



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

MONDAY, August 31, 2009

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

AMENDMENTS OFFERED

Assembly amendment 2 to **Assembly Bill 128** offered by Representative Brooks.

Assembly amendment 1 to **Assembly Bill 228** offered by Representative Sherman.

Assembly amendment 1 to Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 314** offered by Representative Molepske Jr..

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 09-024

Relating to hunting, trapping and wildlife rehabilitation. Submitted by Department of Natural Resources. Report received from Agency, August 24, 2009. To committee on **Fish and Wildlife**. Referred on August 31, 2009.

Assembly Clearinghouse Rule 09-037

Relating to method of sale of commodities, including method of sale by weight, measure or count. Submitted by Department of Agriculture, Trade and Consumer Protection. Report received from Agency, August 13, 2009. To committee on **Agriculture**. Referred on August 27, 2009.

Assembly Clearinghouse Rule 09-042

Relating to the 2009 migratory game bird seasons and waterfowl hunting zones. Submitted by Department of Natural Resources. Report received from Agency, August 24, 2009. To committee on **Fish and Wildlife**. Referred on August 31, 2009.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 402

Relating to: the operation of neighborhood electric vehicles on county trunk highways.

By Representatives A. Ott, Ballweg, Bies, Hilgenberg, Jorgensen, Kaufert, Radcliffe, Sherman and Townsend; cosponsored by Senators A. Lasee, Cowles, S. Fitzgerald, Olsen, Schultz and Holperin.

To committee on **Transportation**.

Assembly Bill 403

Relating to: local government property insurance fund premiums.

By Representatives Barca, Hubler, Jorgensen, Hixson, Zigmunt, Hilgenberg, Clark, Garthwaite, Seidel, Mason, Staskunas, Kerkman, Berceau, Pope-Roberts, Zepnick, Smith, Dexter, Petrowski, Van Roy, A. Williams, Hraychuck, Fields, Bernard Schaber, Mursau, Turner, Pasch, Shilling, Nygren, Roys, Strachota and Hintz; cosponsored by Senators Vinehout, Lehman, Wirch, Holperin, Hansen, Erpenbach, Harsdorf, Taylor, Carpenter, Coggs, Robson and Grothman.

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

Assembly Bill 404

Relating to: prohibiting municipal electric or water utilities from collecting certain utility arrearages from owners of rental properties as property liens.

By Representatives Roth, Montgomery, Nygren, Pridemore and Townsend; cosponsored by Senator Olsen.

To committee on **Energy and Utilities**.

Assembly Bill 405

Relating to: prohibiting the manufacture and sale of bottles and cups for children that contain bisphenol A, creating labeling requirements, making an appropriation, and providing a penalty.

By Representatives Roys, Mason, Molepske Jr., Benedict, Brooks, Berceau, Hubler, Cullen, Milroy, Pasch, Turner, Black, Jorgensen, Parisi, Steinbrink, Vruwink, Danou, Soletski, Richards, Spanbauer and Clark; cosponsored by Senators Lassa, Carpenter, Kapanke, Hansen, Wirch, Vinehout, Lehman, Robson, Risser and Taylor.

To committee on **Consumer Protection**.

Assembly Bill 406

Relating to: challenging the ballots of electors at polling places.

By Representatives Kessler, Berceau and Pasch; cosponsored by Senators Coggs, Hansen and Kreitlow.

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

Assembly Bill 407

Relating to: mortgage loan defaults and notification of alternative dispute resolution options.

By Representatives Hraychuck, Dexter, Mason, Clark, Berceau, Molepske Jr., Bernard Schaber, Hixson, Zepnick, Richards and Grigsby; cosponsored by Senators Kreitlow and Hansen.

To committee on **Housing**.

Assembly Bill 408

Relating to: financial assistance related to bioenergy feedstocks, biorefineries, and conversion to biomass energy; the definition of the term agricultural use for the purpose of determining the assessed value of a parcel of land; requiring a strategic bioenergy feedstock assessment; creation of a bioenergy council; the agricultural and forestry diversification programs; biofuels training assessment; a study of regulatory burdens relating to biofuel production facilities; marketing orders and agreements for bioenergy feedstocks; exempting personal renewable fuel production and use from the motor vehicle fuel tax, the petroleum inspection fee, and business tax registration requirements; an income and franchise tax credit for installing or retrofitting pumps that mix motor vehicle fuels from separate storage tanks; offering gasoline that is not blended with ethanol to motor fuel dealers; state renewable motor vehicle fuels sales goals; required sales of renewable motor vehicle fuels; use of petroleum-based transportation fuels by state vehicles; use of alternative fuels in flex fuel vehicles owned by the state; use of public alternative fuel refueling facilities; duties of the Office of Energy Independence; granting rule-making authority; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

By Joint Legislative Council.

To committee on **Renewable Energy and Rural Affairs**.

Assembly Bill 409

Relating to: U-turns on highways and providing a penalty.

By Representatives Steinbrink, Nerison, Townsend, Brooks, Petrowski, Vos, M. Williams and Turner; cosponsored by Senators Sullivan, Kanavas, Taylor, Holperin, Plale and Hansen.

To committee on **Transportation**.

Assembly Bill 410

Relating to: violation of the 72-hour no contact provision in domestic violence cases and providing a penalty.

By Representatives Zigmunt, Parisi, Benedict, Berceau, Bernard Schaber, Grigsby, Hraychuck, Kaufert, A. Ott, Pasch, Pope-Roberts, Roys, Sinicki, Soletski, Staskunas, Suder and Turner; cosponsored by Senators Taylor, Sullivan, Darling, A. Lasee, Lassa, Lehman and Risser.

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

Assembly Bill 411

Relating to: the prohibition against making, reproducing, or possessing a nude depiction of a person without the person's consent and the sex offender registry.

By Representatives Zigmunt, Parisi, Gundrum, Berceau, Bernard Schaber, Hraychuck, Pope-Roberts, Roys, Suder and Turner; cosponsored by Senators Plale, Taylor and Darling.

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

Assembly Bill 412

Relating to: personal liability of officers, directors, and employees of child care providers.

By Representatives Grigsby, Jorgensen, Pasch, Pope-Roberts, Berceau, A. Williams, Fields, Sinicki, Mason, Barca and Petrowski; cosponsored by Senators Jauch, Vinehout, Coggs, Darling and Taylor.

To committee on **Children and Families**.

REFERENCE BUREAU CORRECTIONS

Assembly Bill 214

1. Page 11, line 1: delete "contract" and substitute "contact".

COMMUNICATIONS

August 27, 2009

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

I respectfully ask that my name be withdrawn as a co-author of 2009 Assembly Bill 179, relating to notification to the state and certain public agencies regarding a medical malpractice claim and limits on liability.

Thank you in advance for your consideration and prompt attention on this matter.

Sincerely,
PHIL MONTGOMERY
State Representative
4th Assembly District

August 31, 2009

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 399, relating to costs eligible for reimbursement under the Local

Roads Improvement Program administered by the Department of Transportation.

Please also add my name to Assembly Bill 410, relating to violation of the 72-hour no contact provision in domestic violence cases and providing a penalty.

Sincerely,
JOSH ZEPNICK
State Representative
9th Assembly District

August 31, 2009

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-sponsor of Assembly Bill 228, relating to awarding state procurements to certified disabled veteran-owned businesses, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

Sincerely,
BOB JAUCH
State Senator
25th Senate District

State of Wisconsin
Legislative Reference Bureau
Madison

DATE: August 31, 2009
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, 2009 Wisconsin Administrative Register, No. 644.

The following rules have been published:

- Clearinghouse Rule 08-065 effective 9-1-2009
- Clearinghouse Rule 08-074 effective 9-1-2009
- Clearinghouse Rule 08-099 effective 9-1-2009
- Clearinghouse Rule 08-103 effective 9-1-2009
- Clearinghouse Rule 09-002 effective 9-1-2009
- except sections affecting small business,
effective 11-1-2009
- Clearinghouse Rule 09-005 effective 9-1-2009
- Clearinghouse Rule 09-006 effective 9-1-2009
- Clearinghouse Rule 09-011 effective 9-1-2009
- Clearinghouse Rule 09-022 effective 9-1-2009

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Health Insurance Risk-Sharing Plan Authority
Madison

August 28, 2009

To the Honorable, the Legislature:

Enclosed is a copy of the HIRSP Authority's 2008 Annual Report. This is to fulfill our requirement of Statutes 149.43 (6) and referenced in 13.172 (2) of the Wisconsin State Statutes.

If you require any other information please contact our Operations Manager, Josh Weisbrod at 608-441-5777.

Sincerely,
JACKIE FERRIS
Executive Assistant

Referred to committee on **Insurance**.

State of Wisconsin
Department of Administration
Madison

August 31, 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 July 2009.

On July 27, 2009, the General Fund cash balance closed at a negative \$360.0 million (its intra-month low). This negative balance continued through July 31, 2009, when the fund's cash balance closed at a negative \$209.8 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On July 1, 2009, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$75.6 million (its intra-month low). This negative balance continued through July 31, 2009, when the fund's cash balance closed at a negative \$57.1 million. 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 July 1, 2009, the Medical Assistance Trust Fund cash balance closed at a negative \$351.9 million. This negative balance continued through July 31, 2009, when the fund's cash balance closed at a negative \$208.6 million. The Medical Assistance Trust Fund cash balance reached its intra-month low of a negative \$363.2 billion on July 28, 2009. The

negative balance was due to the difference in the timing of revenues and expenditures.

On July 1, 2009, the Utility Public Benefits Fund cash balance closed at a negative \$172 thousand. This negative balance continued through July 31, 2009, when the fund's cash balance closed at a negative \$4.8 million. The Utility Public Benefits Fund cash balance reached its intra-month low of a negative \$8.8 million on July 30, 2009. The negative balance was due to the difference in the timing of revenues and expenditures.

On July 16, 2009, the Mediation Fund cash balance closed at a negative \$2 thousand. This negative balance continued through July 31, 2009, when the fund's cash balance closed at a negative \$21 thousand (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On July 27, 2009, the Lottery Fund cash balance closed at a negative \$33.8 million. This negative balance continued through July 31, 2009, when the fund's cash balance closed at a negative \$32.6 million. The Lottery Fund cash balance reached its intra month low of a negative \$34.4 million on July 30, 2009. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, Injured Patients and Families Compensation Fund, Medical Assistance Trust Fund, Utility Public Benefits Fund, Mediation Fund, and Lottery 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** and joint committee on **Finance**.

State of Wisconsin
Department of Natural Resources
Madison

August 2009

To the Honorable, the Legislature:

Attached please find an electronic copy of the 2009 Groundwater Coordinating Council Report to the Legislature. This report fulfills statutory requirements under s. [15.347 \(13\)](#), Wis. Stats., and is to be distributed to the appropriate standing committees on the environment and natural resources in the Senate and Assembly. In addition I'll deliver a paper copy to each of your offices next week (when available from the printer). If you would like more than one paper copy or have any questions please contact me.

The report is also available to read or download at: <http://dnr.wi.gov/org/water/dwg/gcc/rtl/gccreport.htm>.

Sincerely,
JEFF HELMUTH
Program Coordinator

Referred to committee on **Natural Resources**.