



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

10:37 A.M.

THURSDAY, March 1, 2007

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

Speaker Huebsch in the chair.

Representative J. Fitzgerald asked unanimous consent for a quorum call. Granted.

A quorum was present.

The Color Guard posted the colors.

The prayer was offered by Leon Valliere, director of the Lac du Flambeau Ojibwe Language Program.

Trinity Caldwell of Keshena, a 7 year-old member of the Menominee Nation, led the membership in reciting the pledge of allegiance to the flag of the United States of America.

STATE OF THE TRIBES ADDRESS

Speaker Huebsch introduced Patricia R. DePerry, Tribal Chairwoman of the Red Cliff Band of Lake Superior Chippewa, who addressed the members from the rostrum.

The roll was taken.

The result follows:

Present – Representatives Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Hahn, Hebl, Hilgenberg, Hines, Hintz, Hixson, Honadel, Hraychuck, Hubler, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Kramer, Kreuser, Krusick, F. Lasee, LeMahieu, Lothian, Mason, Meyer, Molepske, Montgomery, Moulton, Mursau, Murtha, Musser, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Owens, Parisi, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Roth, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Toles, Travis, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, Wasserman, Wieckert, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer, Zipperer and Speaker Huebsch – 95.

Absent with leave – Representatives Gronemus, Gundrum, Townsend and Wood – 4.

Vacancies – None.

LEAVES OF ABSENCE

Representative Honadel asked unanimous consent for a leave of absence for today's session for Representatives Gundrum, Townsend and Wood. Granted.

Representative Staskunas asked unanimous consent for a leave of absence for today's session for Representative Gronemus. Granted.

LEAVES OF ABSENCE

Representative Staskunas asked unanimous consent for a leave of absence for part of today's session for Representatives Toles and Zepnick. Granted.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 28** offered by Representative Lothian.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 23

Relating to: limiting the annual percentage increase in property tax assessments and prohibiting property tax rate increases without voter approval (first consideration).

By Representatives Albers, Musser and Mursau.

To committee on **Elections and Constitutional Law**.

Assembly Bill 123

Relating to: the frequency of wage payments to volunteer fire fighters.

By Representatives Wood, Albers, Ballweg, Bies, Jeskewitz, Kerkman, Moulton, Mursau, Musser, Suder, Townsend and Vos; cosponsored by Senators Kreitlow, Cowles, Grothman, Kanavas, Lassa, Roessler and Schultz.

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

Assembly Bill 124

Relating to: prohibiting the Investment Board from making certain investments relating to Sudan.

By Representatives Kessler, Davis, Albers, Berceau, Boyle, Cullen, Fields, Grigsby, Hilgenberg, Hintz, Molepske, Nelson, Nygren, Pocan, Pope-Roberts, Seidel, Sheridan, Sinicki, Toles, Turner, A. Williams, Young, Zepnick and Richards; cosponsored by Senators Harsdorf, Coggs, Erpenbach, Grothman, Lehman, Risser and Sullivan.

To committee on **Financial Institutions**.

Passage:

Ayes: 10 – Representatives Van Roy, Kleefisch, Musser, Petrowski, Newcomer, Tauchen, Young, Toles, Benedict and Sinicki.

Noes: 0.

To committee on **Rules**.

KARL VAN ROY
Chairperson
Committee on State Affairs

COMMITTEE REPORTS

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

Assembly Bill 20

Relating to: providing loans to persons who are paying more property taxes as a result of the Department of Revenue's error in calculating equalized value and making an appropriation.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 16 – Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon; Senators Decker, Hansen, Taylor, Jauch, Miller, Lehman, Darling and Olsen.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 16 – Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon; Senators Decker, Hansen, Taylor, Jauch, Miller, Lehman, Darling and Olsen.

Noes: 0.

Passage as amended with emergency statement (s. 16.47(2) Wisconsin Statutes):

Ayes: 16 – Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon; Senators Decker, Hansen, Taylor, Jauch, Miller, Lehman, Darling and Olsen.

Noes: 0.

To committee on **Rules**.

KITTY RHOADES
Assembly Chairperson
Joint Committee on Finance

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

Assembly Bill 46

Relating to: daylight saving time and closing hours for certain alcohol beverages retailers.

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 6
Assembly Joint Resolution 8
Assembly Joint Resolution 9
Assembly Joint Resolution 11

PATRICK E. FULLER
Assembly Chief Clerk

COMMUNICATIONS

February 28, 2007

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53708

Dear Mr. Fuller:

Under Assembly Rule 76(8), I wish to be recorded in the Assembly Journal as having voted "aye" on the main question of the following measures appearing on the Assembly Calendar for March 1, 2007:

1. Assembly Joint Resolution 16
2. Assembly Joint Resolution 19
3. Assembly Joint Resolution 20
4. Assembly Joint Resolution 22
5. Senate Joint Resolution 13
6. Assembly Joint Resolution 17
7. Assembly Bill 27
8. Assembly Bill 37

Thank you for your assistance.

Sincerely,
JOHN TOWNSEND
State Representative
52nd Assembly District

February 28, 2007

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53708

Dear Chief Clerk Fuller:

Please remove my name as a co-sponsor of Assembly Bill 59.
Thank you.

Sincerely,
JULIE LASSA
State Senator
24th Senate District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

February 28, 2007

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 January 2007.

On January 1, 2007, the Medical Assistance Trust Fund cash balance closed at its intra-month low of a negative \$5.2 million. This negative balance continued through January 23, 2007, when the fund’s cash balance closed at a positive \$277.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2007, the Wisconsin Health Education Loan Repayment Fund cash balance closed at a negative \$1.0 thousand. This negative balance continued through January 31, 2007, when the fund’s cash balance closed at a negative \$1.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2007, the Wisconsin Building Trust Fund cash balance closed at a negative \$2.2 million. This negative balance continued through January 11, 2007, when the fund’s cash balance closed at a positive \$5.3 million. The Wisconsin Building Trust Fund cash balance reached its intra-month low of a negative \$2.8 million on January 4, 2007. The negative balance was due to a delayed cash transfer from the University of Wisconsin.

On January 1, 2007, the Worker’s Compensation Fund cash balance closed at a negative \$3.5 million. This negative balance continued through January 30, 2007, when the fund’s cash balance closed at a positive \$1.9 million. The Worker’s Compensation Fund cash balance reached its intra-month low of a negative \$4.3 million on January 3, 2007. The negative balance was due to the difference in the timing of revenues and expenditures.

The Medical Assistance Trust Fund, Wisconsin Health Education Loan Repayment Fund, Wisconsin Building Trust Fund and Worker’s Compensation Fund shortfalls were 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,
MICHAEL MORGAN
Secretary

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

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

The Assembly stood recessed.

11:35 A.M.

RECESS

2:10 P.M.

The Assembly reconvened.

Speaker Pro Tempore Gottlieb in the chair.

Representative J. Fitzgerald asked unanimous consent for a quorum call. Granted.

A quorum was present.

Speaker Huebsch in the chair.

Representative Toles 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 Huebsch introduced a privileged resolution.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 6

Relating to: recognition of Assembly Chief Clerk staff, Jody Nussbaum, on the occasion of her retirement from 32 years of faithful service to the Wisconsin State Assembly.

Representative J. Fitzgerald asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Resolution 6**. Granted.

The question was: Shall **Assembly Resolution 6** be adopted?

Motion carried.

Speaker Pro Tempore Gottlieb in the chair.

Representative J. Fitzgerald asked unanimous consent that **Senate Joint Resolution 8** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Senate Joint Resolution 8

Relating to: commending the University of Wisconsin–Madison Badger football team.

The question was: Shall **Senate Joint Resolution 8** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 8** be immediately messaged to the Senate. Granted.

CALENDAR OF THURSDAY, MARCH 1

Assembly Joint Resolution 16

Relating to: commending the University of Wisconsin–Madison Badger football team.

Representative J. Fitzgerald asked unanimous consent that **Assembly Joint Resolution 16** be laid on the table. Granted.

Assembly Joint Resolution 19

Relating to: declaring March 25 to 31, 2007, as Veterans of Foreign Wars National Home for Children Awareness Week.

The question was: Shall **Assembly Joint Resolution 19** be adopted?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 19** be immediately messaged to the Senate. Granted.

Representative J. Fitzgerald asked unanimous consent that **Senate Joint Resolution 17** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Senate Joint Resolution 17

Relating to: declaring March 2007 American Red Cross Month.

The question was: Shall **Senate Joint Resolution 17** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 17** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 20

Relating to: declaring March 2007 American Red Cross Month.

Representative J. Fitzgerald asked unanimous consent that **Assembly Joint Resolution 20** be laid on the table. Granted.

Assembly Joint Resolution 22

Relating to: declaring March 10, 2007, Tibet Day.

The question was: Shall **Assembly Joint Resolution 22** be adopted?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 22** be immediately messaged to the Senate. Granted.

Senate Joint Resolution 13

Relating to: the life and military service of United States Marine Corps Corporal Joshua M. Schmitz.

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

Motion carried.

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

Representative J. Fitzgerald asked unanimous consent that **Senate Joint Resolution 12** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Senate Joint Resolution 12

Relating to: commending Joe Thomas for his athletic achievements.

The question was: Shall **Senate Joint Resolution 12** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 12** be immediately messaged to the Senate. Granted.

CALENDAR OF THURSDAY, FEBRUARY 22

Assembly Bill 31

Relating to: elimination of accumulated sick leave credit program for legislators, justices and judges, and all other state elected officials.

The question was: **Assembly Bill 31** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Benedict, Bies, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Gunderson, Hahn, Hilgenberg, Hines, Hintz, Honadel, Hraychuck, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Kramer, Kreuser, Krusick, F. Lasee, LeMahieu, Lothian, Meyer, Montgomery, Moulton, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, J. Ott, Petersen, Petrowski, Pridemore, Rhoades, Richards, Roth, Sinicki, Smith, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Van Akkeren, Van Roy, Vos, Vukmir, Wasserman, Wieckert, M. Williams, Zepnick, Ziegelbauer, Zipperer and Speaker Huebsch – 66.

Noes – Representatives Albers, Berceau, Black, Boyle, Colon, Grigsby, Hebl, Hixson, Hubler, Mason, Molepske, Musser, A. Ott, Owens, Parisi, Pocan, Pope–Roberts, Schneider, Seidel, Sheridan, Sherman, Shilling, Soletski, Toles, Travis, Turner, Vruwink, A. Williams and Young – 29.

Absent or not voting – Representatives Gronemus, Gundrum, Townsend and Wood – 4.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 31** be immediately messaged to the Senate. Granted.

CALENDAR OF THURSDAY, MARCH 1

Assembly Joint Resolution 17

Relating to: requiring a photographic identification to vote, or register to vote, at the polls on election day (second consideration).

The question was: Shall **Assembly Joint Resolution 17** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 17** be given a third reading.

Representative Young objected.

Representative J. Fitzgerald moved that the rules be suspended and that **Assembly Joint Resolution 17** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Joint Resolution 17** be given a third reading?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Ballweg, Bies, Davis, J. Fitzgerald, Friske, Gottlieb, Gunderson, Hahn, Hines, Honadel, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Kramer, F. Lasee, LeMahieu, Lothian, Meyer, Montgomery, Moulton, Mursau, Murtha, Musser, Nass, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Owens, Petersen, Petrowski, Pridemore, Rhoades, Roth, Stone, Strachota, Suder, Tauchen, Van Roy, Vos, Vukmir, Wieckert, M. Williams, Zipperer and Speaker Huebsch – 49.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Garthwaite, Grigsby, Hebl, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Jorgensen, Kessler, Kreuser, Krusick, Mason, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 46.

Absent or not voting – Representatives Gronemus, Gundrum, Townsend and Wood – 4.

Motion failed.

Assembly Bill 27

Relating to: reporting of certain information concerning individual contributions received on campaign finance reports.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 27** be referred to the committee on **Elections and Constitutional Law**. Granted.

Assembly Bill 37

Relating to: the administration by a dentist of oral medication to induce conscious sedation.

The question was: Shall **Assembly Bill 37** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 37** be given a third reading. Granted.

The question was: **Assembly Bill 37** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 37** be immediately messaged to the Senate. Granted.

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 52

ACTION ON THE SENATE MESSAGE

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 52** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Bill 52

Relating to: daylight saving time and closing hours for certain alcohol beverages retailers.

By Senator Breske; cosponsored by Representatives Boyle, Musser, Sheridan, Turner, Sherman, Pocan and Berceau.

The question was: Shall **Senate Bill 52** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 52** be given a third reading. Granted.

The question was: **Senate Bill 52** having been read three times, shall the bill be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 52** be immediately messaged to the Senate. Granted.

VISITORS

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

Alexander Kharkovskyy from Kiru, Ukraine, guest of Representatives Schneider and Seidel.

Tetyana Krarkouska from Lutsk, Ukraine, guest of Representatives Schneider and Seidel.

ANNOUNCEMENTS

Representative Jorgensen asked unanimous consent that the Assembly adjourn in memory of Vernon Davis of the Town of Oakland, who passed away in a farming accident on February 1. Granted.

Representative Pope-Roberts asked unanimous consent that the Assembly adjourn in honor of Representative Van Akkeren on the occasion of his birthday on March 10 and his wedding day on March 13. Granted.

Representative Schneider asked unanimous consent that the Assembly adjourn in honor of the United States Marine Corps and Navy Corpsman John Bradley and Marine Patrick Fuller on the occasion of the victory on the island of Iwo Jima in 1945. Granted.

Representative Schneider asked unanimous consent that the Assembly adjourn in honor of the Wisconsin State Legislature of 1865, for ratification of the 13th Amendment for abolishing slavery. Granted.

ADJOURNMENT

Representative J. Fitzgerald moved that the Assembly stand adjourned pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

4:35 P.M.