



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

6:30 P.M.

TUESDAY, February 17, 2009

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

Representative Benedict in the chair.

Representative Nelson asked unanimous consent for a quorum call. Granted.

A quorum was present.

Speaker Sheridan in the chair.

The prayer was offered by Representative A. Ott.

Representative Pasch led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Radcliffe, Rhoades, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 99.

Absent with leave – None.

Vacancies – None.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 3** offered by committee on **Natural Resources**.

Assembly amendment 2 to **Assembly Bill 3** offered by committee on **Natural Resources**.

Assembly amendment 1 to **Assembly Bill 14** offered by Representative Pope–Roberts.

Assembly substitute amendment 1 to **Assembly Bill 15** offered by Representative Hixson.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 6

Relating to: expressing the sense of the assembly that Congress should invest in the manufacturing sector, including the domestic auto industry.

By Representative Sheridan.

To committee on **Rules**.

Assembly Joint Resolution 11

Relating to: status of seats of legislators on ordered military duty and appointment of temporary acting legislators for legislators performing ordered military duty (first consideration).

By Representatives Schneider, Kaufert and Suder; cosponsored by Senators S. Fitzgerald and Schultz.

To committee on **Elections and Campaign Reform**.

Assembly Joint Resolution 12

Relating to: renaming the decorated tree on display in the capitol rotunda during the Christmas holiday season as the Wisconsin State Christmas Tree.

By Representatives Schneider, Ziegelbauer, Pridemore, Kleefisch, Nygren, Kerkman, Roth, Kaufert, Hubler, Huebsch, Vos, Mursau, Vruwink, Bies, M. Williams, Suder, Honadel, Vukmir, Lothian, Gunderson, Strachota and Ballweg; cosponsored by Senators Lazich, Olsen, A. Lasee and Plale.

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

Assembly Joint Resolution 13

Relating to: the life and public service of John A. Volk.

By Representative Mursau; cosponsored by Senator Holperin.

To committee on **Rules**.

Assembly Joint Resolution 14

Relating to: the life and public service of Frank H. Urban, M.D.

By Representative Vukmir; cosponsored by Senator Sullivan.

To committee on **Rules**.

Assembly Joint Resolution 15

Relating to: opposing a federal mandate requiring the suspension or revocation of driver's licenses in all circumstances in which a person has been convicted of a drug or other controlled substances violation and exercising the state's option to opt out of this federal mandate.

By Representatives Grigsby, Kessler, Berceau, Colon, Fields, Mason, Roys, Sinicki, Toles, Turner, A. Williams, Young and A. Ott; cosponsored by Senators Taylor, Grothman, Lehman, Plale and Erpenbach.

To committee on **Judiciary and Ethics**.

Assembly Joint Resolution 16

Relating to: the dissolution of state funds and accounts and prohibiting the state from changing the purpose of any state fund or program revenue appropriation account (first consideration).

By Representatives Tauchen, Strachota, Gottlieb, Ripp, Ziegelbauer, Nerison, Honadel, Petersen, Suder, Nygren, Kaufert, Montgomery, Bies, Kestell, Knodl, Ballweg, Van Roy, A. Ott, Davis, Lothian, Pridemore, Zipperer, Mursau, Murtha, Gundrum, Nass, Stone, LeMahieu, Brooks, Kleefisch, M. Williams, Gunderson, Vos, Kramer, Kerkman, Roth and Spanbauer; cosponsored by Senators Plale, Cowles, Carpenter, Holperin, Grothman, Kanavas, A. Lasee, Kedzie, Harsdorf, Olsen, Kapanke, Lazich, S. Fitzgerald, Schultz, Darling, Leibham and Hopper.

To committee on **Ways and Means**.

Assembly Bill 42

Relating to: acceptance of certain political contributions by certain elective state officials, officials elect, and committees and providing a penalty.

By Representatives Gottlieb, Kaufert, Ballweg, Bies, Brooks, Cullen, Davis, Gunderson, Lothian, Meyer, Mursau, Murtha, Nass, Nygren, A. Ott, Petrowski, Roth, Strachota, Van Roy and Ripp; cosponsored by Senators Harsdorf, Olsen, Cowles and Schultz.

To committee on **Elections and Campaign Reform**.

Assembly Bill 43

Relating to: designating portions of the Totogatic River as a wild river.

By Representatives Milroy, Hraychuck, Hubler, Black, Sherman, Soletski, Berceau, Jorgensen, Spanbauer, Mason and Danou; cosponsored by Senators Jauch, Lassa, Hansen, Kedzie, Lehman, Risser and Wirch.

To committee on **Natural Resources**.

Assembly Bill 44

Relating to: the Volunteer Health Care Provider Program.

By Representatives Kaufert, Benedict, M. Williams, Grigsby, Brooks, Hintz, Gottlieb, Staskunas, Gunderson, Steinbrink, Kerkman, Ziegelbauer, Knodl, LeMahieu, Lothian, Mursau, Murtha, Petersen, Petrowski, Ripp, Roth, Spanbauer, Stone, Strachota, Tauchen, Townsend, Van Roy,

Vos and Kleefisch; cosponsored by Senators Coggs, Kreitlow, Kapanke, Holperin, Olsen, Lazich, Grothman and Schultz.

To committee on **Public Health**.

Assembly Bill 45

Relating to: domestic abuse identification training.

By Representatives Schneider and Vruwink; cosponsored by Senators Sullivan, Lehman and Coggs.

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

Assembly Bill 46

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.

By Representatives Schneider, Ziegelbauer, Nygren, Kerkman, Roth, Huebsch, Townsend, Vos, Mursau, Bies, M. Williams, A. Ott, Lothian, Gunderson, Strachota and Kleefisch; cosponsored by Senators A. Lasee, S. Fitzgerald, Darling, Schultz and Leibham.

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

Assembly Bill 47

Relating to: prohibiting persons convicted of certain felonies from providing martial arts instruction to minors.

By Representative Schneider; cosponsored by Senators Olsen and Plale.

To committee on **Criminal Justice**.

Assembly Bill 48

Relating to: special distinguishing registration plates for groups that are military in nature and making an appropriation.

By Representatives Schneider, Townsend, Bies and Spanbauer; cosponsored by Senators Olsen and A. Lasee.

To committee on **Transportation**.

Assembly Bill 49

Relating to: special distinguishing registration plates for motorcycles owned by veterans.

By Representatives Schneider, Vruwink, Townsend, Bies, Honadel, Barca, Lothian, Strachota and Kleefisch; cosponsored by Senators Olsen, A. Lasee and Coggs.

To committee on **Transportation**.

Assembly Bill 50

Relating to: maintaining records of certain driving offenses related to operating a motor vehicle while intoxicated.

By Representatives Schneider and Vruwink; cosponsored by Senator A. Lasee.

To committee on **Transportation**.

Assembly Bill 51

Relating to: scheduling of classes at technical colleges.

By Representatives Schneider, Vruwink and Barca; cosponsored by Senator Wirch.

To committee on **Colleges and Universities**.

Assembly Bill 52

Relating to: bottling of water provided by a local governmental unit.

By Representatives Schneider and A. Ott; cosponsored by Senator Coggs.

To committee on **Natural Resources**.

Assembly Bill 53

Relating to: making companies that employ unauthorized aliens ineligible for certain tax exemptions, governmental contracts, grants, and loans, granting rule-making authority, and providing penalties.

By Representatives Schneider, Kessler and Suder; cosponsored by Senators Lazich and Olsen.

To committee on **Workforce Development**.

Assembly Bill 54

Relating to: requirements for ordering maintenance.

By Representative Schneider; cosponsored by Senator Plale.

To committee on **Judiciary and Ethics**.

Assembly Bill 55

Relating to: finance charges for certain motor vehicle title and payday loans.

By Representatives Schneider, Ziegelbauer, Kessler, Richards, Vruwink, Gunderson and Roys; cosponsored by Senator A. Lasee.

To committee on **Financial Institutions**.

Assembly Bill 56

Relating to: advertising for prescription drugs.

By Representatives Sherman, Berceau, Black, Hubler, Kerkman, A. Williams, Pope-Roberts, Smith, Soletski and Zepnick; cosponsored by Senators Erpenbach, Lehman and Wirch.

To committee on **Public Health**.

Assembly Bill 57

Relating to: permitting a mother to breast-feed in any public or private location where she is otherwise authorized to be.

By Representatives Pasch, Roys, Parisi, Sinicki, Benedict, Black, Berceau, Ballweg, Cullen, Hintz, Hebl, Hilgenberg, Mason, Molepske Jr., Pocan, Pope-Roberts, Toles, Townsend, Vruwink and Zepnick; cosponsored by Senators Risser, Erpenbach, Wirch, Darling, Schultz, Cowles, Sullivan and Lehman.

To committee on **Public Health**.

Assembly Bill 58

Relating to: the Uniform Prudent Management of Institutional Funds Act, as approved by the National Conference of Commissioners on Uniform State Laws.

By Representatives Cullen, Fields, Stone, Davis, Smith, Zepnick, Turner, Berceau, A. Ott, Kaufert, Kestell, Benedict, Townsend and Shilling; cosponsored by Senators Risser, Lehman, Cowles, Plale, Lassa, Miller, Robson, Taylor and Wirch.

To committee on **Financial Institutions**.

Assembly Bill 59

Relating to: passing parked motor vehicles and opening motor vehicle doors on highways and providing a penalty.

By Representatives Black, Sherman, Mason, Berceau, Pope-Roberts, Pocan, Zepnick, A. Williams and Ballweg; cosponsored by Senators Risser, Miller, Lehman and Hansen.

To committee on **Transportation**.

Assembly Bill 60

Relating to: payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges.

By Representatives Grigsby, Kessler, Berceau, Colon, Fields, Mason, Roys, Sinicki, Toles, Turner, A. Williams, Young and A. Ott; cosponsored by Senators Taylor, Lehman and Plale.

To committee on **Judiciary and Ethics**.

Assembly Bill 61

Relating to: motor vehicle operating privilege suspensions for controlled substance violations.

By Representatives Grigsby, Kessler, Berceau, Colon, Fields, Mason, Roys, Sinicki, Toles, Turner, A. Williams, Young and A. Ott; cosponsored by Senators Taylor, Grothman, Lehman, Plale and Erpenbach.

To committee on **Judiciary and Ethics**.

Assembly Bill 62

Relating to: the prosecution and venue for trial of certain offenses by certain state residents.

By Representatives Kessler, Soletski, Hubler, Cullen, Hilgenberg, Black, Berceau, Benedict, Danou, Pope-Roberts, Hixson and Parisi; cosponsored by Senators Sullivan, Risser and Lehman.

To committee on **Judiciary and Ethics**.

Assembly Bill 63

Relating to: the scope of regulated activity under the campaign finance law.

By Representatives Dexter, Hebl, Cullen, Zigmunt, Sherman, Barca, Hintz, Black, Hilgenberg, Mason, Toles, Hixson, Pope-Roberts, Pocan and Kaufert; cosponsored by Senators Erpenbach, Kreitlow, Ellis, Vinehout, Hansen, Risser, Lehman, Holperin, Harsdorf, Carpenter, Cowles and Robson.

To committee on **Elections and Campaign Reform**.

Assembly Bill 64

Relating to: employer monitoring of employee electronic mail usage.

By Representative Schneider.

To committee on **Personal Privacy**.

Assembly Bill 65

Relating to: public financing of campaigns for the office of justice of the supreme court, making appropriations, and providing penalties.

By Representatives Hintz, Hilgenberg, Smith, Garthwaite, Benedict, Roys, Hebl, Staskunas, Turner, Parisi, Cullen, Jorgensen, Richards, Zepnick, Pocan, Pope-Roberts, Clark, Shilling, Hubler, Black, Berceau, Grigsby, Molepske Jr. and Kessler; cosponsored by Senators Kreitlow, Taylor, Lehman, Erpenbach, Miller, Risser, Lassa, Hansen, Wirch, Vinehout, Schultz and Sullivan.

To committee on **Elections and Campaign Reform**.

Assembly Bill 66

Relating to: pricing of retail sales of alcohol beverages.

By Representatives Zepnick, Berceau, A. Williams and A. Ott.

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

Assembly Bill 67

Relating to: alcohol beverages operators' licenses, managers' licenses, and retail licenses, and persons responsible for the operation of certain retail licensed premises.

By Representatives Zepnick, Hixson, Berceau, A. Williams and A. Ott.

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

Assembly Bill 68

Relating to: the distribution of the first dollar property tax credit.

By Representatives Dexter, Sherman, Barca, Berceau and Smith; cosponsored by Senators Vinehout, Jauch and Kreitlow.

To committee on **Ways and Means**.

Assembly Bill 69

Relating to: creating an individual income tax checkoff for Wisconsin food banks that are members of Feeding America and making an appropriation.

By Representatives Young, Richards, Hilgenberg, Grigsby, Sinicki, Gunderson, A. Williams, Pasch, Roth and Montgomery; cosponsored by Senators Coggs, Vinehout, Risser, Hansen, Kreitlow, Erpenbach, Taylor and Darling.

To committee on **Ways and Means**.

Assembly Bill 70

Relating to: adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority.

By Representatives Gunderson, Richards, Murtha, Fields, Ballweg, Bies, Kaufert, Kerkman, LeMahieu, Lothian, Nygren, Petersen, Stone, Townsend, Van Roy, Vos, Spanbauer and Kleefisch; cosponsored by Senators Darling, Sullivan, Harsdorf, Olsen and Schultz.

To committee on **Criminal Justice**.

Assembly Bill 71

Relating to: contacting, harming, or threatening to harm a juror and providing a penalty.

By Representatives Murtha, Bies, Brooks, Gunderson, Honadel, Kestell, LeMahieu, Lothian, Nass, A. Ott, Roth, Spanbauer, Strachota, Townsend, Vos, Vukmir and Ballweg; cosponsored by Senators Darling, A. Lasee and Olsen.

To committee on **Corrections and the Courts**.

Assembly Bill 72

Relating to: grants for providing shelter for homeless individuals and families in the vicinity of the state capitol building and making an appropriation.

By Representatives Mason, Pasch, Hilgenberg, Parisi, Zepnick and Toles.

To joint committee on **Finance**.

Assembly Bill 73

Relating to: cash value of life insurance regarding eligibility for the veterans assistance program.

By Representatives Milroy, Garthwaite, Hebl, A. Ott, Sinicki, Fields, Townsend, Richards, Smith, Gunderson, Toles, Berceau, Petersen, Bies and Strachota; cosponsored by Senators Kreitlow, Erpenbach, Taylor, Lassa, Plale, Lehman, Wirch, Schultz, Vinehout, S. Fitzgerald, Leibham and Lazich.

To committee on **Veterans and Military Affairs**.

Assembly Bill 74

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

By Representatives Kaufert, Ziegelbauer, Nygren, J. Fitzgerald, Murtha, Tauchen, Kerkman, Montgomery, Huebsch, Van Roy, Petersen, Newcomer, Ballweg, Meyer, LeMahieu, Kestell, Roth, Nerison, Davis, Ripp, Spanbauer, Honadel, Fields, A. Ott, Knodl, Petrowski, Lothian, Strachota, Gottlieb, Townsend, Mursau, Stone, Gunderson, J. Ott, Brooks, Friske, Bies, Vos and Kleefisch; cosponsored by Senators Darling, Olsen, Leibham, S. Fitzgerald, Lazich, Kedzie, A. Lasee, Grothman, Hopper, Schultz and Sullivan.

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

COMMITTEE REPORTS

The committee on **Natural Resources** reports and recommends:

Assembly Bill 3

Relating to: restrictions on the use and sale of fertilizer containing phosphorus and other turf fertilizer and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 14 – Representatives Black, Danou, Molepske Jr., Steinbrink, Hraychuck, Mason, Milroy, Clark, J. Ott, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Noes: 1 – Representative Hebl.

Passage as amended:

Ayes: 15 – Representatives Black, Danou, Molepske Jr., Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J. Ott, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Noes: 0.

To committee on **Rules**.

Assembly Bill 7

Relating to: designating a portion of the Brunsweler River as a wild river.

Passage:

Ayes: 15 – Representatives Black, Danou, Molepske Jr., Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J. Ott, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Noes: 0.

To committee on **Rules**.

SPENCER BLACK
Chairperson
Committee on Natural Resources

SPEAKER'S APPOINTMENTS

February 13, 2009

Mr. Patrick Fuller
Assembly Chief Clerk
Risser Justice Center, Room 401
Madison, WI 53703

Dear Chief Clerk Fuller:

I am making the following appointments:

Representative Fred Kessler to the Education Reform Committee.

This appointment is effective immediately.

Sincerely,
MICHAEL J. SHERIDAN
Assembly Speaker

Speaker Sheridan appointed Representatives Danou and Mursau to escort Governor Jim Doyle from his office to the Assembly Chamber.

The Assembly Sergeant-at-Arms William Nagy announced the arrival of the Honorable Justices of the Wisconsin Supreme Court.

The Assembly Sergeant-at-Arms William Nagy announced the arrival of the members of the Wisconsin State Senate.

JOINT CONVENTION

The houses went into joint convention.

Senate President Risser presiding.

Senator Risser recognized the presence of Justice Ann Walsh Bradley, Justice David T. Prosser, Jr., Justice Patience Drake Roggensack and Justice Annette Kingsland Ziegler of the Wisconsin Supreme Court; Lieutenant Governor Barbara Lawton and Attorney General J.B. Van Hollen.

The Assembly Sergeant-at-Arms William Nagy announced the arrival of Governor Jim Doyle.

Escorted by Senators Kreitlow and Schultz, and Representatives Danou and Mursau, Governor Jim Doyle took his place at the rostrum to deliver his budget address.

Pursuant to Joint Rule 73, the governor's budget address is printed in the Senate Journal only.

Representative Nelson moved that the joint convention arise.

The question was: Shall the joint convention arise?

Motion carried.

7:37 P.M.

The Assembly reconvened.

Speaker Sheridan in the chair.

ADJOURNMENT

Representative Nelson 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.

7:38 P.M.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 75

Relating to: state finances and appropriations, constituting the executive budget act of the 2009 legislature.

By joint committee on Finance, by request of Governor James E. Doyle.

To joint committee on **Finance**.

To joint survey committee on **Tax Exemptions**.

To joint survey committee on **Retirement Systems**.