



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

WEDNESDAY, April 14, 2010

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

AMENDMENTS OFFERED

Assembly amendment 2 to **Assembly Bill 342** offered by committee on **Fish and Wildlife**.

Assembly amendment 1 to **Assembly Bill 432** offered by Representative Friske.

Assembly substitute amendment 1 to **Assembly Bill 595** offered by committee on **Fish and Wildlife**.

Assembly amendment 1 to **Assembly Bill 837** offered by committee on **Tourism, Recreation and State Properties**.

Assembly substitute amendment 1 to **Assembly Bill 899** offered by Representative Richards.

Assembly amendment 1 to **Assembly Bill 908** offered by Representative Wood.

Assembly amendment 1 to **Assembly Bill 909** offered by Representative Wood.

Assembly amendment 1 to **Assembly Bill 944** offered by Representative Shilling.

Assembly amendment 1 to **Senate Bill 154** offered by Representative Bies.

Assembly amendment 3 to **Senate Bill 400** offered by Representative Radcliffe.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 126

Relating to: commending the University of Wisconsin–Stevens Point men's basketball team.

By Representative Molepske Jr.; cosponsored by Senator Lassa.

To committee on **Rules**.

Assembly Joint Resolution 127

Relating to: the life and public service of Erwin Bessler.

By Representative Sinicki; cosponsored by Senator Plale.
To committee on **Rules**.

Assembly Bill 951

Relating to: nullifying certain arbitration agreements between a resident and a nursing home or similar care facility.

By Representatives Barca, Mason and Roys; cosponsored by Senator Taylor.

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

Assembly Bill 952

Relating to: bonding authority for major interstate bridge projects and making an appropriation.

By Representatives Hraychuck, Rhoades and Murtha; cosponsored by Senator Harsdorf.

To committee on **Transportation**.

Assembly Bill 953

Relating to: the number of raffles permitted in a year.

By Representatives Danou and Gunderson; cosponsored by Senators Holperin, Taylor, Grothman and Hansen.

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

Assembly Bill 954

Relating to: requiring municipalities to pay health insurance premiums for survivors of a fire fighter who dies, or has died, in the line of duty.

By Representatives Hraychuck, Turner, Zepnick and Berceau; cosponsored by Senators Hansen, Coggs, Lehman and Taylor.

To committee on **Urban and Local Affairs**.

Assembly Bill 955

Relating to: abuse and neglect of patients and residents.

By Representatives Pasch, Zigmunt, Turner, Ziegelbauer, Benedict, Zepnick, Black, Smith, Sinicki and Roys; cosponsored by Senators Robson, Taylor and Vinehout.

To committee on **Public Health**.

COMMITTEE REPORTS

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

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.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Turner, Kessler, Hraychuck, Soletski, Pasch, Friske, Kramer, Brooks and Ripp.
Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Turner, Kessler, Hraychuck, Soletski, Pasch, Friske, Kramer, Brooks and Ripp.
Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Turner, Kessler, Hraychuck, Soletski, Pasch, Friske, Kramer, Brooks and Ripp.
Noes: 0.

To committee on **Rules**.

ROBERT TURNER
Chairperson
Committee on Criminal Justice

The special committee on **Ethics and Standards of Conduct** reports and recommends:

Assembly Resolution 14

Relating to: the expulsion of Jeffrey Wood, a representative from the 67th Assembly District, from membership in the Wisconsin state assembly.

Without recommendation (Assembly Rule 19).

Ayes: 3 – Representatives Gundrum, Zipperer and Ballweg.

Noes: 3 – Representatives Hubler, Staskunas and Hebl.

To committee on **Rules**.

MARY HUBLER
Chairperson
Special Committee on Ethics and Standards of Conduct

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

Assembly Bill 789

Relating to: insurance coverage of the services of behavior analysts for autism treatment.

Assembly Amendment 2 to Assembly Substitute Amendment 1 adoption:

Ayes: 6 – Representatives Molepske Jr., Ziegelbauer, Nygren, Suder, Vos and Roth.

Noes: 4 – Representatives Cullen, Parisi, Berceau and Hebl.

Assembly Substitute Amendment 1 adoption:

Ayes: 6 – Representatives Cullen, Molepske Jr., Ziegelbauer, Parisi, Berceau and Hebl.

Noes: 4 – Representatives Nygren, Suder, Vos and Roth.

Passage as amended:

Ayes: 6 – Representatives Cullen, Molepske Jr., Ziegelbauer, Parisi, Berceau and Hebl.

Noes: 4 – Representatives Nygren, Suder, Vos and Roth.

To committee on **Rules**.

Assembly Bill 811

Relating to: suitability of annuity contracts and granting rule-making authority.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Cullen, Molepske Jr., Ziegelbauer, Parisi, Berceau, Hebl, Nygren, Suder, Vos and Roth.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Cullen, Molepske Jr., Ziegelbauer, Parisi, Berceau, Hebl, Nygren, Suder and Roth.

Noes: 1 – Representative Vos.

To committee on **Rules**.

Senate Bill 127

Relating to: notification to the state and certain public agencies regarding a medical malpractice claim and limits on liability.

Concurrence:

Ayes: 10 – Representatives Cullen, Molepske Jr., Ziegelbauer, Parisi, Berceau, Hebl, Nygren, Suder, Vos and Roth.

Noes: 0.

To committee on **Rules**.

Senate Bill 513

Relating to: life settlements, granting rule-making authority, and providing a penalty.

Concurrence:

Ayes: 8 – Representatives Cullen, Molepske Jr., Parisi, Berceau, Hebl, Nygren, Suder and Roth.

Noes: 2 – Representatives Ziegelbauer and Vos.

To committee on **Rules**.

DAVID CULLEN
Chairperson
Committee on Insurance

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

Assembly Bill 821

Relating to: commercial real estate liens and recording a correction instrument and a lis pendens.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Kessler, Pope-Roberts, Roys, Black, Ballweg, Kleefisch and Knodl.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Kessler, Pope-Roberts, Roys, Black, Ballweg, Kleefisch and Knodl.

Noes: 0.

To committee on **Rules**.

FREDERICK KESSLER
Chairperson
Committee on State Affairs and Homeland
Security

The committee on **Veterans and Military Affairs** reports
and recommends:

Assembly Bill 930

Relating to: adding a member to the council on veterans
programs.

Passage:

Ayes: 6 – Representatives Hilgenberg, Schneider, Turner,
Hubler, Sinicki and Milroy.

Noes: 4 – Representatives Petersen, Petrowski, Townsend
and Meyer.

To committee on **Rules**.

STEVE HILGENBERG
Chairperson
Committee on Veterans and Military
Affairs

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 61
Senate Joint Resolution 64
Senate Joint Resolution 67

Passed and asks concurrence in:

Senate Bill 25
Senate Bill 276
Senate Bill 279
Senate Bill 297
Senate Bill 302
Senate Bill 323
Senate Bill 338
Senate Bill 341
Senate Bill 407
Senate Bill 472
Senate Bill 480
Senate Bill 491
Senate Bill 494
Senate Bill 497
Senate Bill 505
Senate Bill 514
Senate Bill 523

Senate Bill 531
Senate Bill 533
Senate Bill 557
Senate Bill 572
Senate Bill 617
Senate Bill 631

Concurred in:

Assembly Amendment 1 to **Senate Bill 227**
Assembly Joint Resolution 120
Assembly Bill 228
Assembly Bill 247
Assembly Bill 503
Assembly Bill 514
Assembly Bill 529
Assembly Bill 560
Assembly Bill 567
Assembly Bill 659
Assembly Bill 670
Assembly Bill 709
Assembly Bill 746
Assembly Bill 766
Assembly Bill 770
Assembly Bill 778

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 61

Relating to: prohibiting partial vetoes of parts of bill
sections (first consideration).

By Senators Risser, Holperin, Kreitlow, Miller and
Robson; cosponsored by Representatives Hebl, Parisi,
Staskunas, Townsend, Berceau, Sinicki, Black, Roys,
Jorgensen, A. Williams, Smith, Zepnick and Hraychuck.

To committee on **Rules**.

Senate Joint Resolution 64

Relating to: the life and public service of Mary Anne
McNulty.

By Senators Carpenter, Taylor and Coggs; cosponsored
by Representatives Colon, Zepnick, Toles, Pasch, Turner,
Kessler, Young and A. Williams.

To committee on **Rules**.

Senate Joint Resolution 67

Relating to: honoring the life and public service of Polish
President Lech Kaczynski and others.

By Senator Plale; cosponsored by Representative Sinicki.

To committee on **Rules**.

Senate Bill 25

Relating to: the use of race-based names, nicknames,
logos, and mascots by school boards, requiring the exercise of
rule-making authority, and providing a penalty.

By Senators Coggs, Hansen, Risser, Holperin and Taylor;
cosponsored by Representatives Soletski, Pope-Roberts,
Mursau, Young, Benedict, Berceau, Black, Colon, Cullen,
Fields, Grigsby, Hilgenberg, Kessler, Molepske Jr., Mason,
Milroy, Nelson, Parisi, Pasch, Pocan, Radcliffe, Schneider,

Sherman, Sheridan, Shilling, Sinicki, Smith, Steinbrink, Turner, Van Akkeren and A. Williams.

To committee on **Rules**.

Senate Bill 276

Relating to: requiring governmental bodies of school districts and certain political subdivisions to post meeting notices and minutes on their Web sites.

By Senators Kreitlow, Plale, Taylor and Hansen; cosponsored by Representatives Roys, Smith, Kerkman, Mason, Berceau, Pope–Roberts, Danou, Spanbauer and Bies.

To committee on **Rules**.

Senate Bill 279

Relating to: financial assistance related to bioenergy feedstocks, biorefineries, and conversion to biomass energy; the definition of the term agricultural use for the purpose of determining the assessed value of a parcel of land; requiring a strategic bioenergy feedstock assessment; creation of a bioenergy council; the agricultural and forestry diversification programs; biofuels training assessment; a study of regulatory burdens relating to biofuel production facilities; marketing orders and agreements for bioenergy feedstocks; exempting personal renewable fuel production and use from the motor vehicle fuel tax, the petroleum inspection fee, and business tax registration requirements; an income and franchise tax credit for installing or retrofitting pumps that mix motor vehicle fuels from separate storage tanks; offering gasoline that is not blended with ethanol to motor fuel dealers; state renewable motor vehicle fuels sales goals; required sales of renewable motor vehicle fuels; use of petroleum–based transportation fuels by state vehicles; use of alternative fuels in flex fuel vehicles owned by the state; use of public alternative fuel refueling facilities; duties of the Office of Energy Independence; granting rule–making authority; requiring the exercise of rule–making authority; making appropriations; and providing penalties.

By Joint Legislative Council.

To committee on **Rules**.

Senate Bill 297

Relating to: the immobilization or removal, impoundment, and disposal of motor vehicles for multiple nonmoving traffic violations.

By Senators Carpenter and Darling; cosponsored by Representatives Krusick, Gottlieb, Richards, Staskunas, Zepnick, Mursau, A. Ott, Stone, Townsend, Vos and Knodl.

To committee on **Rules**.

Senate Bill 302

Relating to: powersports vehicle manufacturers, distributors, and dealers and providing a penalty.

By Senators Hansen, Holperin, Taylor, Ellis, Cowles and Schultz; cosponsored by Representatives Vruwink, Kaufert, Ripp, Townsend, A. Ott, Zepnick and Kestell.

To committee on **Rules**.

Senate Bill 323

Relating to: requiring newborn hearing screening.

By Senators Lassa, Taylor, Lehman, Schultz, Kreitlow, Risser, Miller, Darling, Coggs and Erpenbach; cosponsored

by Representatives Dexter, Kaufert, Berceau, Black, Townsend, Schneider, Hilgenberg, Mason, Soletski, Sinicki, Jorgensen, Hixson, Lothian, Turner, Grigsby, A. Williams, Krusick, Wood, A. Ott, Molepske Jr. and Bernard Schaber.

To committee on **Rules**.

Senate Bill 338

Relating to: maximum amount of funeral and burial expenses under the funeral, burial, and cemetery expenses program.

By Senators Lehman, Wirch, Miller, Lassa, Taylor, Kedzie and Hansen; cosponsored by Representatives Turner, Soletski, Kerkman, Montgomery, Nygren, Bies, Vos, Barca, A. Williams, Young and Hubler.

To committee on **Rules**.

Senate Bill 341

Relating to: reckless bodily harm to a child and providing a penalty.

By Senators Jauch, Lassa, Kreitlow and Hopper; cosponsored by Representatives Hubler, Berceau, Petersen, Van Akkeren, Vruwink, Turner, Pasch, Townsend, Danou, Grigsby, Sinicki, Zepnick and Hilgenberg.

To committee on **Rules**.

Senate Bill 407

Relating to: eligibility for academic excellence higher education scholarships.

By Senators Miller, Taylor and Hansen; cosponsored by Representatives Ballweg, Smith, Pope–Roberts, Hebl, A. Ott, Townsend, Bies, Brooks and LeMahieu.

To committee on **Rules**.

Senate Bill 472

Relating to: adopting revised article 1 of the Uniform Commercial Code concerning general provisions.

By Senators Risser and Taylor; cosponsored by Representatives Cullen and Townsend.

To committee on **Rules**.

Senate Bill 480

Relating to: adopting revised Article 7 of the Uniform Commercial Code, concerning documents of title.

By Senators Risser and Taylor; cosponsored by Representatives Cullen, Turner, Townsend, A. Williams and A. Ott.

To committee on **Rules**.

Senate Bill 491

Relating to: requiring an aging and disability resource center to perform a financial screening for, provide information to, and assist individuals choosing to participate in the self–directed services option (suggested as remedial legislation by the Department of Health Services).

By Law Revision Committee.

To committee on **Rules**.

Senate Bill 494

Relating to: allowing nonprofit corporations to operate an aging and disability resource center (suggested as remedial legislation by the Department of Health Services).

By Law Revision Committee.

To committee on **Rules**.

Senate Bill 497

Relating to: creating a food animal veterinarian loan assistance program, granting rule-making authority, and making an appropriation.

By Senators Lassa, Olsen, Harsdorf and Taylor; cosponsored by Representatives Tauchen, Vruwink, Molepske Jr., Benedict, Clark, Gunderson, Montgomery, Nerison, A. Ott, Ripp, Smith, Spanbauer, Steinbrink, Suder, Townsend, Zepnick, Zigmunt and Pasch.

To committee on **Rules**.

Senate Bill 505

Relating to: motor vehicle emission inspections and requiring the exercise of rule-making authority.

By Senators Wirch and Taylor; cosponsored by Representatives Steinbrink, Gottlieb, Honadel and Pasch.

To committee on **Rules**.

Senate Bill 514

Relating to: additions to the 2009–11 Authorized State Building Program.

By Senators Plale, Kreitlow and Kanavas; cosponsored by Representatives Richards, Hintz, Black and Stone, by request of State of Wisconsin Building Commission.

To committee on **Rules**.

Senate Bill 523

Relating to: unfair labor practices in violation of collective bargaining rights.

By Senators Cogg, Hansen, Vinehout, Wirch, Lehman, Taylor, Lassa and Kreitlow; cosponsored by Representatives Pocan, Mason, Hixson, Roys, Turner, Jorgensen, Sinicki, Kessler, Berceau, Zepnick, Milroy, Soletski, Toles, Hilgenberg, Young, Van Akkeren, Molepske Jr., Parisi, Pope–Roberts, Grigsby, Hintz, Smith and Richards.

To committee on **Rules**.

Senate Bill 531

Relating to: annual or consecutive month permits for vehicles or combinations of vehicles transporting loads near the Wisconsin–Michigan border.

By Senator Jauch; cosponsored by Representative Sherman.

To committee on **Rules**.

Senate Bill 533

Relating to: an integrated crime alert network and making an appropriation.

By Senators Plale, Taylor, Lassa, Carpenter, Lehman, Lazich, Cowles, Hansen, Sullivan and Olsen; cosponsored by Representatives Hraychuck, Bies, Jorgensen, Turner, Staskunas, Petrowski, Townsend and Honadel.

To committee on **Rules**.

Senate Bill 557

Relating to: notices concerning construction near or on lakes, streams, or wetlands that are given to applicants for building permits and other construction approvals, requiring the Department of Natural Resources to furnish informational brochures about wetlands laws, requiring the Department of

Natural Resources to provide evaluations and statements about whether certain land contains wetlands, and making an appropriation.

By Senators Kreitlow, A. Lasee, Miller, Hansen, Cowles, Taylor, Robson, Lehman, Holperin and Wirch; cosponsored by Representatives Bies, Zigmunt, Zepnick, Petrowski, Townsend, Mursau and Berceau.

To committee on **Rules**.

Senate Bill 572

Relating to: suitability of annuity contracts and granting rule-making authority.

By Senator Wirch; cosponsored by Representatives Cullen, Molepske Jr., Turner and A. Williams.

To committee on **Rules**.

Senate Bill 617

Relating to: creating a privilege for communications to veteran mentors.

By Senators Taylor and Kreitlow; cosponsored by Representatives Shilling, Turner, Hilgenberg, Molepske Jr., Sinicki and Suder.

To committee on **Rules**.

Senate Bill 631

Relating to: submission of biological specimens for deoxyribonucleic acid analysis.

By Senators Taylor and Cowles; cosponsored by Representatives Staskunas and Bies, by request of Attorney General JB Van Hollen.

To committee on **Rules**.

REFERENCE BUREAU CORRECTIONS

Assembly Bill 659

1. Page 40, line 5: delete “(a) 3.” and substitute “(a) 2.”.

COMMUNICATIONS

**Statement of Representative Mary Hubler
on 2009 Assembly Resolution 14**

April 5, 2010

2009 Assembly Resolution 14, relating to the expulsion of Representative Jeffrey Wood, from the 67th Assembly District, from membership in the Wisconsin State Assembly, was introduced by Representative Nass on October 27, 2009. Pursuant to Assembly Rules 21 and 43 (3), the Assembly Special Committee on Ethics and Standards of Conduct was convened to consider Assembly Resolution 14.

Article IV, Section 8, of the Wisconsin Constitution provides that “[e]ach house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.” Further, Assembly Rule 21

provides the procedure under which the Special Committee considers a resolution to expel, censure, or reprimand a member of the Assembly.

The Special Committee held organizational meetings on November 4, 2009, and December 15, 2009, and held public hearings on Assembly Resolution 14 on March 3, 2010, and March 16, 2010. On March 23, 2010, the Special Committee took executive action and reported Assembly Resolution 14 without recommendation.

As chair of the Special Committee, I wish to submit, for the record, my perspective on classes of conduct that should not be considered by the Assembly to expel, censure, or reprimand one of its members.

Pursuant to Assembly Rule 21 (2), the Special Committee ascertained the facts of the controversy and recited them in three substitute amendments to Assembly Resolution 14: LRBs0215, relating to expulsion; LRBs0216, relating to censure; and LRBs0217, relating to reprimand.

In its ascertainment of the facts, the Special Committee excluded the following conduct of Representative Wood: (1) conduct that occurred prior to Representative Wood's November 2008 re-election to the Assembly; and (2) record of Representative Wood's vote on legislation. Assembly Resolution 14, as introduced by Representative Nass, included Representative Wood's 1990 and 1991 convictions for drunk driving and a 1989 accusation of having sex with an

underage minor and included Representative Wood's "aye" vote on passage of 2009 Assembly Bill 283, relating to operating a vehicle while intoxicated.

Conduct that occurred prior to the election of a member of the Assembly should not be considered in the expulsion, censure, or reprimand of a member. The voters who elect a member are aware of past conduct of a member and, despite that conduct, choose to elect the member. In addition, the vote of a member of the Assembly on any legislation should not be considered in the expulsion, censure, or reprimand of a member. A member should not be subject to discipline for casting a vote.

April 14, 2010

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

Dear Chief Clerk Fuller:

Please remove my name as a co-author of Assembly Bill 524, relating to the jurisdictional amount and court fees in certain small claims actions.

Sincerely,
JOAN BALLWEG
State Representative
41st Assembly District