



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

MONDAY, February 27, 2012

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

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 376** offered by Representative Knilans.

Assembly substitute amendment 1 to **Assembly Bill 385** offered by Representative Jacque.

Assembly amendment 1 to **Assembly Bill 403** offered by Representative Steineke.

Assembly substitute amendment 1 to **Assembly Bill 495** offered by Representative Strachota.

Assembly amendment 1 to **Assembly Bill 572** offered by Representative Kapenga.

Assembly substitute amendment 1 to **Assembly Bill 579** offered by Representative Jacque.

Assembly amendment 1 to **Senate Bill 104** offered by Representative August.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 635

Relating to: appeals from tax determinations.

By Representatives Strachota, Kooyenga, Spanbauer, Marklein, Bies, Rivard, Stroebel, Endsley and Jacque; cosponsored by Senators Lasee, Holperin, Grothman and Schultz.

To committee on **Ways and Means**.

Assembly Bill 636

Relating to: prohibiting the expenditure of moneys from the national mortgage settlement without legislative approval.

By Representatives Richards, Jorgensen, Barca, Berceau, Bernard Schaber, Bewley, Clark, Fields, Hebl, Hulsey, Kessler, Mason, Milroy, Molepske Jr, Pasch, Ringhand,

Steinbrink, Toles, Turner and Young; cosponsored by Senators Taylor, Hansen, C. Larson, Jauch and Lassa.

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

Assembly Bill 637

Relating to: disregarding a taxpayer's election to include another in its combined group, disallowing certain carry-forward amounts for combined reporting purposes, repealing the income and franchise tax credit for qualified production activities income, repealing the changes made to the earned income tax credit in [2011 Wisconsin Act 32](#), restoring indexing provisions to the homestead tax credit, eliminating the individual income tax exclusion for long-term capital gains other than for farm assets, computing the estate tax based on 2002 federal law, and creating a new individual income tax upper bracket.

By Representatives C. Taylor, Zamarripa, Grigsby, E. Cogs, Berceau, Roys and Sinicki.

To joint committee on **Finance**.

Assembly Bill 638

Relating to: technical changes to the qualified production activities income and franchise tax credit.

By Representative Kooyenga; cosponsored by Senator Grothman.

To committee on **Ways and Means**.

COMMITTEE REPORTS

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

Assembly Bill 489

Relating to: financial assistance for the livestock premises registration program, a tax credit for livestock identification tags and tag-reading equipment, and making an appropriation.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Nerison, Tranel, A. Ott, Mursau, Murtha, Tauchen, Brooks, Ripp and Marklein.

Noes: 4 – Representatives Vruwink, Molepske Jr, Jorgensen and Danou.

Passage as amended:

Ayes: 9 – Representatives Nerison, Tranel, A. Ott, Mursau, Murtha, Tauchen, Brooks, Ripp and Marklein.

Noes: 4 – Representatives Vruwink, Molepske Jr, Jorgensen and Danou.

To committee on **Rules**.

Assembly Bill 602

Relating to: designation, modification, and termination of agricultural enterprise areas.

Passage:

Ayes: 13 – Representatives Nerison, Tranel, A. Ott, Mursau, Murtha, Tauchen, Brooks, Ripp, Marklein, Vruwink, Molepske Jr, Jorgensen and Danou.

Noes: 0.

To committee on **Rules**.

Assembly Bill 605

Relating to: the pest abatement authority of the Department of Agriculture, Trade and Consumer Protection.

Passage:

Ayes: 13 – Representatives Nerison, Tranel, A. Ott, Mursau, Murtha, Tauchen, Brooks, Ripp, Marklein, Vruwink, Molepske Jr, Jorgensen and Danou.

Noes: 0.

To committee on **Rules**.

Assembly Bill 606

Relating to: brucellosis testing of milk, cream, and cattle and restrictions on moving or sale of American bison and other animal species.

Passage:

Ayes: 13 – Representatives Nerison, Tranel, A. Ott, Mursau, Murtha, Tauchen, Brooks, Ripp, Marklein, Vruwink, Molepske Jr, Jorgensen and Danou.

Noes: 0.

To committee on **Rules**.

LEE NERISON
Chairperson
Committee on Agriculture

The committee on **Criminal Justice and Corrections** reports and recommends:

Assembly Bill 175

Relating to: requiring persons who violate certain restraining orders or injunctions to be monitored by a global positioning system, granting rule-making authority, making an appropriation, and providing a penalty.

Assembly Amendment 3 adoption:

Ayes: 8 – Representatives Bies, Jacque, Kestell, Brooks, Thiesfeldt, Kessler, Turner and Hebl.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Bies, Jacque, Kestell, Brooks, Thiesfeldt, Kessler, Turner and Hebl.

Noes: 0.

To committee on **Rules**.

Assembly Bill 552

Relating to: statute of limitations for first-degree sexual assault, attempted homicide, and attempted first-degree sexual assault.

Passage:

Ayes: 7 – Representatives Bies, Jacque, Kestell, Brooks, Thiesfeldt, Turner and Hebl.

Noes: 1 – Representative Kessler.

To committee on **Rules**.

GAREY BIES
Chairperson
Committee on Criminal Justice and Corrections

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

Assembly Bill 110

Relating to: creating the Special Needs Scholarship Program for disabled pupils, granting rule-making authority, and making an appropriation.

Assembly Amendment 2 to Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Kestell, Marklein, Nass, Pridemore, Knudson, Thiesfeldt, Wynn, Pope–Roberts, Sinicki, Hintz and Clark.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Kestell, Marklein, Nass, Pridemore, Knudson, Thiesfeldt and Wynn.

Noes: 4 – Representatives Pope–Roberts, Sinicki, Hintz and Clark.

Passage as amended:

Ayes: 7 – Representatives Kestell, Marklein, Nass, Pridemore, Knudson, Thiesfeldt and Wynn.

Noes: 4 – Representatives Pope–Roberts, Sinicki, Hintz and Clark.

To committee on **Rules**.

Assembly Bill 558

Relating to: the governor's read to lead development fund, the Read to Lead Development Council, grants in support of literacy and early childhood development programs, teacher licensure, screening kindergarten pupils for reading readiness, remedial reading services for certain pupils, evaluating teacher preparatory programs and educator effectiveness, requiring the exercise of rule-making authority, and making an appropriation.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Kestell, Marklein, Nass, Pridemore, Knudson, Thiesfeldt and Wynn.

Noes: 4 – Representatives Pope–Roberts, Sinicki, Hintz and Clark.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Kestell, Marklein, Nass, Pridemore, Knudson, Thiesfeldt and Wynn.

Noes: 4 – Representatives Pope–Roberts, Sinicki, Hintz and Clark.

Passage as amended:

Ayes: 6 – Representatives Kestell, Marklein, Pridemore, Knudson, Thiesfeldt and Wynn.

Noes: 5 – Representatives Nass, Pope–Roberts, Sinicki, Hintz and Clark.

To committee on **Rules**.

Senate Bill 348

Relating to: eliminating an obsolete reference governing pilot payments to Second Chance Partnership to establish a work–based learning program; changing the name of the Division for Libraries, Technology, and Community Learning, the name of the Reference and Loan Library, and the name of the Division for Learning Support, Equity and Advocacy; participation in a public library system; and the appropriation to the Department of Public Instruction for children–at–risk programs (suggested as remedial legislation by the Department of Public Instruction).

Concurrence:

Ayes: 11 – Representatives Kestell, Marklein, Nass, Pridemore, Knudson, Thiesfeldt, Wynn, Pope–Roberts, Sinicki, Hintz and Clark.

Noes: 0.

To committee on **Rules**.

STEVE KESTELL
Chairperson
Committee on Education

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

Assembly Bill 547

Relating to: the authority and responsibility of the Department of Safety and Professional Services, requirements for obtaining certain licenses or other credentials from the Department of Safety and Professional Services, weighing a product that contains opium or another controlled substance, and granting rule–making authority.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

Assembly Amendment 3 adoption:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

Assembly Amendment 4 adoption:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

Assembly Amendment 5 adoption:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

Assembly Amendment 6 adoption:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

Assembly Amendment 7 adoption:

Ayes: 6 – Representatives Van Roy, Kuglitsch, Ballweg, Danou, Zamarripa and Bewley.

Noes: 2 – Representatives August and Kooyenga.

Assembly Amendment 8 adoption:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

Assembly Amendment 9 adoption:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

To committee on **Rules**.

Assembly Bill 548

Relating to: the typeface used, and rates charged, for publication of legal notices.

Passage:

Ayes: 8 – Representatives Van Roy, Kuglitsch, Ballweg, August, Kooyenga, Danou, Zamarripa and Bewley.

Noes: 0.

To committee on **Rules**.

KARL VAN ROY
Chairperson
Committee on Homeland Security and State Affairs

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

Assembly Bill 318

Relating to: post–retirement employment of annuitants under the Wisconsin Retirement System and granting rule–making authority.

Assembly Substitute Amendment 2 adoption:

Ayes: 12 – Representatives Petersen, Weininger, Kestell, Nygren, August, Kapenga, Tranel, Craig, Stroebel, D. Cullen, Fields and Young.

Noes: 4 – Representatives Ziegelbauer, Berceau, Molepske Jr and Doyle.

Passage as amended:

Ayes: 12 – Representatives Petersen, Weininger, Kestell, Nygren, August, Kapenga, Tranel, Craig, Stroebel, D. Cullen, Fields and Young.

Noes: 4 – Representatives Ziegelbauer, Berceau, Molepske Jr and Doyle.

To committee on **Rules**.

Assembly Bill 604

Relating to: surplus lines insurance, insurance security fund, automobile insurance, and granting rule-making authority.

Passage:

Ayes: 16 – Representatives Petersen, Weininger, Kestell, Nygren, August, Kapenga, Tranel, Craig, Stroebel, Ziegelbauer, D. Cullen, Berceau, Molepske Jr, Fields, Young and Doyle.

Noes: 0.

To committee on **Rules**.

KEVIN PETERSEN
Chairperson
Committee on Insurance

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

Assembly Bill 502

Relating to: hunting and trapping of wolves, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, and making an appropriation.

Assembly Amendment 1 adoption:

Ayes: 14 – Representatives Mursau, Rivard, Williams, Kleefisch, Nerison, Severson, Tiffany, Stroebel, Litjens, Molepske Jr, Mason, Danou, Clark and Hulsey.

Noes: 0.

Assembly Amendment 7 adoption:

Ayes: 12 – Representatives Mursau, Rivard, Williams, Kleefisch, Nerison, Stroebel, Litjens, Molepske Jr, Mason, Danou, Clark and Hulsey.

Noes: 2 – Representatives Severson and Tiffany.

Passage as amended:

Ayes: 13 – Representatives Mursau, Rivard, Williams, Kleefisch, Nerison, Severson, Tiffany, Stroebel, Litjens, Molepske Jr, Mason, Danou and Clark.

Noes: 1 – Representative Hulsey.

To committee on **Rules**.

JEFFREY MURSAU
Chairperson
Committee on Natural Resources

The committee on **Ways and Means** reports and recommends:

Assembly Bill 387

Relating to: a sales and use tax exemption for coins, currency, and commemorative medallions.

Passage:

Ayes: 9 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Kapenga, Ziegelbauer, Staskunas and Billings.

Noes: 1 – Representative C. Taylor.

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

Assembly Bill 466

Relating to: creating an individual income tax deduction for certain contributions to a Coverdell Education Savings Account.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Kapenga, Ziegelbauer, Staskunas, C. Taylor and Billings.

Noes: 0.

Passage:

Ayes: 9 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Kapenga, Ziegelbauer, Staskunas and Billings.

Noes: 1 – Representative C. Taylor.

To committee on **Rules**.

Assembly Bill 535

Relating to: exception to local levy limits for the village of Warrens.

Passage:

Ayes: 10 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Kapenga, Ziegelbauer, Staskunas, C. Taylor and Billings.

Noes: 0.

To committee on **Rules**.

Assembly Bill 536

Relating to: increasing the allowable number of project plan amendments, and lengthening the time during which tax increments may be allocated and expenditures for project costs may be made, for Tax Incremental District Number 3 in the city of Middleton.

Passage:

Ayes: 6 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley and Kapenga.

Noes: 4 – Representatives Ziegelbauer, Staskunas, C. Taylor and Billings.

To committee on **Rules**.

Assembly Bill 542

Relating to: the definition of municipality for purposes of tax refund setoffs.

Passage:

Ayes: 10 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Kapenga, Ziegelbauer, Staskunas, C. Taylor and Billings.

Noes: 0.

To committee on **Rules**.

Assembly Bill 543

Relating to: exempting a city, town, village, or school district from a county library tax.

Passage:

Ayes: 10 – Representatives Kerkman, Nass, Petersen, Knodl, Endsley, Kapenga, Ziegelbauer, Staskunas, C. Taylor and Billings.

Noes: 0.

To committee on **Rules**.

SAMANTHA KERKMAN
Chairperson
Committee on Ways and Means

REFERENCE BUREAU CORRECTIONS

Assembly Bill 403

1. Page 3, line 8: delete “paragraph” and substitute “subdivision”.

COMMUNICATIONS

February 27, 2012

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 563, relating to changes to the local room tax and providing a penalty.

Sincerely,
TOM TIFFANY
State Representative
35th Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Office of State Employment Relations
Madison

February 2012

To the Honorable, the Legislature:

Pursuant to s. 230.04 (9)(em), Wis. Stats., I am pleased to submit the Veterans Employment Report for 2011. The report summarizes veteran new hires and on-board statistics for fiscal year 2011 and includes information for each state agency and each institution of the University of Wisconsin System.

Veterans comprise an important segment of the Wisconsin workforce in both the private and public sectors. State government, no less than any other employer, can benefit greatly by recruiting and retaining our nation’s veterans.

Sincerely,
GREG GRACZ
Director

Referred to committee on **Veterans and Military Affairs**

State of Wisconsin
Department of Justice
Madison

February 20, 2012

To the Honorable, the Legislature:

Enclosed please find the annual concealed carry statistical report pursuant to Sec. 175.60 (19) Wis. Stats. The authority to issue concealed carry licenses became effective November 1, 2011 and although this is an annual report, only the statistical data for November and December of 2011 is contained herein. Should you have any questions, please do not hesitate to contact me via e-mail at okeefebr@doj.state.wi.us or phone 608-266-7502.

Sincerely,
BRIAN O’KEEFE
Administrator
Division of Law Enforcement Services

Referred to committee on **Criminal Justice and Corrections**.

State of Wisconsin
Department of Revenue
Madison

February 22, 2012

To the Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31,2011, as required by s. 565.37 (3), Wis. Stats. The attached materials contain unaudited Wisconsin Lottery year-to-date Revenue and Expenditure information.

Lottery sales were \$128.4 million for the quarter, up 9.1% from the same quarter last year. For the year, sales are at \$255.5 million, up 8.5% over last year.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,
RICHARD G. CHANDLER
Secretary

Referred to committee on **Homeland Security and State Affairs.**