



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

THURSDAY, December 6, 2007

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 371** offered by Representative Albers.

Assembly substitute amendment 1 to **Assembly Bill 388** offered by Representative Newcomer.

Assembly amendment 1 to **Assembly Bill 483** offered by committee on **Public Health**.

Assembly substitute amendment 1 to **Assembly Bill 504** offered by Representatives Gunderson and Black.

Assembly substitute amendment 1 to **Assembly Bill 578** offered by Representative Musser.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 07-005

Relating to small business enforcement discretion, and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, November 21, 2007.

To committee on **Small Business**.

Referred on December 6, 2007.

Assembly Clearinghouse Rule 03-124

Relating to secure detention facilities and juvenile portions of a county jail.

Submitted by Department of Corrections.

Report received from Agency, November 27, 2007.

To committee on **Corrections and Courts**.

Referred on December 6, 2007.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 78

Relating to: commending the Aquinas High School's football team and Head Coach Dan Coughlin.

By Representatives Shilling and Huebsch; cosponsored by Senator Kapanke.

To committee on **Rules**.

Assembly Joint Resolution 79

Relating to: commending the West Salem High School football team.

By Representative Huebsch; cosponsored by Senator Kapanke.

To committee on **Rules**.

Assembly Joint Resolution 80

Relating to: the life and military service of Corporal Rachael L. Hugo.

By Representative Travis; cosponsored by Senator Erpenbach.

To committee on **Rules**.

Assembly Joint Resolution 81

Relating to: eliminating the spring election (first consideration).

By Representatives Sherman, Musser, Zepnick and Hraychuck.

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

Assembly Bill 614

Relating to: creating an income and franchise tax credit for constructing and operating a data center that is designed for maximum energy efficiency and minimum environmental impact and providing an exemption from rule-making procedures.

By Representatives Strachota, Hahn, Petrowski, Pridemore, Kleefisch and Gunderson; cosponsored by Senators Kanavas, Darling and Leibham.

To committee on **Ways and Means**.

Assembly Bill 615

Relating to: service on foreign corporations (suggested as remedial legislation by the Office of the Secretary of State).

By Law Revision Committee.

To committee on **Financial Institutions**.

Assembly Bill 616

Relating to: authorization to administer the Program for All-Inclusive Care for the Elderly under the Medical Assistance program (suggested as remedial legislation by the Department of Health and Family Services).

By Law Revision Committee.

To committee on **Aging and Long Term Care**.

Assembly Bill 617

Relating to: adding the definition of fiscal year to abandoned property reporting requirements law and assessment of a service charge after June 30 regarding abandoned property (suggested as remedial legislation by the Office of the State Treasurer).

By Law Revision Committee.

To committee on **Financial Institutions**.

COMMITTEE REPORTS

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

Assembly Bill 209

Relating to: crimes against children and providing penalties.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Kleefisch, Friske, Albers, Owens, Kramer, Turner, Staskunas and Grigsby.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 8 – Representatives Kleefisch, Friske, Albers, Owens, Kramer, Turner, Staskunas and Grigsby.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Kleefisch, Friske, Albers, Owens, Kramer, Turner, Staskunas and Grigsby.

Noes: 0.

To committee on **Rules**.

JOEL KLEEFISCH
Chairperson
Committee on Criminal Justice

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

Assembly Bill 404

Relating to: payment of the costs of advanced placement examinations taken by certain pupils.

Passage:

Ayes: 10 – Representatives Davis, Newcomer, Nass, Townsend, Vukmir, Nygren, Pope–Roberts, Mason, Van Akkeren and Hixson.

Noes: 0.

To committee on **Rules**.

Senate Bill 249

Relating to: payment of the costs of advanced placement examinations taken by certain pupils.

Concurrence:

Ayes: 10 – Representatives Davis, Newcomer, Nass, Townsend, Vukmir, Nygren, Pope–Roberts, Mason, Van Akkeren and Hixson.

Noes: 0.

To committee on **Rules**.

BRETT DAVIS
Chairperson
Committee on Education

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

Assembly Bill 531

Relating to: the frequency of wage payments to volunteer fire fighters and emergency medical technicians.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Ballweg, Kerkman, Musser, Hines, Petersen, Schneider, Ziegelbauer and Benedict.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Ballweg, Kerkman, Musser, Hines, Petersen, Schneider, Ziegelbauer and Benedict.

Noes: 0.

To committee on **Rules**.

Assembly Bill 581

Relating to: prohibiting exercise of emergency powers to restrict activities related to firearms or ammunition.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Ballweg, Kerkman, Musser, Hines, Petersen, Schneider, Ziegelbauer and Benedict.

Noes: 0.

Passage as amended:

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

Noes: 1 – Representative Benedict.

To committee on **Rules**.

Assembly Bill 590

Relating to: authorizing a sheriff to depute certain security officers who are employed by the department of military affairs.

Assembly Amendment 1 adoption:

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

Noes: 1 – Representative Benedict.

Passage as amended:

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

Noes: 1 – Representative Benedict.

To committee on **Rules**.

JOAN BALLWEG
Chairperson

Committee on Homeland Security and
State Preparedness

The committee on **Labor and Industry** reports and recommends:

Assembly Bill 294

Relating to: a state electrical wiring code; regulation of electricians, electrical contractors, and electrical inspectors; inspections of electrical wiring; regulation of electrical wiring; regulation of heating and air conditioning contractors by a county with a population of 500,000 or more; and granting rule-making authority.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Honadel, Gottlieb, Nass, Newcomer, Murtha, Nelson, Sheridan and Van Akkeren.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 8 – Representatives Honadel, Gottlieb, Nass, Newcomer, Murtha, Nelson, Sheridan and Van Akkeren.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Honadel, Gottlieb, Nass, Newcomer, Murtha, Nelson, Sheridan and Van Akkeren.

Noes: 0.

To joint committee on **Finance**.

MARK HONADEL
Chairperson
Committee on Labor and Industry

The committee on **Public Health** reports and recommends:

Assembly Bill 483

Relating to: abatement or removal of human health hazards, requirements for certain local health officers, personnel of a local health department, state agency status for certain physicians, community health improvement plans, emergency medical services, requiring the exercise of rule-making authority, and providing penalties.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Hines, Ballweg, Moulton, Nerison, Benedict, Wasserman, Schneider and Black.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Hines, Ballweg, Moulton, Nerison, Benedict, Wasserman, Schneider and Black.

Noes: 0.

To committee on **Rules**.

J.A. HINES
Chairperson
Committee on Public Health

The committee on **Rural Economic Development** reports and recommends:

Senate Bill 148

Relating to: exempting an assessor and an assessor's staff from liability for trespassing and creating immunity from civil liability.

Concurrence:

Ayes: 7 – Representatives Mursau, A. Ott, Wood, Murtha, Garthwaite, Hilgenberg and Hixson.

Noes: 2 – Representatives M. Williams and Nelson.

To committee on **Rules**.

JEFFREY MURSAU
Chairperson
Committee on Rural Economic
Development

The committee on **Small Business** reports and recommends:

Assembly Bill 358

Relating to: exempting residential lifts from the statutes regulating the installation and operation of elevators and similar conveyances, rules implementing the statutes regulating the installation and operation of elevators and similar conveyances, and delaying the effective date for statutes regulating the installation and operation of elevators and similar conveyances.

Assembly Substitute Amendment 1 adoption:

Ayes: 5 – Representatives Moulton, Murtha, Townsend, Van Roy and Ballweg.

Noes: 3 – Representatives Hilgenberg, Hebl and Soletski.

Passage as amended:

Ayes: 5 – Representatives Moulton, Murtha, Townsend, Van Roy and Ballweg.

Noes: 3 – Representatives Hilgenberg, Hebl and Soletski.

To committee on **Rules**.

TERRY MOULTON
Chairperson
Committee on Small Business

The committee on **State Affairs** reports and recommends:

Assembly Bill 212

Relating to: designating a state tartan.

Passage:

Ayes: 9 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Young, Toles and Benedict.

Noes: 0.

To committee on **Rules**.

Assembly Bill 410

Relating to: legislative committee review period of administrative rules and revisor consent regarding technical standards in rules.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Toles, Benedict and Sinicki.
Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Toles, Benedict and Sinicki.
Noes: 0.

To committee on **Rules**.

Assembly Bill 450

Relating to: flying of the United States flag at public buildings, structures, and facilities.

Passage:

Ayes: 9 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Toles, Benedict and Sinicki.
Noes: 0.

To committee on **Rules**.

Assembly Bill 500

Relating to: issuance of retail intoxicating liquor licenses.

Passage:

Ayes: 9 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Young, Toles and Benedict.
Noes: 0.

To committee on **Rules**.

Assembly Bill 582

Relating to: changing the requirements for the publication of certain actions taken by certain local governments.

Passage:

Ayes: 9 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Young, Toles and Benedict.
Noes: 0.

To committee on **Rules**.

Assembly Joint Resolution 5

Relating to: renaming the decorated tree on display in the Capitol rotunda during the Christmas holiday season as the Wisconsin State Christmas Tree.

Adoption:

Ayes: 8 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Young and Toles.
Noes: 1 – Representative Benedict.

To committee on **Rules**.

KARL VAN ROY
Chairperson
Committee on State Affairs

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

Assembly Bill 363

Relating to: limiting the scope of direct legislation.

Assembly Amendment 1 adoption:

Ayes: 5 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian and Pridemore.
Noes: 3 – Representatives Berceau, Turner and Hintz.

Passage as amended:

Ayes: 5 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian and Pridemore.
Noes: 3 – Representatives Berceau, Turner and Hintz.

To committee on **Rules**.

Assembly Bill 527

Relating to: authorizing an elective member of a political subdivision's governing body to refuse his or her salary.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian, Pridemore, Berceau, Turner and Hintz.
Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian, Pridemore, Berceau, Turner and Hintz.
Noes: 0.

To committee on **Rules**.

Assembly Bill 580

Relating to: objecting to property tax assessments.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian, Pridemore, Berceau, Turner and Hintz.
Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian, Pridemore, Berceau, Turner and Hintz.
Noes: 0.

To committee on **Rules**.

MARK GOTTLIEB
Chairperson
Committee on Urban and Local Affairs

REFERENCE BUREAU CORRECTIONS

Assembly Bill 391

1. Page 4, line 3: delete "118.25" and substitute "118.125".

COMMUNICATIONS

November 30, 2007

December 6, 2007

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

Dear Chief Clerk Fuller:

I wish to be added as a co-sponsor to Senate Bill 1, relating to authorizing library boards to transfer a gift, bequest, or endowment to certain charitable organizations.

Sincerely,
KARL VAN ROY
State Representative
90th Assembly District

December 6, 2007

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

Dear Chief Clerk Fuller:

Please add my name as a co-sponsor of Assembly Bill 395.

Sincerely,
LENA TAYLOR
State Senator
4th Senate District

REFERRAL OF AGENCY REPORTS

Wisconsin Hospital Association
Guide to Wisconsin Hospitals Fiscal Year 2005
Madison

November 29, 2007

To the Honorable, the Legislature:

Enclosed is a hard copy of the Guide to Wisconsin Hospitals Fiscal Year 2005 produced by WHA Information Center pursuant to s. 153.22, Wis. Stats. The report was posted on our Web site in July 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.

Sincerely,
JOSEPH KACHELSKI
Vice President, WHA Information Center.

Referred to committee on **Health**.

State of Wisconsin
Department of Administration
Madison

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of October 2007.

On October 1, 2007, the Dry Cleaner Environmental Response Fund cash balance closed at a negative \$55 thousand. This negative balance continued through October 27, 2007, when the fund’s cash balance closed at a positive \$11 thousand. The Dry Cleaner Environmental Response Fund cash balance reached its intra-month low of a negative \$58 thousand on October 4, 2007. The negative balance was due to the difference in the timing of revenues and expenditures.

On October 1, 2007, the Wisconsin Health Education Loan Repayment Fund cash balance closed at a negative \$2 thousand. This negative balance continued through October 31, 2007, when the fund’s cash balance closed at a negative \$2 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On October 4, 2007, the Worker’s Compensation Fund cash balance closed at a negative \$1.7 million. This negative balance continued through October 31, 2007, when the fund’s cash balance closed at a negative \$1.8 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On October 29, 2007, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$51.3 million (its intra-month low). This negative balance continued through October 31, 2007, when the fund’s cash balance closed at a negative \$46.2 million. The negative balance was due to the transfer of \$71.5 million to the General Fund per 2007 Wisconsin Act 20, and the pending liquidation of fund securities necessary to offset this shortfall.

The Dry Cleaner Environmental Response Fund, Wisconsin Health Education Loan Repayment Fund, Worker’s Compensation Fund, and the Injured Patients and Families Compensation Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,
MICHAEL L. MORGAN
Secretary

Referred to committee on **Ways and Means**.