



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

10:36 A.M.

THURSDAY, October 27, 2011

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

Representative T. Larson in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 51** offered by joint committee on **Finance**.

Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 51** offered by joint committee on **Finance**.

Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 51** offered by joint committee on **Finance**.

Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 51** offered by joint committee on **Finance**.

Assembly substitute amendment 1 to **Senate Bill 18** offered by joint committee on **Finance**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Senate Bill 18** offered by joint committee on **Finance**.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 70

Relating to: recognizing October 6 as German–American Day.

By Representatives Kessler, Thiesfeldt, Jorgensen, Kerkman, D. Cullen, Spanbauer, Zepnick, Pridemore, Sinicki, Krug, Turner, Marklein, A. Ott, Hebl, Clark, Seidel, Barca, Molepske Jr, Toles, Vruwink, Hintz, Danou, Hulsey, E. Cogg, Bewley, Zamarripa, C. Taylor, Grigsby, Bernard

Schaber, Radcliffe, Staskunas, Berceau, Richards and Milroy; cosponsored by Senators Risser, C. Larson, Hansen and Taylor.

To committee on **Rules**.

Assembly Joint Resolution 71

Relating to: commending Michael R. Lovell as Chancellor of the University of Wisconsin–Milwaukee.

By Representatives Pasch, Richards, E. Cogg, Zamarripa, Toles, Fields, Grigsby, Young, Staskunas, Sinicki, Barca, Stone, Hulsey, Hebl, Jorgensen, Molepske Jr and Berceau; cosponsored by Senators C. Larson, Taylor, Darling, Miller, S. Cogg and Schultz.

To committee on **Rules**.

Assembly Bill 342

Relating to: exempting certain parcels of land withdrawn from the Managed Forest Land Program from the assessment of withdrawal taxes and fees.

By Representatives Mursau, Spanbauer, LeMahieu, Bies and Brooks; cosponsored by Senators Lazich and Lasee.

To committee on **Forestry**.

COMMITTEE REPORTS

The joint committee on **Finance** reports and recommends:

Assembly Bill 51

Relating to: creating a Charter School Authorizing Board, providing additional charter school authorizers, eliminating the limit on the number of pupils who may attend virtual charter schools, modifying teacher licensure requirements, eliminating the limit on the reduction in general school aid used to fund independent charter schools, covering certain charter school employees under the Group Insurance Board health coverage plan for local government employees, allowing a charter school to elect to participate in the Wisconsin Retirement System, granting rule-making authority, and making an appropriation.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 14 – Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch and Mason; Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Taylor and Jauch.

Noes: 0.

Assembly Amendment 2 to Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch; Senators Darling, Olsen, Harsdorf, Grothman and Leibham.

Noes: 3 – Representative Mason; Senators Taylor and Jauch.

Assembly Amendment 3 to Assembly Substitute Amendment 1 adoption:

Ayes: 12 – Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch; Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer.

Noes: 3 – Representative Mason; Senators Taylor and Jauch.

Assembly Amendment 4 to Assembly Substitute Amendment 1 adoption:

Ayes: 12 – Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch; Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer.

Noes: 3 – Representative Mason; Senators Taylor and Jauch.

Assembly Amendment 5 to Assembly Substitute Amendment 1 adoption:

Ayes: 12 – Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch; Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer.

Noes: 3 – Representative Mason; Senators Taylor and Jauch.

Assembly Substitute Amendment 1 adoption:

Ayes: 12 – Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch; Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer.

Noes: 3 – Representative Mason; Senators Taylor and Jauch.

Passage as amended:

Ayes: 12 – Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch; Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer.

Noes: 3 – Representative Mason; Senators Taylor and Jauch.

To committee on **Rules**.

ROBIN VOS
Assembly Chairperson
Joint Committee on Finance

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Joint Resolution 43

Assembly Joint Resolution 61

Assembly Joint Resolution 66

Assembly Joint Resolution 68

Assembly Joint Resolution 69

Assembly Bill 48

Assembly Bill 63

Assembly Bill 81

Assembly Bill 179

Assembly Bill 248

Assembly Bill 252

Assembly Bill 253

Assembly Bill 254

Assembly Bill 267

Assembly Bill 270

Assembly Bill 275

Assembly Bill 300

Passed and asks concurrence in:

Senate Joint Resolution 46

Senate Bill 77

Senate Bill 92

Senate Bill 212

Senate Bill 224

Senate Bill 234

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 46

Relating to: proclaiming the month of October as Breast Cancer Awareness Month.

By Senators Darling, Galloway, Harsdorf, Schultz, Kedzie, Lazich, Wirch, Taylor, Olsen, S. Cogg, Risser and Miller; cosponsored by Representatives Strachota, Marklein, Roys, Ballweg, Pocan, Brooks, T. Larson, A. Ott, Wynn, Kerkman, Pasch, Bewley, Suder, Pridemore, C. Taylor, Steinbrink, Zamarripa, Tranel, Kaufert, Stone, Bies, Spanbauer, Molepske Jr, Hebl, Hulsey, Loudenbeck, Turner, Endsley, Sinicki and Seidel.

To committee on **Rules**.

Senate Bill 77

Relating to: membership on the State Trails Council.

By Senators Leibham, Holperin and Taylor; cosponsored by Representatives Kestell, Bernier, Brooks, Endsley and A. Ott.

To committee on **Rules**.

Senate Bill 212

Relating to: regulation of nursing homes, requiring the exercise of rule-making authority, and making an appropriation.

By Senators Galloway, Lazich, Holperin, Schultz, Shilling, Vinehout and Wirch; cosponsored by Representatives Knodl, Wynn, Nygren, Ballweg, Bernier, Bewley, Brooks, Danou, Doyle, Kestell, T. Larson, LeMahieu, Molepske Jr, Mursau, A. Ott, Petryk, Ripp, Spanbauer, Strachota, Thiesfeldt, Tranel, Van Roy, Williams and Vos.

To committee on **Rules**.

Senate Bill 224

Relating to: exception to local levy limits for the village of Shorewood.

By Senator Darling; cosponsored by Representative Kerkman.

To committee on **Rules**.

Senate Bill 234

Relating to: preaccreditation and accreditation of private schools participating in the Milwaukee Parental Choice Program and the choice program for eligible school districts, certificates of occupancy for participating private school buildings, verification of income eligibility for pupils to participate in the programs, fees and tuition charged to pupils attending participating private schools, and standards of conduct for administrators of participating private schools.

By Senators Vukmir, Darling and Olsen; cosponsored by Representatives Fields, E. Coggs, Kestell, Young and Vos.

To committee on **Rules**.

SPEAKER'S COMMUNICATIONS

October 26, 2011

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

Dear Chief Clerk Fuller:

I, Assembly Speaker Jeff Fitzgerald, in accordance with Assembly Rule 42 (3)(c), with the consent of Chairperson Brooks, am withdrawing Assembly Bill 27 from the Assembly Committee on Urban and Local Affairs and am rereferring the proposal to the Assembly Committee on Homeland Security and State Affairs.

Sincerely,
JEFF FITZGERALD
State Representative
39th Assembly District

ENROLLED BILLS

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

Assembly Bill 1
Assembly Bill 64

PATRICK E. FULLER
Assembly Chief Clerk

DATE: October 26, 2011
TO: Patrick E. Fuller, Assembly Chief Clerk
FROM: Speaker Jeff Fitzgerald
RE: Commission on Uniform State Laws

The Wisconsin Assembly Speaker Jeff Fitzgerald, in accordance with Assembly Rule 9 (2)(c) and Wisconsin Statute Section 13.55 (1) has confirmed Assembly Minority Leader Peter Barca's appointment of Representative David Cullen to the Commission on Uniform State Laws.

RULING ON THE POINT OF ORDER

On Tuesday, October 25 (page 607 of the Assembly Journal), Representative Ziegelbauer rose to the point of order that Assembly Substitute Amendment 1 to **Assembly Bill 93** was not germane, citing, generally, Assembly Rule 54 and that the amendment in question significantly expanded the scope of **Assembly Bill 93**.

Assembly Rule 54 states, "(1) General statement: The assembly may not consider any assembly amendment or assembly substitute amendment that relates to a different subject or is intended to accomplish a different purpose than that of the proposal to which it relates or that, if adopted and passed, would require a relating clause for the proposal which is substantially different from the proposal's original relating clause or that would totally alter the nature of the proposal."

Representative Kramer found the point of order **not well-taken** under Assembly Rule 54 (4)(b), that finds an amendment germane when it "accomplishes the same purpose in a different manner".

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Wisconsin Technical College System
Madison

October 27, 2011

To the Honorable, the Legislature:

Per the biennial report guidelines from Secretary Huebsch, I am submitting to you a copy of the Wisconsin Technical College System Biennial Report for 2009-11.

Sincerely,
DEBBIE PARKER
Executive Staff Assistant
Wisconsin Technical College System

Referred to committee on **Colleges and Universities**.

State of Wisconsin
State of Wisconsin Claims Board
Madison

October 27, 2011

To the Honorable, the Legislature:

Enclosed is the report of the State Claims Board covering the claims heard on October 11, 2011.

Those claims approved for payment pursuant to the provisions of § 16.007 and 775.05 Stats., have been paid directly by the Board.

This report is for the information of the Legislature. The

Board would appreciate your acceptance and publication of it in the Journal to inform the members of the Legislature.

Sincerely,
GREGORY D. MURRAY
Secretary

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

ADJOURNMENT

Representative Farrow moved that the Assembly stand adjourned until 11:00 A.M. on Tuesday, November 1.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:37 A.M.