



# STATE OF WISCONSIN

# Assembly Journal

## One-Hundredth Regular Session

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THURSDAY, December 1, 2011

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

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### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 291** offered by Representative Petrowski.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Resolution 19**

Relating to: conduct in the assembly visitor gallery.

By Representatives Roys, Berceau, Wynn, C. Taylor, Grigsby, Bewley, Clark, Doyle, Hebl, Jorgensen, Kessler, Mason, Pocan and Turner.

To committee on **Assembly Organization**.

#### **Assembly Joint Resolution 78**

Relating to: establishing a competitive election criteria for redistricting the legislature (first consideration).

By Representatives Kessler, Doyle, Hebl, Pope–Roberts, Roys, Sinicki and Berceau; cosponsored by Senators T. Cullen and Holperin.

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

#### **Assembly Bill 399**

Relating to: entrepreneurial assistance grants and making an appropriation.

By Representatives Barca, Doyle, Molepske Jr, Seidel, Zepnick, Berceau, Roys, Milroy, Pasch, C. Taylor, Steinbrink, Clark, Pope–Roberts, Jorgensen, Toles and Fields; cosponsored by Senators Lassa, Shilling, Wirch, Taylor, S. Cogg and Hansen.

To committee on **Jobs, Economy and Small Business**.

#### **Assembly Bill 400**

Relating to: state agency fiscal and operations reports and quarterly hearings of the Joint Legislative Audit Committee.

By Representatives Kramer, Pridemore, Endsley, Loudenbeck and Bies; cosponsored by Senators Lazich and Grothman.

To committee on **Ways and Means**.

#### **Assembly Bill 401**

Relating to: felony mistreatment of an animal and providing a penalty.

By Representatives Wynn, Sinicki, Spanbauer, Berceau, Knilans and Pasch; cosponsored by Senators Carpenter and T. Cullen.

To committee on **Criminal Justice and Corrections**.

#### **Assembly Bill 402**

Relating to: creating forest enterprise areas; the creation of a managed forest land board of review; review of certain decisions of the Department of Natural Resources regarding forestry practices on managed forest land; annual allowable timber harvests; management plans for large ownerships of managed forest land and for group enrollments; designation of additional managed forest land; leasing of managed forest land; the taxation of managed forest land; granting rule–making authority; requiring the exercise of rule–making authority; and making an appropriation.

By Joint Legislative Council.

To committee on **Forestry**.

#### **Assembly Bill 403**

Relating to: the length of time for which a variance applies.

By Representatives Steineke, Stroebel, Bies, Rivard and Jacque; cosponsored by Senators Lasee, Darling and Grothman.

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

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### COMMITTEE REPORTS

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

#### **Assembly Bill 215**

Relating to: requiring a private school that provides child care for children under three years of age to be licensed to operate a child care center.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Kestell, Marklein, Pridemore, Thiesfeldt, Wynn, Sinicki, Hintz and Clark.

Noes: 1 – Representative Nass.

Passage as amended:

Ayes: 8 – Representatives Kestell, Marklein, Pridemore, Thiesfeldt, Wynn, Sinicki, Hintz and Clark.

Noes: 1 – Representative Nass.

To committee on **Rules**.

### **Assembly Bill 314**

Relating to: closing the parental choice program for eligible school districts to additional school districts.

Passage:

Ayes: 6 – Representatives Kestell, Marklein, Wynn, Sinicki, Hintz and Clark.

Noes: 3 – Representatives Nass, Pridemore and Thiesfeldt.

To committee on **Rules**.

*STEVE KESTELL*  
Chairperson  
Committee on Education

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## **ACTION ON THE SENATE MESSAGE**

### **Senate Bill 174**

Relating to: closing the parental choice program for eligible school districts to additional school districts.

By Senators Ellis, Cowles, S. Fitzgerald, Olsen, Jauch, T. Cullen, Taylor, Schultz, Lassa and Hansen; cosponsored by Representatives Vos, Kestell, Brooks, Krug and Endsley.

To committee on **Rules**.

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## **STATEMENT OF CANVASS FOR REPRESENTATIVE TO THE ASSEMBLY SPECIAL ELECTION – NOVEMBER 8, 2011**

I, David G. Deininger, designee of the Chairperson of the Government Accountability Board, certify that the attached tabular statement, as compiled from the certified returns made to the Government Accountability Board by the La Crosse County Clerk, contains a correct abstract of the total number of votes given for the election of a candidate for Representative to the Assembly, at a Special Election held in the several election districts in said county on the eighth day of November, 2011.

I DO, THEREFORE, DETERMINE AND CERTIFY that the following candidate, having received the greatest number of votes, is duly elected Representative to the Assembly:

<u>District</u>	<u>Elected</u>
<b>95th District</b>	<b>Jill E. Billings</b>

Done in the City of Madison, this  
16th day of November, 2011.

*DAVID G. DEININGER*  
Designee of the Chairperson  
Government Accountability Board

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## **CERTIFICATE OF ELECTION**

I, Kevin J. Kennedy, Director and General Counsel of the Government Accountability Board of the State of Wisconsin, certify that

***Jill E. Billings***

was elected to the office of

## **REPRESENTATIVE TO THE ASSEMBLY**

from the Ninety-fifth Assembly District of the State of Wisconsin, for the unexpired term of two years, commencing on January 3, 2011, and ending January 7, 2013, to fill the vacancy created by the resignation of Jennifer Shilling, as shown on the official canvass of the votes cast at the Special Election held on November 8, 2011.

Done in the City of Madison, this  
16th day of November, 2011.

Sincerely,  
*KEVIN J. KENNEDY*  
Director and General Counsel  
Government Accountability Board

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## **OATH OF OFFICE**

On Monday, November 21, Wisconsin Supreme Court Justice Ann Walsh Bradley administered the oath of office to Jill E. Billings of the Ninety-fifth Assembly District in a ceremony held in the Myrick-Hixon EcoPark in La Crosse.

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## **SPEAKER'S COMMUNICATIONS**

**DATE:** December 1, 2011  
**TO:** Patrick E. Fuller, Assembly Chief Clerk  
**FROM:** Speaker Jeff Fitzgerald  
**RE:** Special Task Force on UW Restructuring and Operational Flexibilities

Speaker Jeff Fitzgerald has appointed the following individuals for the Special Task Force on UW Restructuring and Operational Flexibilities: Representative Steve Nass, Representative Pat Strachota, Richard Wells, Tim Higgins, Fred Mohs and Joe Alexander. Please call if you have any questions.

COMMUNICATIONS

November 21, 2011

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

Dear Pat:

I am writing to request that my vote on concurrence with Senate Bill 228 on November 3, 2011 be changed to "Aye". In reviewing the Assembly session proceedings I found that the vote recorded was in error.

Please feel free to contact my office at 266-5719 if you have any questions on this issue.

Sincerely,  
*DEAN KAUFERT*  
State Representative  
55th Assembly District

December 1, 2011

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

Dear Chief Clerk Fuller:

Sen. Alberta Darling (R-River Hills) and Rep. Robin Vos (R-Rochester) have selected University of Wisconsin System Regent Michael J. Falbo to chair the Special Task Force on UW Restructuring and Operational Flexibilities.

Sincerely,  
*ROBIN J. VOS*  
State Representative  
63rd Assembly District

December 1, 2011

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

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 389, relating to the authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce standards, requirements, and thresholds; elimination of gubernatorial approval of proposed administrative rules; economic impact reports of proposed rules; elimination of statements of scope for emergency rules; legislative review of proposed rules; legislative authorization for certain proposed

rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule.

Sincerely,  
*PENNY BERNARD SCHABER*  
State Representative  
57th Assembly District

December 1, 2011

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

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Resolution 19, relating to conduct in the assembly visitor gallery.

Sincerely,  
*PENNY BERNARD SCHABER*  
State Representative  
57th Assembly District

December 1, 2011

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

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 101, relating to requiring a municipal judge to be a licensed Wisconsin attorney.

Sincerely,  
*LENA TAYLOR*  
State Senator  
4th Senate District

State of Wisconsin  
Office of the Secretary of State  
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Jt. Res. Number</u>	<u>Enrolled Number</u>	<u>Publication Date</u>
<b>Assembly Joint Res. 68</b>	.. 9 .....	Not Published
<b>Assembly Joint Res. 61</b>	.. 10 .....	Not Published
<b>Assembly Joint Res. 43</b>	.. 11 .....	Not Published

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

## REFERRAL OF AGENCY REPORTS

November 30, 2011

State of Wisconsin  
Department of Administration  
Madison

November 30, 2011

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002 (11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172 (3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of October 2011.

On October 1, 2011, the Workers Compensation Fund cash balance closed at a negative \$414 thousand. The cash balance remained negative through October 31, 2011, when it reached a negative \$491 thousand (its intra-month low).

The Workers Compensation Fund shortfall was due to the difference in the timing of revenues and expenditures, was not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
*MIKE HUEBSCH*  
Secretary

Referred to committee on **Ways and Means** and joint committee on **Finance**.

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State of Wisconsin  
Department of Transportation  
Madison

To the Honorable, the Legislature:

I am pleased to submit the 2009-2011 Biennial Report for the Department of Transportation. The Department was successful in accomplishing many of its performance goals established for the previous biennium. Looking forward, our objectives for the next two years will emphasize maintaining strong partnerships and growing Wisconsin’s economy.

In 2011 the Department celebrated the 100th anniversary of a Wisconsin transportation agency. It is through a long history of working with other state, federal, and local agencies that we have been able to support and improve Wisconsin’s transportation network. During the 2009-11 biennium, the Department focused on a number of projects to meet the changing and growing travel needs of Wisconsin. Reconstruction of the I-94 North-South freeway in Milwaukee began in 2009. This project will improve safety and help ease congestion by modernizing this transportation artery. Construction work on US 41 to expand traffic lanes and improve interchanges also began, representing a significant step forward for Wisconsin and its economy as this corridor connects over half of the state’s population, manufacturing facilities, and businesses. Soon, the Department will begin work on the Zoo Interchange reconstruction project. These important projects help to ensure a safer and more efficient transportation system.

Wisconsin’s ability to remain competitive depends on the efficient transport of people and goods. Investing in transportation infrastructure will help foster Wisconsin’s economic recovery. Transportation projects encourage economic growth by creating job and business opportunities in addition to improving the quality of life for the people who live, work, and travel on the system.

Your comments and inquiries regarding this report are welcome. Transportation impacts everyone and the Department is committed to providing safe and efficient transportation services to meet the needs of Wisconsin and its communities.

Sincerely,  
*MARK GOTTLIEB, P.E.*  
Secretary

Referred to committee on **Transportation**.