



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

11:02 A.M.

TUESDAY, March 8, 2011

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

Speaker Pro Tempore Kramer in the chair.

Representative Suder asked unanimous consent for a quorum call. Granted.

A quorum was present.

Speaker Fitzgerald in the chair.

The prayer was offered by Representative Petryk.

Representative Bernard Schaber led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives August, Ballweg, Barca, Berceau, Bernard Schaber, Bernier, Bewley, Bies, Brooks, Clark, E. Coggs, D. Cullen, Danou, Endsley, Farrow, Fields, Grigsby, Hebl, Hintz, Honadel, Hulsey, Jacque, Jorgensen, Kapenga, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Mason, Meyer, Milroy, Molepske Jr, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Petryk, Pocan, Pope–Roberts, Pridemore, Radcliffe, Richards, Ringhand, Ripp, Rivard, Roys, Seidel, Severson, Shilling, Sinicki, Spanbauer, Staskunas, Steinbrink, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Toles, Tranel, Turner, Van Roy, Vos, Vruwink, Weininger, Williams, Wynn, Young, Zamarripa, Zepnick, Ziegelbauer and Speaker Fitzgerald – 96.

Absent with leave – None.

Vacancies – 60th, 83rd and 94th Assembly District – 3.

LEAVES OF ABSENCE

Representative Ballweg asked unanimous consent for a leave of absence for part of today's session for Representatives Bies, Meyer, Mursau, Nerison and Pridemore. Granted.

Representative Roys asked unanimous consent for a leave of absence for part of today's session for Representatives D. Cullen, Milroy, Richards, Sinicki and Zepnick. Granted.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 41

Relating to: preemption of city, village, town, or county ordinances requiring employers to provide employees with leave from employment to deal with family, medical, or health issues.

By Representatives Kapenga, Stone and Honadel; cosponsored by Senators Vukmir, Darling, Grothman and Lazich.

To committee on **Labor and Workforce Development**.

Assembly Bill 42

Relating to: presumption and conclusive determination of paternity on basis of genetic test results and orders that may be granted on the basis of genetic test results.

By Representatives Kestell, LeMahieu, Spanbauer and Strachota; cosponsored by Senators Olsen and Taylor, by request of Wisconsin Child Support Enforcement Association.

To committee on **Children and Families**.

Assembly Bill 43

Relating to: removal of abandoned dams.

By Representatives Kestell, Bies, LeMahieu, Mursau, Ziegelbauer and Petrowski; cosponsored by Senator Leibham.

To committee on **Natural Resources**.

Assembly Bill 44

Relating to: prohibiting the Milwaukee Public Schools from imposing residency requirements on teachers.

By Representatives Kestell, Bies, Brooks, Honadel, Kerkman, Kleefisch, Kooyenga, LeMahieu, Marklein, Nass, Petersen, Pridemore, Spanbauer, Steineke, Stone, Strachota, Thiesfeldt and Vos; cosponsored by Senators Darling, Galloway, Grothman, Kedzie, Lazich and Olsen.

To committee on **Education**.

Assembly Bill 45

Relating to: authorizing county treasurers to provide notice of unclaimed funds by using the Internet.

By Representatives Petrowski, Bies, Ballweg, Kooyenga, LeMahieu, Kerkman, Nass, A. Ott, Rivard, Danou and Mursau; cosponsored by Senators Galloway, Leibham, Schultz, Taylor, Lassa and Grothman.

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

Assembly Bill 46

Relating to: eliminating the World Dairy Center Authority.

By Representatives A. Ott, Ballweg, Brooks, Jorgensen, Kestell, Rivard, Spanbauer, Tauchen, Vruwink and Strachota; cosponsored by Senators Grothman, Olsen and Taylor.

To committee on **Agriculture**.

Assembly Bill 47

Relating to: creating an individual income tax subtract modification for amounts received from the well contamination and abandonment compensation program.

By Representatives A. Ott, Ballweg, Berceau, Brooks, Molepske Jr, Mursau, Petrowski, Spanbauer, Thiesfeldt and Jorgensen; cosponsored by Senators Moulton and Schultz.

To committee on **Ways and Means**.

COMMITTEE REPORTS

The committee on **Jobs, Economy and Small Business** reports and recommends:

Assembly Bill 38

Relating to: authorizing the town of Brookfield in Waukesha County to create a tax incremental district for a retail project.

Passage:

Ayes: 13 – Representatives Williams, Endsley, Stone, Kapenga, Knilians, Kuglitsch, Loudenbeck, Petryk, Molepske Jr, Bernard Schaber, Fields, Toles and Mason.

Noes: 1 – Representative Krusick.

To committee on **Rules**.

MARY WILLIAMS
Chairperson
Committee on Jobs, Economy and Small Business

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 23

ACTION ON THE SENATE MESSAGE

Senate Bill 23

Relating to: preemption of city, village, town, or county ordinances requiring employers to provide employees with leave from employment to deal with family, medical, or health issues.

By Senators Vukmir, Grothman, Lazich and Darling; cosponsored by Representatives Kapenga, Stone and Honadel.

To committee on **Labor and Workforce Development**.

ENROLLED JOINT RESOLUTION

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

Assembly Joint Resolution 5

PATRICK E. FULLER
Assembly Chief Clerk

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 7** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Senate Joint Resolution 7

Relating to: commending the Wisconsin Badger football team for an outstanding season and 2011 Rose Bowl bid.

SPECIAL GUEST

Representative Hulsey introduced University of Wisconsin-Madison Football Coach, Bret Bielema, who addressed the members from the rostrum. Coach Bielema also introduced Wisconsin football players Montee Ball, Blake Sorenson, Aaron Henry and Patrick Butrym.

The question was: Shall **Senate Joint Resolution 7** be concurred in?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 7** be immediately messaged to the Senate. Granted.

CALENDAR OF TUESDAY, MARCH 8

Senate Joint Resolution 3

Relating to: commending the University of Wisconsin-Whitewater football team for winning a third national championship.

The question was: Shall **Senate Joint Resolution 3** be concurred in?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 3** be immediately messaged to the Senate. Granted.

Senate Joint Resolution 13

Relating to: declaring January 26 as Bob Uecker Day.

The question was: Shall **Senate Joint Resolution 13** be concurred in?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 13** be immediately messaged to the Senate. Granted.

Representative Ballweg asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

11:28 A.M.

RECESS

3:16 P.M.

The Assembly reconvened.

Speaker Fitzgerald in the chair.

Representative Suder asked unanimous consent for a quorum call. Granted.

A quorum was present.

Representative Bies asked unanimous consent that his leave of absence be lifted. Granted.

Representative D. Cullen asked unanimous consent that his leave of absence be lifted. Granted.

Representative Meyer asked unanimous consent that his leave of absence be lifted. Granted.

Representative Milroy asked unanimous consent that his leave of absence be lifted. Granted.

Representative Mursau asked unanimous consent that his leave of absence be lifted. Granted.

Representative Nerison asked unanimous consent that his leave of absence be lifted. Granted.

Representative Pridemore asked unanimous consent that his leave of absence be lifted. Granted.

Representative Sinicki asked unanimous consent that her leave of absence be lifted. Granted.

Representative Zepnick asked unanimous consent that his leave of absence be lifted. Granted.

Speaker Pro Tempore Kramer in the chair.

LEAVES OF ABSENCE

Representative Ballweg asked unanimous consent for a leave of absence for part of today's session for Representative Kleefisch. Granted.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Bill 21** be withdrawn from today's calendar and taken up at this time. Granted.

Senate Bill 21

Relating to: authorizing the town of Brookfield in Waukesha County to create a tax incremental district for a retail project.

Representative Barca introduced a privileged resolution.

**INTRODUCTION AND REFERENCE
OF PROPOSALS**

Read first time and referred:

Assembly Resolution 4

Relating to: requesting the governor to negotiate in good faith on January 2011 Special Session Assembly Bill 11.

By Representatives Barca and Seidel.

Representative Suder moved that **Assembly Resolution 4** be referred to the committee on **Assembly Organization**.

The question was: Shall **Assembly Resolution 4** be referred to the committee on **Assembly Organization**?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Brooks, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 57.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, Clark, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pocan, Pope–Roberts, Radcliffe, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 37.

Absent or not voting – Representatives Kleefisch and Richards – 2.

Motion carried.

Representative Richards asked unanimous consent that his leave of absence be lifted. Granted.

The question was: Shall **Senate Bill 21** be ordered to a third reading?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Bill 21** be given a third reading. Granted.

The question was: **Senate Bill 21** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Bill 21** be immediately messaged to the Senate. Granted.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Bill 11** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Senate Bill 11

Relating to: the filing of certain forms related to Tax Incremental Financing District Number 72 in the city of Milwaukee.

The question was: Shall **Senate Bill 11** be ordered to a third reading?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Bill 11** be given a third reading. Granted.

The question was: **Senate Bill 11** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Senate Bill 11** be immediately messaged to the Senate. Granted.

CALENDAR OF TUESDAY, FEBRUARY 4

Assembly Bill 4

Relating to: automobile insurance coverage limits, permissible policy provisions, and proof of financial responsibility.

The question was: **Assembly Bill 4** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Brooks, Danou, Endsley, Farrow, Fields, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Klenke, Knilans,

Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Meyer, Molepske Jr, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Radcliffe, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 61.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, Clark, E. Coggs, D. Cullen, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Parisi, Pasch, Pocan, Pope–Roberts, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 34.

Absent or not voting – Representative Kleefisch – 1.

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Bill 4** be immediately messaged to the Senate.

Representative D. Cullen objected.

Representative Suder moved that the rules be suspended and that **Assembly Bill 4** be immediately messaged to the Senate.

The question was: Shall the rules be suspended and **Assembly Bill 4** be immediately messaged to the Senate?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Brooks, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 57.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, Clark, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pocan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 38.

Absent or not voting – Representative Kleefisch – 1.

Motion failed.

Representative Barca introduced a privileged joint resolution.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 15

Relating to: recalling January 2011 Special Session Assembly Bill 11 from the Senate.

By Representatives Barca and Seidel.

To committee on **Assembly Organization**.

VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Clarence Weber, guest of Representative Vos.

Jane Jensen from Madison and Military Families for Peace, guest of Representative Ringhand.

Marissa Reynolds from the University of Wisconsin-Oshkosh, guest of Representative Hintz.

Bob and Maria Phelps from Wauwatosa and members of the Milwaukee Donauschwaben, guests of Representative Kessler.

ANNOUNCEMENTS

Representative Tiffany asked unanimous consent that the Assembly adjourn in honor of his daughter Lexie, on the occasion of her 11th birthday. Granted.

Representative Krusick asked unanimous consent that the Assembly adjourn in honor of her daughter Megan, on the occasion of her 13th birthday on March 12. Granted.

Representative Williams asked unanimous consent that the Assembly adjourn in honor of her son Kris, on the occasion of his 32nd birthday on March 6. Granted.

Representative Barca asked unanimous consent that the Assembly adjourn in honor of his niece Erin Schrandt, on the occasion of making the honor society in the University of Wisconsin-Oshkosh nursing program. Granted.

Representative Richards asked unanimous consent that the Assembly adjourn in honor of Representative JoCasta Zamarripa, on the occasion of her birthday today. Granted.

Representative Pridemore asked unanimous consent that the Assembly adjourn in honor of Ruth Knoll, on the occasion of her 50 years as the director of the Hartford Community Choir. Granted.

Representative Pridemore asked unanimous consent that the Assembly adjourn in honor of Scott Lopez, on the occasion of his 40 years as a broadcaster and owner of Hartford's Polka Station, WTKM. Granted.

Representative Nerison asked unanimous consent that the Assembly adjourn in honor of his mother Alice Nerison, on the occasion of her birthday on March 7. Granted.

Representative Nerison asked unanimous consent that the Assembly adjourn in honor of his wife Laura Nerison, on the occasion of their 37th wedding anniversary on March 9. Granted.

Representative Farrow asked unanimous consent that the Assembly adjourn in honor of his son Andrew, on the occasion of his 18th birthday on March 12. Granted.

Representative Pasch asked unanimous consent that the Assembly adjourn in honor of the nurses who were visiting for Nurses Day at the Capitol. Granted.

Representative Seidel asked unanimous consent that the Assembly adjourn in honor of the Wausau West High School Boys Hockey Team, who won the WIAA State Hockey Championship. Granted.

Representative Nygren asked unanimous consent that the Assembly adjourn in honor of the Coleman Cougars Boys Wrestling Team, who won the WIAA Division III State Team Wrestling Championship. Granted.

Representative Krug asked unanimous consent that the Assembly adjourn in honor of the Wisconsin Rapids Lincoln High School Boys Wrestling Team, who won the WIAA Division I State Team Wrestling Championship. Granted.

Representative Vruwink asked unanimous consent that the Assembly adjourn in honor of her cousin Erik Vruwink, for his performance on the Wisconsin Rapids Lincoln High School Boys Wrestling Team at the WIAA Division I State Team Wrestling Tournament. Granted.

Representative Steinbrink asked unanimous consent that the Assembly adjourn in honor of the Tremper High School Boys Wrestling Team and his grandson, Brian Steinbrink, for their first appearance at the WIAA Division I State Team Wrestling Championship. Granted.

ADJOURNMENT

Representative Suder moved that the Assembly stand adjourned until 10:00 A.M. on Wednesday, March 9.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

5:37 P.M.