



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

4:00 P.M.

TUESDAY, March 4, 2008

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 3 to **Assembly Bill 61** offered by Representative Albers.

Assembly amendment 4 to **Assembly Bill 61** offered by Representative Albers.

Assembly amendment 5 to **Assembly Bill 61** offered by Representative Albers.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 561** offered by Representative Montgomery.

Assembly amendment 1 to **Assembly Bill 679** offered by Representative Rhoades.

Assembly amendment 1 to **Assembly Bill 685** offered by Representative Albers.

Assembly amendment 1 to **Assembly Bill 688** offered by Representative F. Lasee.

Assembly amendment 1 to **Assembly Bill 700** offered by Representative Albers.

Assembly amendment 1 to **Assembly Bill 834** offered by Representative Nerison.

Assembly amendment 2 to **Assembly Bill 834** offered by Representative Wieckert.

Assembly amendment 1 to **Assembly Bill 851** offered by committee on **State Affairs**.

Assembly amendment 1 to **Assembly Bill 863** offered by Representative Newcomer.

Assembly amendment 1 to **Assembly Bill 874** offered by Representative Albers.

Assembly amendment 2 to **Assembly Bill 877** offered by Representative Friske.

Assembly amendment 1 to **Assembly Bill 897** offered by Representative Gottlieb.

Assembly substitute amendment 1 to **Senate Bill 88** offered by Representatives Nygren and Kramer.

Assembly substitute amendment 2 to **Senate Bill 176** offered by Representative Toles.

Assembly amendment 1 to Assembly substitute amendment 1 to **Senate Bill 212** offered by committee on **Small Business**.

Assembly amendment 2 to Assembly substitute amendment 1 to **Senate Bill 212** offered by committee on **Small Business**.

Assembly amendment 1 to **Senate Bill 370** offered by Representative Albers.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 111

Relating to: recognizing July 31, the birthday of Nobel Prize-winning economist Milton Friedman, as Milton Friedman Day in the state of Wisconsin.

By Representatives Vukmir, Ziegelbauer, Suder, Fields, Kramer, Jeskewitz, F. Lasee, Gunderson, Hahn, Vos, Lothian, Mursau, Wood, Nass, Townsend, Kleefisch, Kestell, Owens, Stone, M. Williams, Tauchen, Newcomer, Pridemore, Gundrum, Rhoades and Nygren; cosponsored by Senators S. Fitzgerald, Cowles, Olsen, Lazich, Roessler, Grothman, Schultz and Darling.

To committee on **Rules**.

Assembly Joint Resolution 112

Relating to: commending the Congregation of Sisters of St. Agnes.

By Representative Townsend; cosponsored by Senator Roessler.

To committee on **Rules**.

Assembly Bill 902

Relating to: regulating the provision of debt-settlement services, granting rule-making authority, and providing a penalty.

By Representatives Newcomer, Townsend and Wood;
cosponsored by Senator Darling.
To committee on **Financial Institutions**.

Assembly Bill 903

Relating to: verification of the eligibility of voters whose names do not appear on registration lists or who appear to have voted more than once.

By Representatives Stone, Albers, Townsend, LeMahieu, Nass, Jeskewitz, Pridemore, Ballweg and Strachota; cosponsored by Senators Leibham, Cowles, Roessler and Grothman.

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

Assembly Bill 904

Relating to: administration of elections and providing penalties.

By Representatives Albers, Huebsch, J. Fitzgerald, Rhoades, Hahn, Jeskewitz, Vos, Strachota, Owens, Townsend, Montgomery, Nerison, Kaufert, Tauchen, Lothian, Ballweg, Hines, Van Roy, Musser, Suder, Kestell, Mursau, LeMahieu, Gunderson, Nygren, Kerkman and Pridemore.

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

Assembly Bill 905

Relating to: the duty to stop at the scene of, and to report, a motor vehicle accident.

By Representatives Davis, Ziegelbauer, Kerkman, Montgomery, Owens and Jeskewitz; cosponsored by Senator Roessler.

To committee on **Criminal Justice**.

Assembly Bill 906

Relating to: state special education aid for the salaries of certain pupil services personnel and granting rule-making authority.

By Representatives Davis, Berceau, Hahn, Molepske and Turner; cosponsored by Senators Lehman, Darling, Erpenbach, Olsen, Roessler and Schultz.

To committee on **Education**.

Assembly Bill 907

Relating to: the transfer of, and the residency requirements under, the film production tax credits.

By Representatives Strachota, Zepnick, Molepske, Vos, F. Lasee, Sheridan, Berceau, Moulton, Van Roy, Seidel and Hahn; cosponsored by Senators Plale, Kanavas, Kapanke, Darling, Roessler, Schultz and Hansen.

To committee on **Jobs and The Economy**.

Assembly Bill 908

Relating to: reporting requirements for certain charitable organizations.

By Representatives Strachota, Nass, Kerkman, Hahn, Mursau, Townsend, Bies and Gunderson; cosponsored by Senators Sullivan, Grothman, Darling and Olsen.

To committee on **Financial Institutions**.

Assembly Bill 909

Relating to: attachment of territory to public inland lake protection and rehabilitation districts and changing boundaries of proposed public inland lake protection and rehabilitation districts.

By Representative Hixson.

To committee on **Natural Resources**.

Assembly Bill 910

Relating to: creating an ambulance driver safety program in the Department of Transportation, rules of the road applicable to the operation of ambulances, requiring the exercise of rule-making authority, and making an appropriation.

By Representatives Hixson and A. Williams; cosponsored by Senator Lehman.

To committee on **Transportation**.

COMMITTEE REPORTS

The committee on **Jobs and The Economy** reports and recommends:

Assembly Bill 289

Relating to: an official state language, encouragement of cultural diversity, use of English for governmental written expression, acquiring language proficiency, and use of languages for nongovernmental purposes.

Passage:

Ayes: 6 – Representatives Strachota, Honadel, Friske, Kerkman, Nygren and Vos.

Noes: 3 – Representatives Sheridan, Toles and Mason.

To committee on **Rules**.

Assembly Bill 806

Relating to: an official state language, use of English for governmental written expression, and requiring state agencies and local governmental units to provide separate line items for the costs of documents and other materials that are not in English.

Passage:

Ayes: 6 – Representatives Strachota, Honadel, Friske, Kerkman, Nygren and Vos.

Noes: 3 – Representatives Sheridan, Toles and Mason.

To committee on **Rules**.

PATRICIA STRACHOTA

Chairperson

Committee on Jobs and The Economy

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

Assembly Bill 818

Relating to: motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Petrowski, Bies, A. Ott, Hahn, Gottlieb, Van Roy, Davis, Steinbrink, Vruwink, Sheridan, Sherman and Garthwaite.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Petrowski, Bies, A. Ott, Hahn, Gottlieb, Van Roy, Davis, Steinbrink, Vruwink, Sheridan, Sherman and Garthwaite.

Noes: 0.

To committee on **Rules**.

Assembly Bill 828

Relating to: the definition of bicycle; lighting of bicycles, motor bicycles, and electric personal assistive mobility devices; and manual turn signals for bicyclists.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Petrowski, Bies, A. Ott, Hahn, Gottlieb, Van Roy, Davis, Steinbrink, Vruwink, Sheridan, Sherman and Garthwaite.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Petrowski, Bies, A. Ott, Hahn, Gottlieb, Van Roy, Davis, Steinbrink, Vruwink, Sheridan, Sherman and Garthwaite.

Noes: 0.

To committee on **Rules**.

Assembly Bill 849

Relating to: registration plates for vehicle transporters.

Passage:

Ayes: 12 – Representatives Petrowski, Bies, A. Ott, Hahn, Gottlieb, Van Roy, Davis, Steinbrink, Vruwink, Sheridan, Sherman and Garthwaite.

Noes: 0.

To committee on **Rules**.

JERRY PETROWSKI

Chairperson

Committee on Transportation

The committee on **Urban and Local Affairs** reports and recommends:

Assembly Bill 528

Relating to: the use of traffic control photographic systems to monitor intersections, imposing liability on the owners of vehicles involved in traffic control signal violations, and providing a penalty.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Gottlieb, LeMahieu, Lothian, Pridemore, Berceau, Turner, Hintz and Parisi.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Gottlieb, LeMahieu, Lothian, Berceau, Turner, Hintz and Parisi.

Noes: 1 – Representative Pridemore.

To joint committee on **Finance**.

Senate Bill 403

Relating to: the property tax exemption for low-income housing.

Concurrence:

Ayes: 5 – Representatives Gottlieb, LeMahieu, Berceau, Hintz and Parisi.

Noes: 3 – Representatives Lothian, Pridemore and Turner.

To committee on **Rules**.

MARK GOTTLIEB

Chairperson

Committee on Urban and Local Affairs

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 346

Senate Bill 430

ACTION ON THE SENATE MESSAGE

Senate Bill 346

Relating to: products containing mercury and granting rule-making authority.

By Senators Jauch, Miller, Kreitlow, Coggs, Lehman, Risser, Taylor, Wirch, Carpenter, Lassa, Robson and Sullivan; cosponsored by Representatives A. Ott, Sinicki, Sherman, Berceau, Pope-Roberts, Hintz, Hixson, Black, Zepnick, Gronemus, Parisi, Hebl and Pohan.

To committee on **Natural Resources**.

Senate Bill 430

Relating to: making various changes in the worker's compensation law.

By Senators Coggs and Grothman; cosponsored by Representatives Honadel and Nelson.

To committee on **Rules**.

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 377
Assembly Bill 502
Assembly Bill 581
Assembly Bill 625

PATRICK E. FULLER
Assembly Chief Clerk

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 82
Assembly Bill 100
Assembly Bill 305
Assembly Bill 409

Presented to the Governor on Tuesday, March 4.

PATRICK E. FULLER
Assembly Chief Clerk

COMMUNICATIONS

February 29, 2008

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

Dear Chief Clerk Fuller:

This letter is concerning my vote on Friday, February 29th regarding Assembly Bill 532 (Sequence Number 208) to be changed from an Aye to a Nay vote.

Thank you.

Sincerely,
J. A. HINES
State Representative
42nd Assembly District

March 4, 2008

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 745.

Thank you.

Sincerely,
SHERYL K. ALBERS
State Representative
50th Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Corrections
Madison

February 18, 2008

To the Honorable, the Legislature:

As required under Section 301.03(6r) of the Wisconsin Statutes, the Department of Corrections submits information relative to the number of prisoners that the Department considers violent and the total number of prisoners.

On November 30, 2007 the Department had 23,776 adult inmates assigned to Type "1" prisons in state and in contract facilities. Out of these inmates, 15,048 offenders had violent offenses.

Sincerely,
RICK RAEMISCH
Secretary

Referred to committee on **Corrections and the Courts.**

State of Wisconsin
Department of Administration
Madison

February 29, 2008

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 2008.

On January 1, 2008, the Wisconsin Health Education Loan Repayment Fund cash balance closed at a negative \$2 thousand. This negative balance continued through January 31, 2008, when the fund's cash balance closed at a negative \$2 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2008, the Worker's Compensation Fund cash balance closed at a negative \$4.7 million. This negative balance continued through January 23, 2008, when the fund's cash balance closed at a positive \$175 thousand. The Worker's Compensation Fund cash balance reached its intra-month low of a negative \$4.8 million on January 4, 2008. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2008, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$52.5 million. This negative balance continued through January 31, 2008, when the fund's cash balance closed at a negative \$45.0 million. The Injured Patients and Families Compensation

Fund cash balance reached its intra-month low of a negative \$55.0 million on January 4, 2008. The negative balance was due to the transfer of \$71.5 million to the General Fund per [2007 Wisconsin Act 20](#), and the pending liquidation of fund securities necessary to offset this shortfall.

On January 1, 2008, the Dry Cleaner Environmental Response Fund cash balance closed at a negative \$16 thousand. This negative balance continued through January 23, 2008, when the fund's cash balance closed at a positive \$381 thousand. The Dry Cleaner Environmental Response Fund cash balance reached its intra-month low of a negative \$17 thousand on January 3, 2008. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 31, 2008, the Conservation Fund cash balance closed at a negative \$1.5 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

The Wisconsin Health Education Loan Repayment Fund, Worker's Compensation Fund, Injured Patients and Families Compensation Fund, Dry Cleaner Environmental Response Fund, and Conservation 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**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

February 27, 2008

To the Honorable, the Assembly:

At your request, we have completed a limited-scope review of

the Department of Transportation's (DOT's) bridge inspection program. In fiscal year 2006-07, DOT spent approximately \$2.3 million to inspect Wisconsin's 5,188 state-owned bridges, including an estimated \$1.0 million to hire private consultants with specialized inspection expertise.

Federal and state law require DOT to inspect all bridges owned or maintained by the State at least once every 24 months. We found that 98.1 percent of routine inspections were completed on time between January 2003 and November 2007. During this period, 98.9 percent of routine inspections conducted on structurally deficient bridges, which are bridges that have deteriorated or developed structural problems, were completed within the required 24-month intervals. Both of these inspection rates have improved since our 2001 evaluation of DOT's bridge inspection program (report 01-17).

DOT has not implemented procedures for monitoring routine bridge maintenance work performed by county highway departments or verifying the cost of completed maintenance work. Therefore, we include a recommendation for DOT to develop policies and procedures to track the type and cost of routine bridge maintenance work performed by counties, which totaled \$5.7 million in 2006.

In general, the condition of state-owned bridges has improved in recent years. The percentage of state-owned bridges that are structurally deficient declined from 7.4 percent in 2002 to 4.2 percent in 2007, when there were 219 such bridges statewide. However, 34 state-owned bridges are more than 80 years old, exceeding the typical 75-year life span of bridges.

We appreciate the courtesy and cooperation extended to us by DOT in conducting this review.

Sincerely,
JANICE MUELLER
State Auditor

ADJOURNMENT

Representative J. Fitzgerald moved that the Assembly stand adjourned until 11:00 A.M. on Wednesday, March 5.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

4:01 P.M.