



# STATE OF WISCONSIN Assembly Journal

## Ninety-Eighth Regular Session

11:30 A.M.

TUESDAY, July 3, 2007

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

Representative LeMahieu in the chair.

The Assembly dispensed with the call of the roll.

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### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 77** offered by Representative Sherman.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 07-021**

Relating to rules concerning electric safety—Revision of Volume 1 of the Wisconsin State Electrical Code.  
Submitted by Public Service Commission.  
Report received from Agency, June 28, 2007.  
To committee on **Energy and Utilities**.  
Referred on July 3, 2007.

#### **Assembly Clearinghouse Rule 07-023**

Relating to annual audited financial reports, annual financial statements, and examinations and affecting small business.  
Submitted by Insurance Commissioner.  
Report received from Agency, June 28, 2007.  
To committee on **Insurance**.  
Referred on July 3, 2007.

#### **Assembly Clearinghouse Rule 07-053**

Relating to the health insurance risk-sharing plan.  
Submitted by Department of Health and Family Services.  
Report received from Agency, June 25, 2007.  
To committee on **Insurance**.  
Referred on July 3, 2007.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 428**

Relating to: the implementation and administration of federal education laws.

By Representatives Schneider, A. Williams, Zepnick, Gronemus, Soletski, Sheridan, Staskunas, Turner, Vruwink, Molepske and Fields.

To committee on **Education**.

#### **Assembly Bill 429**

Relating to: regulating the sale and purchase of scrap metal and providing penalties.

By Representatives Schneider, Hraychuck, J. Ott, Gronemus and Vruwink.

To committee on **Labor and Industry**.

#### **Assembly Bill 430**

Relating to: a sales tax and use tax exemption for nonprescription drugs.

By Representatives Jorgensen, Black, Sheridan, Staskunas, Zepnick, Turner, Hraychuck, Parisi, Sinicki, Berceau, Nelson, Albers, Gunderson, J. Ott, A. Williams and Vukmir; cosponsored by Senators Carpenter, Olsen, Darling and Roessler.

To committee on **Ways and Means**.

#### **Assembly Bill 431**

Relating to: admitting prior testimony of a felony victim at a probation, parole, or extended supervision revocation hearing.

By Representatives Kreuser, Hixson, Nelson, Hraychuck, Musser, Petrowski, Berceau, Bies, Seidel, Townsend, Boyle and Sheridan; cosponsored by Senators Plale, Hansen and Lassa.

To committee on **Corrections and Courts**.

#### **Assembly Bill 432**

Relating to: renewals and extensions of business contracts.

By Representatives Kreuser, Gunderson, Petrowski, Seidel, Schneider, Townsend, A. Williams, Fields, Kerkman, Musser, Turner, Hahn and Jeskewitz; cosponsored by Senators Wirch, Lehman, Plale, Breske and Lassa.

To committee on **Small Business**.

**Assembly Bill 433**

Relating to: the disclosure of certain library records to law enforcement officers.

By Representatives Kaufert, Hahn, Gronemus, Albers, Gunderson, Jeskewitz, LeMahieu, Nass, Montgomery, A. Ott, Petrowski, Townsend and Van Roy; cosponsored by Senators Ellis, Plale, Cowles, Lassa, Olsen and Roessler.

To committee on **Judiciary and Ethics**.

**Assembly Bill 434**

Relating to: the State Public Defender reimbursement rate for private attorneys and time for the State Public Defender to make indigency determinations and assign counsel.

By Representative Kessler.

To committee on **Corrections and Courts**.

**Assembly Bill 435**

Relating to: drunken driving and providing a penalty.

By Representatives Staskunas, Pope–Roberts, A. Ott, J. Ott, Turner, Berceau, Black, Sheridan, Gottlieb and Albers; cosponsored by Senators Lehman, Miller, Darling, Roessler and Kedzie.

To committee on **Judiciary and Ethics**.

**Assembly Bill 436**

Relating to: placement of pets in a divorce.

By Representative Albers; cosponsored by Senator Roessler.

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

**Assembly Bill 437**

Relating to: sanctions for providing access to certain investigatory and prosecutorial records or information in the possession of the Government Accountability Board or another investigator or prosecutor and providing a penalty.

By Representatives Albers and Hahn; cosponsored by Senator Schultz.

To committee on **Judiciary and Ethics**.

**Assembly Bill 438**

Relating to: creating a task force to develop a plan to reduce the number of counties in this state.

By Representatives Wasserman, F. Lasee, Zepnick and Berceau; cosponsored by Senator Sullivan.

To committee on **State Affairs**.

**Assembly Bill 439**

Relating to: technical college adult basic education programs, eligibility for Wisconsin higher education grants, and granting rule–making authority.

By Joint Legislative Council.

To committee on **Colleges and Universities**.

**Assembly Bill 440**

Relating to: a loan program for pharmacy students who agree to practice pharmacy in pharmacy professional shortage areas in this state, requiring the exercise of rule–making authority, and making an appropriation.

By Representatives Mursau, Tauchen, Albers, Berceau, Gronemus, Hines, Musser, A. Ott, Owens and Townsend; cosponsored by Senators Erpenbach, Darling, Lassa, Olsen and Schultz.

To committee on **Public Health**.

**Assembly Bill 441**

Relating to: eligibility for the public school Open Enrollment Program for certain residents of the Marinette School District.

By Representatives Mursau and Nygren.

To committee on **Education**.

**Assembly Bill 442**

Relating to: special distinguishing registration plates associated with Donate Life Wisconsin, the promotion of organ and tissue donation in this state, granting rule–making authority, and making appropriations.

By Representatives Ballweg, Berceau, Davis, Grigsby, Mursau, A. Ott, Staskunas and Ziegelbauer; cosponsored by Senators Taylor, Cowles, Erpenbach, Olsen, Plale, Schultz and Wirch.

To committee on **Transportation**.

**Assembly Bill 443**

Relating to: creating an individual income tax checkoff for the Special Olympics Wisconsin, Incorporated, and making an appropriation.

By Representatives Nygren, Zepnick, Gunderson, Hebl, Hraychuck, Molepske, Mursau, A. Ott, J. Ott, Seidel, Sheridan, Smith, Suder, Turner, Van Roy and Vos; cosponsored by Senators Lassa, Breske, Coggs, Darling, Erpenbach, Hansen, Kedzie, Lehman, Leibham, Roessler and Schultz.

To committee on **Ways and Means**.

**Assembly Bill 444**

Relating to: the location for receipt of bids to perform work on state construction projects.

By Representatives Hubler, Boyle, M. Williams, Townsend and Hahn; cosponsored by Senators Kreitlow, Schultz, Erpenbach and Harsdorf.

To committee on **State Affairs**.

**Assembly Bill 445**

Relating to: changes to the Health Insurance Risk–Sharing Plan.

By Representative F. Lasee; cosponsored by Senator Breske.

To committee on **Insurance**.

**Assembly Bill 446**

Relating to: reimbursement for damages caused by dogs and the use of funds derived from the licensing of dogs.

By Representatives Hines, A. Ott, Albers, Townsend, Musser and Petrowski; cosponsored by Senator Olsen.

To committee on **Agriculture**.

## COMMITTEE REPORTS

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

### Assembly Bill 239

Relating to: automated teller machine charges for international accounts.

Passage:

Ayes: 10 – Representatives Newcomer, Kaufert, Wieckert, Townsend, Kramer, Roth, Richards, Zepnick, Nelson and Hixson.

Noes: 0.

To committee on **Rules**.

*SCOTT NEWCOMER*  
Chairperson  
Committee on Financial Institutions

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The committee on **Homeland Security and State Preparedness** reports and recommends:

### Assembly Bill 262

Relating to: requirements to successfully complete training on use of an automated external defibrillator, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

Assembly Substitute Amendment 2 adoption:

Ayes: 7 – Representatives Ballweg, Kerkman, Musser, Petersen, Sinicki, Schneider and Ziegelbauer.

Noes: 0.

Passage as amended:

Ayes: 5 – Representatives Ballweg, Kerkman, Petersen, Sinicki and Schneider.

Noes: 2 – Representatives Musser and Ziegelbauer.

To committee on **Rules**.

### Assembly Bill 321

Relating to: designation of state agency status for certain health care facilities that use volunteer providers during a declared state of emergency; declarations of emergencies by counties; immunity from liability for qualified food and emergency household products; creating an interoperability council; and requiring public and private schools to conduct tornado or other hazard drills.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Ballweg, Kerkman, Musser, Petersen, Sinicki, Schneider and Ziegelbauer.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Ballweg, Kerkman, Petersen, Sinicki, Schneider and Ziegelbauer.

Noes: 1 – Representative Musser.

To committee on **Rules**.

*JOAN BALLWEG*

Chairperson

Committee on Homeland Security and State Preparedness

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The committee on **Judiciary and Ethics** reports and recommends:

### Assembly Bill 224

Relating to: immunity from liability for a health care provider, health care facility, or employee of a health care provider or health care facility that, in good faith, reports a violation of the law or of a clinical or ethical standard by another health care provider, health care facility, or employee of a health care provider or health care facility.

Assembly Amendment 2 adoption:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

### Assembly Bill 335

Relating to: preliminary hearings for allegations of sexual exploitation by a therapist.

Passage:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

### Assembly Bill 337

Relating to: battery or threat to witnesses and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 338**

Relating to: aiding or harboring a felon.

Passage:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 368**

Relating to: the time period to petition to review an administrative decision.

Passage:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 372**

Relating to: awarding costs in administrative agency actions.

Passage:

Ayes: 7 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore and Turner.

Noes: 3 – Representatives Staskunas, Hintz and Kessler.

To committee on **Rules**.

**Assembly Bill 373**

Relating to: an exemption from the witness exclusion rule in criminal and delinquency proceedings for a law enforcement officer designated by the state.

Passage:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

*MARK GUNDRUM*  
Chairperson  
Committee on Judiciary and Ethics

**COMMUNICATIONS**

State of Wisconsin  
Revisor of Statutes Bureau  
Madison

**DATE:** July 1, 2007

**TO:** Patrick E. Fuller  
Assembly Chief Clerk

Robert Marchant  
Senate Chief Clerk

**FROM:** Gary L. Poulson  
Assistant Revisor of Statutes

**SUBJECT:** Rules published in the June 30, 2007, Wisconsin Administrative [Register, No. 618](#).

The following rules have been published:

<a href="#">Clearinghouse Rule 03-118</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 05-052</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 05-093</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 05-104</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 06-019</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 06-037</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 06-099</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 06-106</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 06-111</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 06-117</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 06-129</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 07-001</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 07-002</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 07-003</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 07-009</a>	effective	07-01-2007
<a href="#">Clearinghouse Rule 07-010</a>	effective	07-01-2007

July 2, 2007

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, WI 53708

Dear Patrick:

Please add my name as a co-author of Assembly Bill 309.  
Thank you.

Sincerely,  
*TERESE BERCEAU*  
State Representative  
76th Assembly District

July 2, 2007

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, WI 53708

Dear Patrick:

I am pleased to transmit to you the following reports to the 2007 Legislature on legislation introduced by the Joint Legislative Council:

RL 2007-018 Special Committee on Recodification of Chapter 21, Military Affairs [2007 Assembly Bill 400]

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

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Health and Family Services  
Madison

June 22, 2007

To the Honorable, the Legislature:

Pursuant to Wis. Stats., s. [50.04\(5\)\(fr\)](#), I am submitting the Department's annual report to the Legislature related to class A violations committed by nursing homes, including facilities serving individuals with developmental disabilities, and forfeitures assessed on nursing homes for those violations.

As defined by Wis. Stat., s. [50.04\(4\)\(3b\)](#), a class A violation is "... a violation of this subchapter or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a nursing home presenting a substantial probability that death or serious mental or physical harm to a resident will result...."

The Department issued 43 class A violations in calendar year 2006. The enclosed report provides details on all class A violations, including the original forfeiture amount assessed and the status of payment.

Sincerely,  
*KEVIN R. HAYDEN*  
Secretary

Referred to committee on **Aging and Long-Term Care**.

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Wisconsin Hospital Association  
2005 Health Care Data Report  
Madison

July 2, 2007

To the Honorable, the Assembly:

Enclosed is a hard copy of the 2005 Health Care Data Report produced by WHA Information Center pursuant to s. [153.22](#), Wis. Stats. The report was posted on our Web site in March 2007. 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 [jkachelski@wha.org](mailto:jkachelski@wha.org).

Sincerely,  
*JOSEPH KACHELSKI*  
Vice President, WHA Information Center

Referred to committee on **Health and Health Care Reform**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

June 26, 2007

To the Honorable, the Assembly:

As required by s. [13.94\(1\)\(em\)](#), Wis. Stats., we have completed our annual financial audit and biennial program evaluation of the Wisconsin Lottery, which is administered by the Department of Revenue. We have issued an unqualified opinion on financial statements prepared by the Wisconsin Lottery for fiscal year (FY) 2005-06 and FY 2004-05.

Over the past five years, total sales increased 19.0 percent, from \$427.6 million in FY 2001-02 to \$509.0 million in FY 2005-06. Net lottery proceeds provided \$133.3 million in property tax relief in FY 2005-06.

To maximize revenue from sales and increase the net proceeds available to fund property tax relief, the Wisconsin Lottery seeks to maintain player interest by offering a variety of games at different prices. It has improved its instant game development and management practices since our 2005 evaluation (report 05-8) and modified the Retailer Performance program, which provides performance-based incentives to retailers.

The annual product information budget for the Wisconsin Lottery has been \$4.6 million since FY 1990-91. Proposals are pending in the Legislature to increase the product information budget to \$7.5 million annually.

We appreciate the courtesy and cooperation extended to us by Wisconsin Lottery staff in the Department of Revenue. The Department's response follows the appendices.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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## ADJOURNMENT

Representative Petrowski moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, July 5.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

11:31 A.M.