



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

FRIDAY, May 8, 2009

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 8** offered by committee on **Urban and Local Affairs**.

Assembly amendment 1 to **Assembly Bill 85** offered by committee on **Urban and Local Affairs**.

Assembly substitute amendment 1 to **Assembly Bill 135** offered by Representatives Molepske Jr. and Roys.

Assembly amendment 1 to **Assembly Bill 157** offered by committee on **Transportation**.

Assembly amendment 2 to **Assembly Bill 187** offered by Representative Molepske Jr..

Assembly amendment 1 to **Assembly Bill 222** offered by Representative Vruwink.

Assembly amendment 2 to **Assembly Bill 222** offered by Representative Molepske Jr..

Assembly substitute amendment 1 to **Assembly Bill 253** offered by committee on **Health and Healthcare Reform**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 09-005

Relating to temporary certificates for respiratory care practitioners who are certified in other jurisdictions.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 30, 2009.

To committee on **Public Health**.

Referred on May 7, 2009.

Assembly Clearinghouse Rule 09-006

Relating to prescribing limitations for physician assistants.

Submitted by Department of Regulation and Licensing.

Report received from Agency, May 5, 2009.

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

Referred on May 7, 2009.

Assembly Clearinghouse Rule 09-013

Relating to the definition of the term "political purpose."

Submitted by Government Accountability Board.

Report received from Agency, April 30, 2009.

To committee on **Elections and Campaign Reform**.

Referred on May 7, 2009.

Assembly Clearinghouse Rule 09-022

Relating to licensing, prelicensing and continuing education for insurance agents and affecting small business.

Submitted by Insurance Commissioner.

Report received from Agency, May 1, 2009.

To committee on **Insurance**.

Referred on May 7, 2009.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 51

Relating to: state sovereignty.

By Representatives Nygren, Vos, Kerkman, Vukmir, Gunderson, Kestell, Strachota, Kramer, Meyer, Roth, Pridemore, Mursau, Kaufert, Newcomer, Bies, Friske, Gundrum, Nass, Tauchen, Townsend, Knodl, Petersen, Ballweg, Lothian, LeMahieu and M. Williams; cosponsored by Senators Leibham, Lazich, S. Fitzgerald, Grothman, A. Lasee, Darling, Kedzie and Schultz.

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

Assembly Joint Resolution 52

Relating to: commending the public service of Elizabeth Burmaster.

By Representative Pope-Roberts; cosponsored by Senator Lehman.

To committee on **Rules**.

Assembly Bill 258

Relating to: the disposal of used automotive engine oil filters and oil absorbent materials and providing a penalty.

By Representatives Hubler, Black, Jorgensen, Hraychuck, A. Ott, Kaufert, Townsend, Lothian, Berceau, Spanbauer and Ripp; cosponsored by Senators Harsdorf and Taylor.

To committee on **Natural Resources**.

Assembly Bill 259

Relating to: the care and treatment of persons with Alzheimer's disease or related dementia in residential care facilities, reports on residential care facilities, providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority, and providing a penalty.

By Representatives Krusick, J. Ott, Pasch, Benedict, Berceau, Black, Clark, Grigsby, Lothian, Mursau, Pope-Roberts, Richards, Spanbauer, Staskunas, Turner, A. Williams and Zepnick; cosponsored by Senators Darling, Coggs, Carpenter and Taylor, by request of Wisconsin Alzheimer's Association Chapter Network, AARP-Wisconsin, Coalition of Wisconsin Aging Groups, Disability Rights Wisconsin, IndependenceFirst, Wisconsin Board on Aging and Long-Term Care, Wisconsin Coalition of Independent Living Centers.

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

Assembly Bill 260

Relating to: extraterritorial plat approval on basis of land's use.

By Representatives Smith, Jorgensen, Roth, Hubler, Schneider, Vruwink, Danou, Fields, Clark, Dexter, Ripp, Kerkman, Kestell, Bies, Brooks, Gunderson, A. Ott, Ballweg and Suder; cosponsored by Senators Kreitlow, Vinehout, Holperin, Harsdorf and Olsen.

To committee on **Renewable Energy and Rural Affairs**.

Assembly Bill 261

Relating to: soliciting purchases of goods or services using unsolicited checks or money orders and providing a penalty.

By Representatives Bernard Schaber, Pocan, Berceau, Black, Brooks, Clark, Cullen, Dexter, Grigsby, Gunderson, Hebl, Hixson, Kaufert, Kestell, Mason, Molepske Jr., Nass, Milroy, A. Ott, Parisi, Pasch, Pope-Roberts, Petrowski, Richards, Roys, Seidel, Sinicki, Smith, Steinbrink, Toles, Townsend, Van Akkeren, Vos, A. Williams, Zepnick and Zigmunt; cosponsored by Senators Lehman, Carpenter, Hansen, Lassa, Plale, Risser, Schultz, Taylor, Wirch and Coggs.

To committee on **Consumer Protection**.

Assembly Bill 262

Relating to: raffle licenses.

By Representatives Nygren, Brooks, Roth, Bies, Townsend, Vos, Mursau, Petrowski, Ballweg, Gunderson, Ripp, Spanbauer and Knodl; cosponsored by Senators Holperin, Plale, Kedzie, Kapanke and Hansen.

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

Assembly Bill 263

Relating to: requiring persons who violate certain restraining orders or injunctions to be monitored by a global positioning system, making an appropriation, and providing a penalty.

By Representatives Zipperer, Suder, Kerkman, Roys, Pasch, Turner, Cullen, Lothian, Gundrum, Kleefisch, Kramer, Brooks, Ripp, Van Roy, LeMahieu, Ballweg, Barca, Berceau, Bies, Dexter, Fields, Gunderson, Hilgenberg, Honadel, Huebsch, Kaufert, Knodl, Meyer, Milroy, Molepske Jr.,

Montgomery, Mursau, Murtha, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Pridemore, Roth, Schneider, Spanbauer, Stone, Strachota, Vos, Vruwink, Vukmir, Wood and Ziegelbauer; cosponsored by Senators Carpenter, Vinehout, Olsen, Kreitlow and Darling.

To committee on **Criminal Justice**.

Assembly Bill 264

Relating to: the use of golf carts in Governor Tommy G. Thompson Centennial State Park and Peshtigo River State Forest and granting rule-making authority.

By Representatives Mursau, Montgomery, Nelson and Nygren; cosponsored by Senators Holperin and Hansen.

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

COMMITTEE REPORTS

The committee on **Health and Healthcare Reform** reports and recommends:

Assembly Bill 111

Relating to: the lifetime limit under the Health Insurance Risk-Sharing Plan.

Passage:

Ayes: 13 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Vukmir, Rhoades, Stone, Strachota and Nygren.

Noes: 0.

To committee on **Rules**.

Assembly Bill 112

Relating to: health insurance coverage denials for eligibility under the Health Insurance Risk-Sharing Plan.

Passage:

Ayes: 13 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Vukmir, Rhoades, Stone, Strachota and Nygren.

Noes: 0.

To committee on **Rules**.

Assembly Bill 253

Relating to: prohibiting smoking in indoor areas, in sports arenas, in public conveyances, and at certain outdoor locations and providing a penalty.

Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Rhoades, Stone and Nygren.

Noes: 2 – Representatives Vukmir and Strachota.

Passage as amended:

Ayes: 11 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Rhoades, Stone and Nygren.

Noes: 2 – Representatives Vukmir and Strachota.

To committee on **Rules**.

JON RICHARDS
Chairperson
Committee on Health and Healthcare Reform

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

Assembly Bill 8

Relating to: municipal quotas for retail intoxicating liquor licenses.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Berceau, Van Akkeren, Ziegelbauer, Hintz, Parisi, Gottlieb and Spanbauer.
Noes: 1 – Representative LeMahieu.

Passage as amended:

Ayes: 7 – Representatives Berceau, Van Akkeren, Ziegelbauer, Hintz, Parisi, Gottlieb and Spanbauer.
Noes: 1 – Representative LeMahieu.

To committee on **Rules**.

Assembly Bill 33

Relating to: technical changes that affect the public debt amortization fund of a first class city.

Passage:

Ayes: 8 – Representatives Berceau, Van Akkeren, Ziegelbauer, Hintz, Parisi, LeMahieu, Gottlieb and Spanbauer.
Noes: 0.

To committee on **Rules**.

Assembly Bill 85

Relating to: temporary alcohol beverage retail licenses.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Berceau, Van Akkeren, Ziegelbauer, Hintz, Parisi, Gottlieb and Spanbauer.
Noes: 1 – Representative LeMahieu.

Passage as amended:

Ayes: 7 – Representatives Berceau, Van Akkeren, Ziegelbauer, Hintz, Parisi, Gottlieb and Spanbauer.
Noes: 1 – Representative LeMahieu.

To committee on **Rules**.

Assembly Bill 165

Relating to: expanding the types of property that may be specially assessed by a neighborhood improvement district.

Passage:

Ayes: 6 – Representatives Berceau, Van Akkeren, Hintz, Parisi, Gottlieb and Spanbauer.
Noes: 2 – Representatives Ziegelbauer and LeMahieu.

To committee on **Rules**.

Assembly Bill 174

Relating to: authorizing sharing of tax increments by certain environmental remediation tax incremental districts.

Passage:

Ayes: 7 – Representatives Berceau, Van Akkeren, Ziegelbauer, Hintz, Parisi, Gottlieb and Spanbauer.
Noes: 1 – Representative LeMahieu.

To committee on **Rules**.

TERESE BERCEAU
Chairperson
Committee on Urban and Local Affairs

COMMUNICATIONS

May 7, 2009

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

Dear Chief Clerk Fuller:

Please take the necessary and authorized action to record me as a co-author of Assembly Joint Resolution 51, authored by Representative Nygren.

Please contact me if there are any questions related to my request.

Sincerely,
JERRY PETROWSKI
State Representative
86th Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Office of Energy Independence
Madison

May 4, 2009

To the Honorable, the Legislature:

As required by s. 16.045 (5) Wis. Stats., I am submitting the annual Wisconsin Biofuels and Alternative Fuel Use Report for distribution to the appropriate standing committees. I am pleased to provide the following highlights for 2007.

Sincerely,
DAVID J. JENKINS
Director of Commercialization and Market Development

Referred to committee on **Renewable Energy and Rural Affairs**.

Milwaukee Public Schools
Division of Business Services
Milwaukee

May 6, 2009

To the Honorable, the Legislature:

According to Wisconsin School Law 121.87 in accordance with 13.172, the Board is required by law to submit the

enclosed reports. School Law 121.87 states "...annually by May 1 the board of school directors of the school district operating under ch. 119 shall submit a report to the legislature under s. 13.172 (2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred outside their attendance area without written consent under s. 121.85 (6)(am)."

Enclosed you will find a report that meet the requirements stated above. The total number of intra-district students bused under the Chapter 220 designation for the school year 2008-2009 equals 15,037. Of that number 780 either did not return a consent form or checked box indicating no consent. Students who have moved during the school year and no longer require parental consent were subtracted from the non-returned figure. The district did meet the requirement of ninety-five percent (95%) parents providing consent.

Sincerely,
MICHAEL TURZA, DIRECTOR
Division of Business Services

Referred to committee on **Education**.

State of Wisconsin
Department of Administration
Madison

May 7, 2009

To the Honorable, the Legislature:

In compliance with Wisconsin statute 16.548, please find the Wisconsin Office of Federal/State Relations quarterly report to be submitted to the Legislature for the First Quarter of 2009. This report provides information on the activities of the office and the status of federal legislation of concern to the State of Wisconsin.

Please contact me if you have any questions about this material.

Sincerely,
MICHAEL L. MORGAN
Secretary

Referred to committee on **State Affairs and Homeland Security**.

AGENCY REPORTS

State of Wisconsin
Department of Transportation
Madison

May 8, 2009

To the Honorable, the Assembly:

The Local Roads Improvement Program (LRIP) was established in 1991 to assist local communities in improving

seriously deteriorating county highways, town roads, and municipal streets. Since then, \$327 million has been distributed to local units of government through this program. The 2007-09 State Biennial Budget provided non-discretionary funds of \$16.9 million in FY 2008 and \$17.2 in FY 2009, with separate discretionary funds of \$7.1 million in FY 2008 and \$7.3 million in FY 2009. Including funding carryover from the previous program cycle, \$48.8 million was available for 931 LRIP projects during the FY 2008 and FY 2009 program cycle.

Administrative Rule Trans 206.03 (15)(f) directs WisDOT to publish a summary of program activity by June 30th of each odd-numbered year. The latest edition, Local Roads Improvement Program (LRIP) Biennial Summary Report: State Fiscal Years 2008-2009 is available exclusively electronically on the LRIP Web site at <http://www.dot.wisconsin.gov/localgov/docs/lrip-biennial2008.pdf>.

Information in the report is current as of March 9, 2009. Since not all projects from the 2008-2009 program cycle were completed as of this date, data in this report may not agree with the most current information available.

If you have questions regarding the program, please visit the LRIP Web site at:
<http://www.dot.wisconsin.gov/localgov/highways/lrip.htm>.

You may also contact one of the LRIP Program Managers:

Janice Watzke - janice.watzke@dot.wi.gov
Phone - (608) 266-9497
Counties Managed - Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Crawford, Douglas, Dunn, Eau Claire, Grant, Jackson, Juneau, Kenosha, La Crosse, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Polk, Racine, Richland, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vernon, Walworth, Washburn, Washington, Waukesha

Kathryn Dustin - kathryn.dustin@dot.wi.gov
Phone - (608) 264-7336
Counties Managed - Adams, Brown, Calumet, Columbia, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Iron, Jefferson, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Oconto, Oneida, Outagamie, Portage, Price, Rock, Sauk, Shawano, Sheboygan, Vilas, Waupaca, Waushara, Winnebago, Wood

Sincerely,
LORI RICHTER
Local State Programs Unit Leader
WisDOT – Bureau of Transit, Local Roads,
Railroads & Harbors, Local Transportation
Programs & Finance Section