



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

12:45 P.M.

TUESDAY, May 19, 2009

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

Representative Richards in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly amendment 1 to **Assembly Bill 17** offered by Representative Staskunas.

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INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 54

Relating to: proclaiming Cesky Den.

By Representatives Nerison, Brooks, Spanbauer, Tauchen, Jorgensen, Townsend, Petrowski and M. Williams; cosponsored by Senators Kapanke, Schultz, Taylor and Coggs.

To committee on **Rules**.

Assembly Bill 268

Relating to: federalizing the treatment of capital losses.

By Representatives J. Ott, Petrowski, Kestell, Mursau, Kerkman, LeMahieu, Townsend, Vukmir, Nygren, Gundrum, Gunderson, A. Ott, Kaufert, Ripp, Honadel, Bies, Spanbauer and Nass; cosponsored by Senators Darling, Olsen and A. Lasee.

To joint survey committee on **Tax Exemptions**.

Assembly Bill 269

Relating to: causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty.

By Representatives Danou, Milroy, Brooks, Kerkman, Bies, Sinicki, Kaufert, Jorgensen, Townsend, Zigmunt, Smith, Berceau, Soletski, Hraychuck, Pasch, Zepnick,

Dexter, Clark and Spanbauer; cosponsored by Senators Sullivan, Kreitlow, Plale, Carpenter, Kapanke and Schultz.

To committee on **Criminal Justice**.

Assembly Bill 270

Relating to: utility aid payments to towns and counties for production plants that generate electricity from wind power.

By Representatives LeMahieu, Turner, Kestell, Fields, Ripp, Smith, Petrowski, A. Ott, Bies, Ballweg, Brooks, Gunderson, Townsend, Lothian, Stone and Spanbauer; cosponsored by Senators Plale, Leibham, Holperin, Taylor, A. Lasee and Schultz.

To committee on **Energy and Utilities**.

Assembly Bill 271

Relating to: professional land surveyors, the practice of professional land surveying, surveying land abutting navigable waters, and granting rule-making authority.

By Representatives Clark, Roys, Staskunas, Berceau, Danou, Gunderson, Hubler, Jorgensen, Mason, Milroy, A. Ott, Smith and Zepnick; cosponsored by Senators Risser, Lehman, Cowles, Holperin, Schultz and Taylor.

To committee on **Consumer Protection**.

Assembly Bill 272

Relating to: donating drugs and dispensing donated drugs.

By Representatives Nygren, Van Roy, Suder, Montgomery, Ballweg, Benedict, Bies, Black, Friske, Gottlieb, Grigsby, Gunderson, Kaufert, Kerkman, Knodl, Molepske Jr., Nass, A. Ott, Petersen, Petrowski, Pope-Roberts, Ripp, Sherman, Smith, Soletski, Spanbauer, Strachota, Tauchen, Townsend, Turner and Vos; cosponsored by Senators Robson, Lassa, Lehman, Vinehout, Taylor, Darling, Schultz, Risser, Olsen, Miller, Harsdorf, Hansen, Cowles, Carpenter and Wirch.

To committee on **Public Health**.

Assembly Bill 273

Relating to: podiatrist-patient privilege, immunity exemption for podiatrists providing emergency care at athletic events, allowing podiatrists to determine an illness or injury and complete forms for the purpose of granting assistance to needy veterans, allowing podiatrists to determine disability for the purpose of issuing certain hunting permits, cooperatives organized to provide sickness care, the Podiatrists Affiliated Credentialing Board, allowing podiatrists to certify driver school instructors' physical fitness, allowing Medical Assistance recipients to freely choose among podiatrists, and giving equal weight to certifications of disability by podiatrists for insurance purposes.

By Representatives Barca, Zigmunt, Benedict, Turner, Kerkman, Steinbrink, Friske, Mason, Townsend, Zepnick, Ballweg, Berceau, Petrowski and Strachota; cosponsored by Senators Lehman, Taylor, Plale, Schultz, Wirch and Holperin.
To committee on **Public Health**.

Assembly Bill 274

Relating to: allowing probation after certain convictions related to drunken driving.

By Representatives Staskunas, Zigmunt, Ziegelbauer, Jorgensen, Pope–Roberts, Kerkman, A. Ott, Mason and Van Roy; cosponsored by Senators Holperin, Darling and Hopper.
To committee on **Public Safety**.

Assembly Bill 275

Relating to: the Physical Therapists Affiliated Credentialing Board.

By Representatives Bernard Schaber, Berceau, Black, Danou, Davis, Gunderson, Hilgenberg, Kaufert, Mason, Milroy, Molepske Jr., Nerison, Newcomer, A. Ott, Pasch, Richards, Seidel, Soletski, Townsend, Van Roy, M. Williams, Zepnick and Ziegelbauer; cosponsored by Senators Robson, Coggs, Darling, S. Fitzgerald, Holperin and Taylor.
To committee on **Health and Healthcare Reform**.

Assembly Bill 276

Relating to: composition of the Board of Regents of the University of Wisconsin System.

By Representatives Smith, Rhoades, Hixson, Soletski, Garthwaite, Turner, Molepske Jr., Shilling, Grigsby, Montgomery, Danou, Kestell, Townsend, A. Ott, Brooks, Lothian and Murtha; cosponsored by Senators Lassa, Harsdorf, Vinehout, Hansen, Kreitlow, Holperin and Schultz.
To committee on **Colleges and Universities**.

Assembly Bill 277

Relating to: prohibiting discrimination in housing because of domestic abuse victim status and providing a penalty.

By Representatives Parisi, Suder, Seidel, A. Ott, Pocan, Van Roy, Young, Tauchen, Sherman, Petrowski, Grigsby, Wood, Roys, Spanbauer, Berceau, Hebl, Nygren, Pasch, Pope–Roberts, Zepnick, Shilling, Milroy, Sinicki, Toles and Dexter; cosponsored by Senators Coggs, Taylor, Carpenter, Risser, Hansen, Holperin, Erpenbach, Plale, Sullivan and Lehman.
To committee on **Housing**.

Assembly Bill 278

Relating to: the sale, disposal, collection, and recycling of electronic devices, granting rule–making authority, making an appropriation, and providing penalties.

By Representatives Bernard Schaber, Benedict, Berceau, Black, Clark, Dexter, Hebl, Hilgenberg, Hintz, Hubler, Kaufert, Mason, Milroy, Molepske Jr., A. Ott, Parisi, Pasch, Pope–Roberts, Richards, Roys, Seidel, Sherman, Shilling, Sinicki, Smith, A. Williams and Grigsby; cosponsored by Senators Miller, Carpenter, Erpenbach, Hansen, Lehman, Risser, Robson, Lassa, Taylor and Vinehout.
To committee on **Natural Resources**.

COMMITTEE REPORTS

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

Assembly Bill 32

Relating to: extending the employer notification program administered by the Department of Transportation to noncommercial motor vehicle drivers.

Passage:

Ayes: 12 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

Assembly Bill 157

Relating to: vehicle stops at railroad crossings.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

Assembly Bill 158

Relating to: driver education instruction.

Passage:

Ayes: 12 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

Assembly Bill 177

Relating to: operating a motor vehicle while suspended, revoked, or disqualified.

Passage:

Ayes: 12 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

Assembly Bill 178

Relating to: motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards.

Passage:

Ayes: 12 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

JOHN STEINBRINK
Chairperson
Committee on Transportation

ENROLLED JOINT RESOLUTIONS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

Assembly Joint Resolution 9
Assembly Joint Resolution 23
Assembly Joint Resolution 41
Assembly Joint Resolution 48
Assembly Joint Resolution 50

PATRICK E. FULLER
Assembly Chief Clerk

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

May 12, 2009

To the Honorable, the Assembly:

In response to a complaint reported to the Fraud, Waste, and Mismanagement Hotline established by [2007 Wisconsin Act 126](#), we have completed a limited-scope review of the role of construction engineers in the Department of Transportation's (DOT's) quality assurance process on state highway projects. Construction engineers, who include both DOT staff and private consultants, ensure that construction contractors build highways according to contractual requirements. In fiscal year (FY) 2007-08, construction engineering expenditures totaled an estimated \$56.8 million, including \$20.8 million in spending related to state staff and \$36.0 million paid to private consultants.

Our analysis is focused on state highway projects built with concrete pavement. We reviewed in detail projects begun from FY 2006-07 through FY 2007-08. None of 20 projects we reviewed had any measurements that indicated unacceptable concrete pavement thickness. However, documentation for 11 of the 20 projects indicated that contractors measured the concrete pavement's thickness less frequently than contractually required. State staff served as the lead construction engineer on 7 of the 11 projects, while consultants served in that role on the remaining 4. It is possible the measurements were actually taken but not documented, but we cannot independently confirm this.

To help ensure state highway projects are appropriately constructed, DOT recently modified a number of its quality assurance practices for contractors and construction engineers. However, we provide several additional recommendations to help ensure that highways are consistently constructed according to contractual requirements. This is particularly important because the American Recovery and Reinvestment Act of 2009 will provide Wisconsin with \$529.1 million in federal transportation funds, much of which will be used for state highway projects.

We appreciate the courtesy and cooperation extended to us by DOT in completing this review.

Sincerely,
JANICE MUELLER
State Auditor

ADJOURNMENT

Representative Seidel moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, May 21.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

12:46 P.M.