



# STATE OF WISCONSIN Assembly Journal

## Ninety-Ninth Regular Session

FRIDAY, February 27, 2009

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

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 08–085**

Relating to carbon monoxide alarms and affecting small business.

Submitted by Department of Commerce.  
Report received from Agency, February 13, 2009.  
To committee on **Consumer Protection**.  
Referred on February 26, 2009.

#### **Assembly Clearinghouse Rule 08–092**

Relating to the liquefied gas suppliers, and affecting small businesses.

Submitted by Department of Commerce.  
Report received from Agency, February 12, 2009.  
To committee on **Energy and Utilities**.  
Referred on February 26, 2009.

#### **Assembly Clearinghouse Rule 09–001**

Relating to the adjustment of thresholds for application of prevailing wage rates.

Submitted by Department of Workforce Development.  
Report received from Agency, February 13, 2009.  
To committee on **Labor**.  
Referred on February 26, 2009.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 22**

Relating to: commending Archbishop Timothy Michael Dolan on his appointment as archbishop of New York.

By Representatives Sinicki and Kleefisch; cosponsored by Senators Plale and Sullivan.  
To committee on **Rules**.

#### **Assembly Bill 91**

Relating to: an income and franchise tax credit for workplace wellness programs, granting rule-making

authority, and requiring the exercise of rule-making authority.

By Representatives Murtha, Davis, Huebsch, Gunderson, Petersen, M. Williams, Townsend, LeMahieu, Spanbauer, Strachota, Brooks, Kaufert, Meyer, A. Ott, Zipperer, Knodl, Kramer, Lothian, Roth, Honadel, Tauchen, Suder, Ripp, Vos, Van Roy, Gottlieb, Nygren and Nerison; cosponsored by Senators Hopper, Erpenbach, Olsen, Lazich, Darling, Schultz, Leibham, Kedzie and Kapanke.

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

#### **Assembly Bill 92**

Relating to: the regulation, preservation, and restoration of historic buildings; the supplement to the federal historic rehabilitation tax credit and the state historic rehabilitation tax credit; requiring the certification of downtowns; promoting certain downtown areas in this state; highway projects involving business and downtown areas; granting rule-making authority; and making appropriations.

By Representatives Shilling, Hintz, Molepske Jr., Lothian, Seidel, Dexter, Clark, Ballweg, Jorgensen, Bernard Schaber, Spanbauer, Strachota and Davis; cosponsored by Senators Lassa, Erpenbach, Risser, Taylor, Plale, Harsdorf, Vinehout, Lehman, Schultz, Darling and Leibham.

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

#### **Assembly Bill 93**

Relating to: prohibiting certain automated telephone solicitations.

By Representatives Roth, Bies, Gunderson, Lothian, Nass, A. Ott, Petersen, Spanbauer, Strachota, Townsend and Van Roy; cosponsored by Senators Holperin and A. Lasee.

To committee on **Consumer Protection**.

#### **Assembly Bill 94**

Relating to: issuing annual vehicle admission receipts for motor buses for entry to state parks and other vehicle admission areas under the jurisdiction of the Department of Natural Resources.

By Representatives Bies, Kaufert, Nygren, A. Ott, Spanbauer and Townsend; cosponsored by Senators A. Lasee and Grothman.

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

#### **Assembly Bill 95**

Relating to: preparation time as a mandatory subject of collective bargaining.

By Representatives Sinicki, Mason, Toles, Pope–Roberts, Soltowski, Hixson, Pocan, Bernard Schaber, Zigmunt, Berceau, Smith, Vruwink, Milroy, Benedict, Young, Turner and Zepnick; cosponsored by Senators Erpenbach, Lehman, Taylor, Wirch, Hansen, Vinehout, Coggs, Risser and Miller.

To committee on **Labor**.

### **Assembly Bill 96**

Relating to: operating a motor vehicle after revocation.

By Representatives Kaufert, Spanbauer, Ziegelbauer, Roth, A. Ott, Kestell, Brooks, J. Ott, Lothian, Townsend and Mursau; cosponsored by Senators Darling, A. Lasee and Kedzie.

To committee on **Public Safety**.

### **Assembly Bill 97**

Relating to: the designation of Vietnam Veterans Day.

By Representatives Radcliffe, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, Garthwaite, Grigsby, Gunderson, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Lothian, Mason, Milroy, Molepske Jr., Montgomery, Murtha, Nelson, A. Ott, Parisi, Pasch, Petrowski, Pocan, Pope–Roberts, Pridemore, Richards, Ripp, Roys, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Steinbrink, Tauchen, Toles, Townsend, Turner, Van Akkeren, Vruwink, M. Williams, Zepnick, Ziegelbauer, Zigmunt, Friske, Strachota, Kleefisch and Gundrum; cosponsored by Senators Vinehout, Hansen, Cowles, Coggs, Decker, S. Fitzgerald, Lehman, Lazich, Schultz, Plale, Wirch, Taylor and Olsen.

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

### **Assembly Bill 98**

Relating to: the designation of Korean War Armistice Day.

By Representatives Radcliffe, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, Garthwaite, Grigsby, Gunderson, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Lothian, Mason, Milroy, Molepske Jr., Montgomery, Murtha, Nelson, A. Ott, Parisi, Pasch, Petrowski, Pocan, Pope–Roberts, Pridemore, Richards, Ripp, Roys, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Steinbrink, Tauchen, Toles, Townsend, Turner, Van Akkeren, Vruwink, M. Williams, Zepnick, Ziegelbauer, Zigmunt, Friske, Strachota, Kleefisch and Gundrum; cosponsored by Senators Vinehout, Hansen, Cowles, Coggs, Decker, S. Fitzgerald, Lehman, Lazich, Schultz, Plale, Wirch, Taylor and Olsen.

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

### **Assembly Bill 99**

Relating to: adopting federal law as it relates to an income tax deduction for certain educators and creating an individual income tax deduction for educators who use their own funds to purchase classroom educational supplies.

By Representatives Roth, Young, Kaufert, Ballweg, Benedict, Bies, Brooks, Cullen, Davis, Gunderson, Gundrum,

Kerkman, LeMahieu, Lothian, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Richards, Ripp, Spanbauer, Stone, Strachota, Suder, Tauchen, Townsend, Van Roy, Vos, A. Williams, Ziegelbauer and Zipperer; cosponsored by Senators Hopper, Erpenbach, Darling, Harsdorf, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Schultz and Wirch.

To committee on **Education**.

### **Assembly Bill 100**

Relating to: preexisting condition exclusions, modifications at renewal, and establishing a standard application for individual health benefit plans and granting rule–making authority.

By Representatives Richards, Roys, Hraychuck, Seidel, Clark, Berceau and A. Williams; cosponsored by Senators Vinehout, Erpenbach, Robson, Lehman, Carpenter, Wirch, Taylor, Coggs, Hansen, Miller and Kreitlow.

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

### **Assembly Bill 101**

Relating to: the registration of antique snowmobiles.

By Representatives Vruwink, Sherman, Garthwaite, Milroy, Zepnick, A. Ott, Nygren, Gunderson, Townsend, Petrowski, Molepske Jr., Steinbrink, Ziegelbauer, Mursau, Benedict and Kaufert; cosponsored by Senators Holperin, Olsen, Plale, Taylor, A. Lasee, Schultz, Lehman, Cowles and Hansen.

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

### **Assembly Bill 102**

Relating to: the licensing and regulation of thermal system insulation mechanics; creating a thermal system insulation council; requiring the employment of a state inspector; establishing standards for installing and maintaining thermal system insulation; requiring the exercise of rule–making authority; making an appropriation; and providing a penalty.

By Representatives Sinicki, Berceau, Newcomer, Grigsby, Mason, Richards, Turner, Pasch, Fields, Parisi, Benedict, A. Williams, A. Ott and Van Roy; cosponsored by Senators Coggs, Wirch, Lehman, Hansen, Carpenter, Plale, Lassa, Darling, Olsen and Erpenbach.

To committee on **Labor**.

### **Assembly Bill 103**

Relating to: authorizing temporary permits to practice dentistry or dental hygiene without compensation.

By Representatives Shilling, Danou, Mason, Pasch, Radcliffe, Garthwaite, Richards, Huebsch, Smith, Sherman, Clark, Young, Vukmir, Pope–Roberts, Milroy, Wood, Kerkman, Dexter, Hintz, Strachota, Soletski, Gunderson, Staskunas, Petersen, Davis, Black, Ballweg, Berceau, Kaufert, Hilgenberg, Molepske Jr., Townsend, Sinicki, Zipperer, A. Williams, Zepnick, Kleefisch, Hraychuck and Nass; cosponsored by Senators Vinehout, Lehman, Kapanke, Erpenbach, Hansen, Holperin, Kreitlow, Harsdorf, Darling, Taylor, Olsen, Schultz, Wirch, Plale, Robson, Lassa, Cowles and Grothman.

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

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## COMMITTEE REPORTS

The committee on **Consumer Protection** reports and recommends:

### Assembly Bill 6

Relating to: a tort action for intentional misrepresentation in a residential real estate transaction.

Passage:

Ayes: 7 – Representatives Hintz, Soletski, Hixson, Pope–Roberts, Roys, Lothian and Spanbauer.

Noes: 2 – Representatives Kleefisch and Meyer.

To committee on **Rules**.

*GORDON HINTZ*  
Chairperson  
Committee on Consumer Protection

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## ENROLLED JOINT RESOLUTIONS

The following Assembly proposal, which has been approved by both the Assembly and Senate, has been enrolled by the Legislative Reference Bureau:

### Assembly Joint Resolution 17

*PATRICK E. FULLER*  
Assembly Chief Clerk

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Workforce Development  
Madison

February 25, 2009

To the Honorable, the Legislature:

Pursuant to §109.12 (2) and (3), Wis. Stats., I hereby submit the Department of Workforce Development's (DWD) 2008 annual report on the administration and enforcement of §109.07 and 109.075, Wis. Stats. The report contains three sections. The first section lists all employers in 2008 that notified DWD of business closings and mass layoffs planned in Wisconsin. The second section of the report lists employers against whom DWD has received business closing or mass layoff notification complaints and the current status or outcome of those complaints. The third section of the report lists employers against whom DWD has received healthcare cessation notification complaints, DWD's actions and the current status or outcome of those complaints.

If you have any questions regarding the information contained in this report please contact Jennifer Ortiz,

Administrator of the Equal Rights Division, at (608) 266-0946.

Sincerely,  
*ROBERTA GASSMAN*  
Secretary

Referred to committee on **Labor**.

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State of Wisconsin  
Department of Administration  
Madison

February 27, 2009

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 2009.

On January 1, 2009, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$102.7 million. This negative balance continued through January 31, 2009, when the fund's cash balance closed at a negative \$101.4 million. The Injured Patients and Families Compensation Fund cash balance reached its intra-month low of a negative \$104.1 million on January 8, 2009. The negative balance was due to the transfer of \$200 million to the Medical Assistance Trust Fund per 2007 Wisconsin Act 20, and the pending liquidation of fund securities necessary to offset this shortfall.

On January 1, 2009, the Conservation Fund cash balance closed at a negative \$12.1 million. This negative balance continued through January 31, 2009, when the fund's cash balance closed at a negative \$27.3 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2009, the Utility Public Benefits Fund cash balance closed at a negative \$4.3 million. This negative balance continued through January 31, 2009, when the fund's cash balance closed at a negative \$6.6 million (its intra-month low). The negative balance was due to a delayed transfer to the fund.

On January 1, 2009, the Dry Cleaner Environmental Response Fund cash balance closed at a negative \$14 thousand. This negative balance continued through January 26, 2009, when the fund's cash balance closed at a positive \$5 thousand. The Dry Cleaner Environmental Response Fund cash balance reached its intra-month low of a negative \$39 thousand on January 5, 2009. The negative balance was due to timing of revenues and expenditures.

The Injured Patients and Families Compensation Fund, Conservation Fund, Utility Public Benefits Fund, and Dry Cleaner Environmental Response 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**.