



# STATE OF WISCONSIN Assembly Journal

## Ninety-Eighth Regular Session

10:32 A.M.

TUESDAY, January 29, 2008

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.

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### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 485** offered by committee on **Financial Institutions**.

Assembly amendment 1 to **Assembly Bill 495** offered by Representative Mursau.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 515** offered by Representative Bies.

Assembly amendment 1 to **Assembly Bill 525** offered by Representative Zepnick.

Assembly amendment 1 to **Assembly Bill 568** offered by committee on **Financial Institutions**.

Assembly amendment 1 to **Assembly Bill 672** offered by Representative Gunderson.

Assembly amendment 1 to **Assembly Bill 677** offered by Representative Owens.

Assembly amendment 1 to **Assembly Bill 681** offered by Representative Friske.

Assembly substitute amendment 1 to **Assembly Bill 697** offered by Representative Davis.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 07-071**

Relating to child care certification and affecting small businesses.

Submitted by Department of Workforce Development.

Report received from Agency, January 25, 2008.

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

Referred on January 29, 2008.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 93**

Relating to: proclaiming June 7, 2008, as Proper Drug Disposal Day.

By Representatives Hebl, Rhoades, Black, Sheridan, Sinicki, Hahn, Smith, Travis, Turner, Benedict, Berceau, Jeskewitz, Wasserman, Townsend, A. Williams and A. Ott; cosponsored by Senators Risser, Miller, Roessler, Olsen, Cowles, Lehman and Plale.

To committee on **Rules**.

#### **Assembly Joint Resolution 94**

Relating to: proclaiming May 16, 17, and 18, 2008, Syttende Mai Weekend.

By Representatives Hebl, Nerison, Petrowski, Benedict, Kerkman, Mason, Boyle, Pocan, Musser, Travis, Turner, Berceau, Sheridan, Hahn, Gunderson, Albers, Townsend and Owens; cosponsored by Senators Miller, Taylor, Lazich, Coggs, Olsen, Hansen, Lehman and Erpenbach.

To committee on **Rules**.

#### **Assembly Joint Resolution 95**

Relating to: celebrating March 1, 2008, as St. David's Day.

By Representatives Owens, Albers, Bies and Hahn; cosponsored by Senators Roessler, Grothman, Coggs, Hansen, Lehman and Plale.

To committee on **Rules**.

#### **Assembly Bill 733**

Relating to: requiring ignition interlock devices for certain motor vehicle violations.

By Representatives Kaufert, Staskunas, Roth, Smith, Montgomery, Lothian, Ziegelbauer, Owens, A. Ott, Turner, Sheridan, Soletski, Kerkman and Davis; cosponsored by Senator Roessler.

To committee on **Judiciary and Ethics**.

#### **Assembly Bill 734**

Relating to: operating while intoxicated and providing a penalty.

By Representatives Musser, Vruwink, Bies, Boyle, Albers, Van Akkeren, Hahn and Vos; cosponsored by Senator A. Lasee.

To committee on **Judiciary and Ethics**.

**Assembly Bill 735**

Relating to: petitions and management plans for the designation of managed forest land, transferrals of ownership of managed forest land, establishing stumpage values and estimating withdrawal taxes under the managed forest land program, signatures and authentication requirements for orders under the forest croplands program, granting rule-making authority, and making an appropriation.

By Representatives Friske, Mursau, Bies, Townsend and Musser; cosponsored by Senators Breske and Hansen.

To committee on **Forestry**.

**Assembly Bill 736**

Relating to: standards for emergency management programs for public works departments.

By Representatives Ballweg, Albers, Benedict, Berceau, Hahn, Jeskewitz, Molepske, Sinicki and Turner; cosponsored by Senators Robson, Hansen, Lassa, Schultz and Taylor.

To committee on **Homeland Security and State Preparedness**.

**Assembly Bill 737**

Relating to: an integrated crime alert network.

By Representative Bies; cosponsored by Senator Plale.

To committee on **Criminal Justice**.

**Assembly Bill 738**

Relating to: creating a Catastrophic Care Authority and making an appropriation.

By Representatives Hilgenberg, Jorgensen, Nelson, Shilling, Gronemus, Zepnick, Musser, Turner, Berceau, Hixson, Boyle, Sheridan, Garthwaite, Mason, Hraychuck, Fields, Staskunas, Kreuser, Hebl and Vruwink; cosponsored by Senators Roessler, Harsdorf, Taylor, Schultz, Hansen and Kreitlow.

To committee on **Insurance**.

**Assembly Bill 739**

Relating to: preparation and legislative consideration of a biennial budget bill.

By Representatives Zipperer, Vukmir, Roth, Ballweg, Bies, Davis, Gunderson, Hahn, Honadel, Jeskewitz, Kerkman, Kleefisch, Kramer, F. Lasee, LeMahieu, Lothian, Moulton, Musser, Nass, Nygren, Owens, Petersen, Pridemore, Strachota, Townsend, Van Roy, Vos and Wood; cosponsored by Senators Leibham, Kanavas, Cowles, Darling, Ellis, Grothman, Harsdorf, Kapanke, Lazich, Roessler and Schultz.

To joint committee on **Finance**.

**Assembly Bill 740**

Relating to: permitting a researcher, under certain conditions, access to cancer information reported to the Department of Health and Family Services, prohibiting certain other use or redisclosure of the information, creating civil liability for violation of the prohibitions, making an appropriation, and providing penalties.

By Representatives Shilling, Wieckert, Vruwink, Sheridan, Musser, Richards, Davis, Van Akkeren, Suder, Hebl, Jeskewitz, Black, Pope-Roberts, Mason, Murtha, Grigsby, Hilgenberg, Young, Seidel, Moulton, Benedict,

Bies, Townsend, Boyle, Parisi, Newcomer, Berceau, Mursau, Soletski, A. Ott, A. Williams, Fields, Gunderson, Nelson, Nerison, Sinicki, Garthwaite, Owens, Hixson, Wood, Kaufert, Wasserman and Van Roy; cosponsored by Senators Sullivan, Kreitlow, Schultz, Robson, Miller, Cowles, Lehman, Kapanke, Olsen, Risser, Roessler, Plale, Hansen, Lassa, Darling, Taylor and Coggs.

To committee on **Public Health**.

**Assembly Bill 741**

Relating to: cleanup and consolidation of Department of Commerce economic development programs, establishing a comprehensive annual reporting requirement, requiring the development of programmatic goals and accountability measures for economic development grants and loans, requiring the exercise of rule-making authority, and making an appropriation.

By Representatives Jeskewitz, Strachota, Fields, Hilgenberg, Van Roy, Ballweg, Kerkman, Smith, Mason, Musser, M. Williams, Hahn, Davis, Hraychuck, Mursau, Sheridan, Vos, Owens, Hintz, Petersen, Sinicki, Kramer, Moulton, Garthwaite, Nerison and Lothian; cosponsored by Senators Sullivan, Cowles, Lassa, Vinehout, Roessler, Harsdorf, Lehman and Olsen.

To committee on **Jobs and The Economy**.

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**COMMITTEE REPORTS**

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

**Assembly Bill 231**

Relating to: rules requiring that certain buildings be superinsulated.

Passage:

Ayes: 7 – Representatives Wieckert, Stone, Townsend, Honadel, Hebl, Young and A. Williams.

Noes: 0.

To committee on **Rules**.

**Senate Bill 28**

Relating to: exemption from construction standards for certain load-bearing dimension lumber.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Wieckert, Stone, Townsend, Honadel, Hebl, Young and A. Williams.

Noes: 0.

Concurrence as amended:

Ayes: 7 – Representatives Wieckert, Stone, Townsend, Honadel, Hebl, Young and A. Williams.

Noes: 0.

To committee on **Rules**.

*STEVE WIECKERT*  
Chairperson  
Committee on Housing

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**REFERENCE BUREAU CORRECTIONS**

**Assembly Bill 740**

1. Page 5, line 21: delete "Fiscal changes" and substitute "Nonstatutory provisions".

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

**COMMUNICATIONS**

January 28, 2008

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

Dear Chief Clerk Fuller:

I was unable to cast my votes during legislative session on January 15, 2008.

Therefore, I would like to be recorded in the Assembly Journal as follows:

In support of:

- Assembly Bill 259
- Assembly Bill 309
- Assembly Bill 338
- Assembly Bill 410
- Senate Bill 280
- Assembly Bill 582
- Assembly Bill 625
- Assembly Bill 69
- Assembly Bill 51
- Assembly Bill 96
- Assembly Bill 500
- Senate Joint Resolution 5

Opposed to:

- Assembly Bill 446

Thank you for your attention to this matter. Please feel free to contact me with any questions.

Sincerely,  
*JIM KREUSER*  
State Representative  
64th Assembly District

State of Wisconsin  
Office of the Secretary of State  
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Jt. Res. Number</u>	<u>Enrolled Number</u>	<u>Publication Date</u>
<b>Assembly Joint Res. 82</b>	.. 22 .....	Not Published
<b>Assembly Joint Res. 86</b>	.. 23 .....	Not Published
<b>Assembly Joint Res. 88</b>	.. 24 .....	Not Published

**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Department of Administration  
Madison

January 18, 2008

To the Honorable, the Legislature:

Please find enclosed the Service Award Program 2007 Annual Report. The Service Award Board developed the report with support from Department of Administration staff. The report provides an overview of the program and outlines the accomplishments for the program year.

Wisconsin State Statute 16.25(6) requires the Department to submit the report to the Chief Clerk of each house annually describing the activities of the board.

If you have any questions regarding the report, please contact Terri Lenz at the Department of Administration, Division of Enterprise Operations, at 608-261-6580.

Sincerely,  
*JAMES M. LANGDON*  
Secretary, Service Award Board

Referred to committee on **Urban and Local Affairs.**

State of Wisconsin  
Department of Health and Family Services  
Madison

January 28, 2008

To the Honorable, the Legislature:

Wis. Stats. s. 46.03(26) requires the Department of Health and Family Services to report annually on information systems projects under development including the implementation schedule, an estimate of costs, and proposed methods of determining charges where applicable.

The Department currently has the following three systems under development: (1) Public Health Information Network -Wisconsin Electronic Disease Surveillance System (WEDSS), (2) the Vital Records Reengineering Project, and (3) the Medicaid Management Information System (MMIS) and related subsystems. The required information is provided in the attached report.

With warm regards,  
*KEVIN R. HAYDEN*  
Secretary

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

**AGENCY REPORTS**

January 29, 2008

State of Wisconsin  
Legislative Audit Bureau  
Madison

January 22, 2008

To the Honorable, the Assembly:

I write in response to questions raised by several legislators concerning the content and timing of our statutorily required analysis of the standardized test score data received from the School Choice Demonstration Project. Section 119.23 (7)(e) 2, Wis. Stats., requires the Bureau to report to the Legislature, in 2007 and annually thereafter until 2011, on the results of the standardized tests administered to pupils participating in the Milwaukee Parental Choice Program and those who attend Milwaukee Public Schools (MPS). As you are aware, our first report to the Legislature will be delayed because we did not receive the baseline test score data from the Project until December 28, 2007.

We have completed a preliminary examination of the baseline test score data, which contain the results of the Wisconsin Knowledge and Concepts Examination tests that were administered during the 2006-07 school year to a sample of 2,727 pupils who attended, schools participating in the Choice program, a sample of 2,727 MPS pupils who were selected based on their similarity to the sample of Choice pupils, and a random sample of 2,727 MPS pupils. Demographic and other information was also provided for these pupils.

With the data given to us, we anticipate that we can provide the Legislature with a report that analyzes the average baseline test score data, for reading and mathematics at each grade level, for each of the three groups of pupils and determine whether any differences in average test scores are statistically significant. We also anticipate providing summary demographic information for the three groups. However, because the test score data do not identify individual pupils or the schools where they were enrolled, we will be unable to report on the average test scores of pupils at individual Choice schools or determine whether pupils at some Choice schools scored significantly differently than those at other schools.

We will begin analyzing the test score data in earnest in the weeks ahead and anticipate releasing our first report to the Legislature later in 2008.

We appreciate the cooperation of the School Choice Demonstration Project in providing us with the baseline test score data and explaining its research methodology. Please contact me if you have any questions.

Sincerely,  
*JANICE MUELLER*

State of Wisconsin  
Legislative Audit Bureau  
Madison

To the Honorable, the Assembly:

We have completed a review of food and dairy safety program funding, which is administered by the Department of Agriculture, Trade and Consumer Protection (DATCP). The program's expenditures totaled \$8.4 million in fiscal year (FY) 2006-07 and supported 97.6 full-time equivalent positions. In FY 2006-07, 54.9 percent of the program was funded with fees charged to regulated entities, 41.6 percent with general purpose revenue, and 3.5 percent with federal revenue.

During our review period, fee revenue increased 20.8 percent, but fee-funded expenditures increased by 43.2 percent. As a result, the program's appropriation account balance has decreased each year since FY 2002-03, and in FY 2006-07 ended with a negative balance of \$51,800. To address the program's current funding shortfall, DATCP has proposed increasing food and dairy fees by approximately 30 percent beginning July 1, 2008. This proposal is currently under review by the Legislature.

We compared Wisconsin's fee structure with those of six other states and found substantial variation in funding levels, staffing levels, and inspector workloads. While Wisconsin is near the average of the states we reviewed in terms of funding and staffing, it has the highest inspector workload.

In FY 2006-07, DATCP had contracts with 34 local health departments to conduct food safety inspections at retail food establishments such as grocery stores and delicatessens within their boundaries. We compared DATCP's retail food licensing fees with fees charged by 26 local programs and found that local fees were frequently higher than those charged by DATCP.

Our comprehensive evaluation of the effectiveness of DATCP's food and dairy regulatory activities will be released later in the year. We appreciate the courtesy and cooperation extended to us by DATCP in conducting this review.

Sincerely,  
*JANICE MUELLER*  
State Auditor

**ADJOURNMENT**

Representative Vos moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, January 31.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:33 A.M.