



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

TUESDAY, September 6, 2011

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

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 211** offered by Representatives Molepske Jr and Williams.

Assembly amendment 2 to **Assembly Bill 211** offered by Representative Molepske Jr.

Assembly amendment 3 to **Assembly Bill 211** offered by Representative Kapenga.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 53

Relating to: declaring September 15, 2011, Carbon Day.

By Representatives Hebl, Hulsey, Molepske Jr, Sinicki, Roys, Berceau, Spanbauer, Bewley, Pope–Roberts, Pocan, Fields and Turner; cosponsored by Senators Miller, C. Larson, Lassa, Risser, S. Cogg and Taylor.

To committee on **Assembly Organization**.

Assembly Bill 242

Relating to: limiting the number of individual income tax checkoffs.

By Representatives Strachota, Thiesfeldt and Marklein; cosponsored by Senators Grothman and Holperin.

To committee on **Ways and Means**.

COMMITTEE REPORTS

The committee on **Jobs, Economy and Small Business** reports and recommends:

Assembly Bill 211

Relating to: an income and franchise tax credit for investments in a community development financial institution.

Assembly Amendment 1 adoption:

Ayes: 14 – Representatives Williams, Endsley, Stone, Kapenga, Klenke, Knilans, Kuglitsch, Loudenbeck, Petryk, Molepske Jr, Bernard Schaber, Fields, Toles and Mason.

Noes: 1 – Representative Krusick.

Assembly Amendment 2 adoption:

Ayes: 15 – Representatives Williams, Endsley, Stone, Kapenga, Klenke, Knilans, Kuglitsch, Loudenbeck, Petryk, Molepske Jr, Bernard Schaber, Fields, Toles, Krusick and Mason.

Noes: 0.

Assembly Amendment 3 adoption:

Ayes: 15 – Representatives Williams, Endsley, Stone, Kapenga, Klenke, Knilans, Kuglitsch, Loudenbeck, Petryk, Molepske Jr, Bernard Schaber, Fields, Toles, Krusick and Mason.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Williams, Endsley, Stone, Kapenga, Klenke, Knilans, Kuglitsch, Loudenbeck, Petryk, Molepske Jr, Bernard Schaber, Fields, Toles and Mason.

Noes: 1 – Representative Krusick.

To committee on **Rules**.

MARY WILLIAMS

Chairperson

Committee on Jobs, Economy and Small Business

State of Wisconsin
Office of the Governor
Madison

Executive Order Number 41

Relating to a Special Election for the Ninety-Fifth Assembly District

WHEREAS, the Honorable Jennifer Shilling, submitted her resignation as a State Representative for the Ninety-Fifth Assembly District, effective August 26, 2011;

Now therefore, I, Scott Walker, Governor of the State of Wisconsin, pursuant to [article IV, section 14 of the Wisconsin Constitution](#) and section 8.50 (4) of the Wisconsin Statutes, order that a special election be held on November 8, 2011 to fill the vacancy in the Ninety-Fifth Assembly District, as

created in the combined cases Baumgart v. Wendelberger, No. 01-C-0121 (E.D. Wis. May 30, 2002), and Jensen v. Wendelberger, No. 02-C-0366 (E.D. Wis. Feb. 12, 2002), and whose boundaries are set out in the Judicial Plan following section 4.005 of the 2009-10 Wisconsin Statutes. A copy of the boundary descriptions can be obtained from the Government Accountability Board, or the Legislative Reference Bureau at 1 East Main Street, Suite 200, Madison, Wisconsin. The term for the Ninety-Fifth Assembly District will expire on the first Monday in January, 2013. If a primary is necessary, it shall be held on October 11, 2011. Circulation of nomination papers for candidates may begin today, September 2, 2011 and nomination papers must be filed no later than 5:00 p.m., September 13, 2011 in the office of the Government Accountability Board. This election shall be held, conducted, canvassed, and returned in accordance with law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this second day of September, in the year two thousand eleven.

SCOTT WALKER
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State

SPEAKER'S COMMUNICATIONS

September 6, 2011

Mr. Patrick Fuller
Chief Clerk, Wisconsin State Assembly
Room 401, Risser Justice Center
17 West Main Street
Madison, Wisconsin 53703

Dear Patrick:

Pursuant to Assembly Rule 42 (3)(c), I am withdrawing **Senate Bill 115** from the Assembly Committee on Election and Campaign Reform and re-referring it to the Assembly Committee on Rules. I have the consent of Representative Gary Tauchen, chair of the Assembly Committee on Election and Campaign Reform, to take this action.

Sincerely,
JEFF FITZGERALD
Assembly Speaker

COMMUNICATIONS

State of Wisconsin
Legislative Reference Bureau
Madison

DATE: September 1, 2011

TO: Patrick E. Fuller
Assembly Chief Clerk

Robert Marchant
Senate Chief Clerk

FROM: Bruce J. Hoesly
Code Editor

SUBJECT: Rules published in the August 31, 2011 Wisconsin Administrative Register, No. 668.

The following rules have been published:

Clearinghouse Rule 08-087	effective	9-1-2011
Clearinghouse Rule 10-103	part eff.	9-1-2011
	part eff.	1-1-2012
	part eff.	7-1-2014
Clearinghouse Rule 11-002	effective	9-1-2011
Clearinghouse Rule 10-120	effective	9-1-2011
Clearinghouse Rule 10-131	effective	9-1-2011
Clearinghouse Rule 10-135	effective	9-1-2011
Clearinghouse Rule 10-137	effective	9-1-2011
Clearinghouse Rule 10-138	effective	9-1-2011
Clearinghouse Rule 10-142	effective	9-1-2011
Clearinghouse Rule 10-143	effective	9-1-2011
Clearinghouse Rule 10-144	effective	9-1-2011
Clearinghouse Rule 10-148	effective	9-1-2011
Clearinghouse Rule 11-015	effective	9-1-2011
Clearinghouse Rule 11-016	effective	9-1-2011
Clearinghouse Rule 11-017	effective	9-1-2011
Clearinghouse Rule 11-021	effective	9-1-2011

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Groundwater Coordinating Council
Madison

August 30, 2011

To the Honorable, the Legislature:

This report summarizes and provides links to information on GCC and agency activities related to groundwater protection and management in FY 11 (July 1, 2010 to June 30, 2011). The links also provide information on the condition of the groundwater resource. At the end of this report are the GCC's recommendations titled Directions for Future Groundwater Protection.

The report and supporting materials will be made available online at
<http://dnr.wi.gov/org/water/dwg/gcc/rtl/gccreport2011.htm>

Highlights of the State's groundwater protection activities this past year include:

- Research and monitoring contributing to our understanding of many groundwater issues including: nitrate, mercury methylation, biofuel cropping, antibiotics, climate change, water use, and fecal contamination.
- Implementation of the Great Lakes Compact (2008 Wisconsin Act 227).
- The Water Resources Library made considerable progress in providing full-text reports of UWS and DNR groundwater monitoring and research projects through the UW Ecology and Natural Resources Digital Collection.

We hope you will find this report to be a useful reference in protecting Wisconsin's valuable groundwater resource.

Sincerely,
KEN JOHNSON, CHAIR
Groundwater Coordinating Council

Referred to committee on **Natural Resources.**

State of Wisconsin
Division of Energy Services
Madison

August 31, 2011

To the Honorable, the Legislature:

It is with pleasure that I forward the FY09 Annual Report for Wisconsin's Home Energy Plus Public Benefits Program. The Public Benefits Program was created in 1999 by Act 9 to preserve the benefits of energy efficiency, renewable energy and low-income energy assistance for the residents of Wisconsin. Since 2005, public benefits funding continues under Wisconsin Act 141, which allows the state to increase the number of households served. The segregated Public Benefits Fund, which supports the Home Energy Plus Programs, is funded by electric and natural gas utility ratepayers. Investor-owned utilities, participating municipal and cooperative utilities serve about 85 percent of the state's electricity customers.

Wisconsin's public benefits programs are administered by the Department of Administration, Division of Energy Services through the Home Energy Plus Program and encompass two distinct delivery areas. The Weatherization Assistance Program provides weatherization and conservation services, and the Home Energy Assistance Program provides bill payment assistance to resident households with incomes at or below 60 percent State Median Income.

Please take a few minutes to peruse this annual report. I am confident that you will find a comprehensive, productive Home Energy Plus Public Benefits Program. The State of Wisconsin can be justifiably proud of this achievement and the support from our partners and program providers.

You can also find this report on the Home Energy Plus Website at <http://homeenergyplus.wi.gov>.

Sincerely,
BARB KLUGSIEJA
BUREAU DIRECTOR
Division of Energy Services

Referred to committee on **Energy and Utilities.**

State of Wisconsin
Claims Board
Madison

September 1, 2011

To the Honorable, the Legislature:

Enclosed is the report of the State Claims Board covering the claims heard on August 12, 2011.

Those claims approved for payment pursuant to the provisions of §16.007 and 775.05 Stats., have been paid directly by the Board.

This report is for the information of the Legislature. The Board would appreciate your acceptance and publication of it in the Journal to inform the members of the Legislature.

Sincerely,
GREGORY D. MURRAY
Secretary

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

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

August 31, 2011

To the Honorable, the Assembly:

At the request of the Joint Legislative Audit Committee, we have completed an evaluation of the Contract Sunshine Act, which requires all state agencies to report information about contracts, requests for bids and other competitive proposals, and purchase orders totaling \$10,000 or more in a fiscal biennium to the Government Accountability Board (GAB) for posting on a publicly accessible Web site.

Only 12 state agencies reported information to GAB in fiscal year (FY) 2009-10, and 38 did so during the first four months of FY 2010-11. The posted information remains incomplete and is less than fully accurate because of limitations with the Web site's design, difficulties state agencies have had in compiling data for reporting at the level of detail required by the law, and confusion about which information must be reported. As a result, the Contract Sunshine Web site is of limited value in providing the public with clear, comprehensive, and useful information.

In [2011 Wisconsin Act 32](#), the Legislature directed the Department of Administration (DOA) to establish a new publicly accessible Web site that will report all executive, legislative, and judicial branch expenditures for state operations exceeding \$100. We include a recommendation that DOA report to the Joint Legislative Audit Committee in January 2012 on its efforts to implement that Web site. If it can be successfully implemented, the new Web site will surpass the Contract Sunshine Web site in scope and potential usefulness to the public, and the Legislature should then consider repealing the Contract Sunshine statutes. If the

Legislature chooses to retain the Contract Sunshine statutes, we present several statutory modifications that would somewhat improve the Contract Sunshine Web site's usefulness to the public.

We appreciate the courtesy and cooperation extended to us by GAB. Its response follows the appendices.

Respectfully submitted,
JOE CHRISMAN
Interim State Auditor