



# STATE OF WISCONSIN Assembly Journal

## Ninety-Eighth Regular Session

2:00 P.M.

THURSDAY, May 31, 2007

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

Speaker Huebsch in the chair.

The Assembly dispensed with the call of the roll.

### AMENDMENTS OFFERED

Assembly amendment 2 to **Assembly Bill 305** offered by Representatives Kerkman and Sherman.

Assembly amendment 1 to **Assembly Bill 306** offered by committee on **Agriculture**.

Assembly substitute amendment 1 to **Assembly Bill 309** offered by Representative Albers.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 377**

Relating to: requiring a hospital to provide to a sexual assault victim information and, upon her request, emergency contraception and providing a penalty.

By Representatives Musser, Pocan, Wood, Kaufert, Richards, Hilgenberg, Hintz, Molepske, Wasserman, Kreuser, Hebl, Soletski, Toles, Benedict, Berceau, Black, Boyle, Grigsby, Hraychuck, Kessler, Parisi, Pope-Roberts, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Travis, Turner, Vruwink, Young and Zepnick; cosponsored by Senators Robson, Taylor, Miller, Plale, Risser, Erpenbach, Lehman, Wirsch, Hansen, Jauch, Carpenter, Kreitlow, Coggs, Lassa and Sullivan.

To committee on **Judiciary and Ethics**.

#### **Assembly Bill 378**

Relating to: the motor vehicle fuel tax imposed on fuel from a renewable resource, income and franchise tax credits related to renewable energy, and requiring the exercise of rule-making authority.

By Representatives Wood, Gronemus, Moulton, Molepske, Lothian, Hahn, Musser, Mursau, Townsend, Sheridan, Bies, Ballweg, Albers, Gunderson, Tauchen,

Nygren and A. Ott; cosponsored by Senators Kreitlow, Darling and Schultz.

To committee on **Biofuels and Sustainable Energy**.

#### **Assembly Bill 379**

Relating to: authorizing the city of St. Croix Falls to become a premier resort area.

By Representative Hraychuck, by request of the city of St. Croix Falls.

To committee on **Tourism, Recreation and State Properties**.

#### **Assembly Bill 380**

Relating to: the sale of fireworks; fireworks permits and displays; shipping fireworks; fireworks wholesalers licenses; disposition of seized fireworks; fireworks enforcement; granting rule-making authority; making an appropriation; and providing a penalty.

By Representatives Kerkman, Steinbrink, Albers, Lothian, Zepnick and A. Ott; cosponsored by Senators Olsen and Hansen.

To committee on **Tourism, Recreation and State Properties**.

#### **Assembly Bill 381**

Relating to: an income and franchise tax credit for sales and use taxes paid on the purchase of electricity used in agricultural biotechnology.

By Representatives Wieckert, Hahn, Gronemus, Musser, Mursau, Mason, Tauchen, A. Ott, Hines, Bies, Albers, Townsend, Gunderson and Murtha; cosponsored by Senators Leibham and Roessler.

To committee on **Agriculture**.

#### **Assembly Bill 382**

Relating to: the percentage of room tax revenue that must be spent on tourism promotion and development.

By Representative Van Akkeren.

To committee on **Tourism, Recreation and State Properties**.

#### **Assembly Bill 383**

Relating to: increasing funding for local youth apprenticeship grants and making an appropriation.

By Representatives Van Akkeren, Vruwink, Shilling, Sheridan, Sinicki, Fields, Benedict, Staskunas, Kreuser, A. Williams, Townsend, Pope-Roberts, Berceau and Seidel; cosponsored by Senators Hansen, Plale, Sullivan, Schultz, Lassa and Roessler.

To committee on **Workforce Development**.

**Assembly Bill 384**

Relating to: expanding the secretary of revenue's authority to waive or reduce interest or penalties.

By Representatives Sherman, Bies, Turner, Vruwink, Albers, Townsend, A. Williams, Boyle, Fields, Grigsby, Musser, Vos, Kessler and Petrowski; cosponsored by Senators Lehman, Grothman, Schultz and Hansen.

To committee on **Ways and Means**.

**Assembly Bill 385**

Relating to: deadlines for payment of provider claims under the Medical Assistance and Badger Care programs and the prescription drug assistance program for elderly persons.

By Representatives Friske, Mursau, Townsend, Bies, Gunderson, A. Ott and Jeskewitz; cosponsored by Senator S. Fitzgerald.

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

**Assembly Bill 386**

Relating to: restrictions on the purchase price of land acquired from nonprofit organizations by certain agencies and authorities.

By Representatives Friske, Mursau, Petrowski, LeMahieu, Vos, Nass, Bies, Albers and Musser; cosponsored by Senators Schultz and Olsen.

To committee on **State Affairs**.

**Assembly Bill 387**

Relating to: prohibiting the use of information in credit reports for issuing or setting premiums for motor vehicle or property insurance.

By Representatives Berceau, Vruwink, Ballweg, Albers, Pocan, Grigsby, Hilgenberg, Fields, Hixson, A. Williams and Sinicki; cosponsored by Senators Erpenbach, Roessler and Plale.

To committee on **Insurance**.

**Assembly Bill 388**

Relating to: the licensing and regulation of thermal system insulation and fire-stop product mechanics and contractors; creating a thermal system insulation and fire-stop council; requiring the employment of a state inspector; establishing standards for installing, removing, and maintaining thermal system insulation and fire-stop products; requiring the exercise of rule-making authority; and providing a penalty.

By Representatives Newcomer, Berceau, Jeskewitz, Turner, A. Ott, Richards, Sheridan, Hines, Kleefisch, Zepnick, Sinicki, Fields, Mason, Van Roy and Grigsby; cosponsored by Senators Coggs, A. Lasee, Lehman, Olsen, Hansen, Plale, Sullivan, Darling, Lassa, Erpenbach, Kreitlow, Miller and Wirch.

To committee on **Labor and Industry**.

**Assembly Bill 389**

Relating to: the maximum amount of an academic excellence higher education scholarship.

By Representatives Ballweg, Albers, Berceau, Bies, Boyle, Fields, Gronemus, Gunderson, Jeskewitz, Jorgensen, A. Ott, Petrowski and Townsend; cosponsored by Senators Lassa, Plale and Roessler.

To committee on **Colleges and Universities**.

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**COMMITTEE REPORTS**

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

**Assembly Bill 306**

Relating to: an assessment on growers that sell corn.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives A. Ott, Nerison, M. Williams, Mursau, Murtha, Tauchen, Molepske, Jorgensen, Vruwink and Garthwaite.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives A. Ott, Nerison, M. Williams, Mursau, Murtha, Tauchen, Molepske, Jorgensen, Vruwink and Garthwaite.

Noes: 0.

To committee on **Rules**.

*ALVIN OTT*

Chairperson

Committee on Agriculture

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The committee on **Colleges and Universities** reports and recommends:

**Assembly Bill 65**

Relating to: creating a nonrefundable individual and corporate income tax credit based on interest received from bonds or notes issued by the Wisconsin Health and Educational Facilities Authority for purposes related to an educational facility and authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance a project undertaken by the Wisconsin Association of Independent Colleges and Universities related to an educational facility.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Nass, Ballweg, Jeskewitz, Zipperer, Gottlieb, Kleefisch, Shilling, Smith and Black.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Nass, Ballweg, Jeskewitz, Zipperer, Gottlieb, Kleefisch, Shilling, Smith and Black.

Noes: 0.

To joint committee on **Finance**.

**Assembly Bill 151**

Relating to: making a postsecondary student who has been convicted of possessing, with intent to manufacture, distribute, or deliver, or of manufacturing, distributing, or delivering, a controlled substance or controlled substance analog based on conduct that occurred during a period of enrollment for which the postsecondary student was receiving any state financial assistance ineligible for state financial assistance and granting rule-making authority.

Passage:

Ayes: 6 – Representatives Nass, Ballweg, Jeskewitz, Zipperer, Gottlieb and Kleefisch.

Noes: 3 – Representatives Shilling, Smith and Black.

To committee on **Rules**.

*STEPHEN NASS*  
Chairperson  
Committee on Colleges and Universities

The committee on **Labor and Industry** reports and recommends:

**Assembly Bill 181**

Relating to: continuing education for architects, landscape architects, professional engineers, designers of engineering systems, and land surveyors.

Passage:

Ayes: 9 – Representatives Honadel, Gottlieb, Nass, Wieckert, Newcomer, Murtha, Nelson, Sheridan and Van Akkeren.

Noes: 0.

To committee on **Rules**.

*MARK HONADEL*  
Chairperson  
Committee on Labor and Industry

**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 20**

Passed and asks concurrence in:

**Senate Bill 69**

**Senate Bill 129**

**ACTION ON THE SENATE MESSAGE**

**Senate Joint Resolution 20**

Relating to: declaring June 14 Fighting Bob La Follette Day.

By Senators Risser, Erpenbach, Kreitlow, Lassa, Lehman, Miller, Plale and Wirch; cosponsored by Representatives Pocan, Berceau, Black, Boyle, Hahn, Hebl, Hilgenberg, Hixson, Pope–Roberts, Seidel, Sheridan, Sinicki, Travis, Van Akkeren and Ziegelbauer.

To committee on **Rules**.

**Senate Bill 69**

Relating to: information obtained by a tax preparer in the course of preparing a client’s tax return.

By Senators Sullivan, Erpenbach, Lazich and Roessler; cosponsored by Representatives Friske, Berceau, Kerkman, A. Williams, Bies, Young, Ballweg, Kleefisch, Vruwink, M. Williams, Musser, A. Ott and Van Roy.

To committee on **Consumer Protection and Personal Privacy**.

**Senate Bill 129**

Relating to: requiring a hospital to provide to a sexual assault victim information and, upon her request, emergency contraception and providing a penalty.

By Senators Robson, Taylor, Miller, Plale, Risser, Erpenbach, Lehman, Wirch, Hansen, Jauch, Carpenter, Kreitlow, Coggs, Lassa and Sullivan; cosponsored by Representatives Pocan, Benedict, Berceau, Black, Boyle, Grigsby, Hraychuck, Kessler, Parisi, Pope–Roberts, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Travis, Turner, Vruwink, Young and Zepnick.

To committee on **Judiciary and Ethics**.

**REFERENCE BUREAU CORRECTIONS**

**Assembly Bill 218**

1. Page 21, line 3: on lines 3 and 5, delete “good” and substitute “goods”.

2. Page 34, line 22: delete “sub. sub.” and substitute “sub.”.

3. Page 42, line 3: delete “**Powers of division.**” and substitute “**POWERS OF DIVISION.**”.

**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison

May 30, 2007

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Assembly Bill 36</b> . . . . .	13 . . . . .	May 30, 2007
<b>Assembly Bill 227</b> . . . . .	14 . . . . .	May 30, 2007

Respectfully submitted,  
*JIM DOYLE*  
Governor

**COMMUNICATIONS**

May 30, 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-author of Assembly Bill 353, relating to prohibiting an insurer from requiring a certain vendor for repairing a motor vehicle, requiring adjusters to inspect motor vehicle damage, and insurance payments for motor vehicle repair costs.

Sincerely,  
*LOUIS MOLEPSKE, JR*  
State Representative  
71st Assembly District

May 30, 2007

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

Dear Chief Clerk Fuller:

Please add my name as a co-sponsor of Assembly Bill 362, offered by Representative Musser.

Sincerely,  
*ROGER BRESKE*  
State Senator  
12th Senate District

May 30, 2007

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

Dear Patrick:

I am pleased to transmit to you the following report to the 2007 Legislature on legislation introduced by the Joint Legislative Council:

RL 2007-07 Special Committee on Nuclear Power  
[2007 Assembly Bills 346, 347 and  
348]

RL 2007-08 Special Committee on Placement of  
Sex Offenders  
[2007 Assembly Bill 332]

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available in the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at [www.legis.state.wi.us/lc/reports\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,  
*TERRY C. ANDERSON*  
Director

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Madison

May 31, 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 April 2007.

On April 5, 2007, the General Fund cash balance closed at a negative \$45.7 million. This negative balance continued intermittently through April 19, 2007, when the fund's cash balance closed at a positive \$73.0 million. The General Fund cash balance reached its intra-month low of a negative \$397.0 million on April 13, 2007. The negative balance was due to the difference in the timing of revenues and expenditures.

On April 1, 2007, the Wisconsin Health Education Loan Repayment Fund cash balance closed at a negative \$2.0 thousand. This negative balance continued through April 30, 2007, when the fund's cash balance closed at a negative \$2.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund and Wisconsin Health Education Loan Repayment 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 L. MORGAN*  
Secretary

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

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## ADJOURNMENT

Representative J. Fitzgerald moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, June 5.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

2:01 P.M.