser, please remove Representative Frank Boyle from this committee. A new minority member will be appointed at a later date.

Thank you for your assistance. Please let me know if you should have any questions or concerns.

Sincerely,
MIKE HUEBSCH
Assembly Speaker

Speaker Huebsch appointed Representatives Hahn and Smith to escort Governor Jim Doyle from his office to the Assembly Chamber.

The Assembly Sergeant-at-Arms Rick Skindrud announced the arrival of the Honorable Justices of the Wisconsin Supreme Court.

The Assembly stood informal.

The Assembly Sergeant-at-Arms Rick Skindrud announced the arrival of the members of the Wisconsin State Senate.

JOINT CONVENTION

The houses went into joint convention.

Senate President Risser presiding.

Senator Risser recognized the presence of Chief Justice Shirley Abrahamson, Justice Jon P. Wilcox, Justice Ann Walsh Bradley, Justice David Prosser, Jr., Justice Patience Drake Roggensack and Justice Louis B. Butler, Jr. of the Wisconsin Supreme Court; Lieutenant Governor Barbara Lawton, State Treasurer Dawn Marie Sass, Attorney General J.B. Van Hollen and Superintendent of Public Instruction Elizabeth Burmaster.

The Assembly Sergeant-at-Arms Rick Skindrud announced the arrival of Governor Jim Doyle.

Escorted by Senators Lasee and Lehman, and Representatives Hahn and Smith, Governor Jim Doyle took his place at the rostrum to deliver his state of the state address.

Pursuant to Joint Rule 73, the governor's message is printed in the Senate journal only.

Speaker Huebsch moved that the joint convention arise.

The question was: Shall the joint convention arise?

Motion carried.

7:56 P.M.

ADJOURNMENT

Representative J. Fitzgerald moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, February 1.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

7:57 P.M.