Assembly

Record of Committee Proceedings

Committee on Insurance

Assembly Bill 222

Relating to: environmental claims under general liability insurance policies, fees related to removal of contaminated material from a navigable water, and making an appropriation.

By Representatives Kaufert, Huebsch, Ott, Hahn, Hundertmark, Hines, Wood, Friske, Turner, Honadel, Musser, Travis, Towns, Van Roy, Krawczyk, Kreibich, Owens, Bies, Zepnick, Young and Albers; cosponsored by Senators Cowles, A. Lasee and Plale.

March 16, 2005 Referred to Committee on Insurance.

April 21, 2005 **PUBLIC HEARING HELD**

Present: (14) Representatives Nischke, Wieckert,
Underheim, Montgomery, McCormick,
Gielow, Van Roy, Ballweg, Moulton, Cullen,
Staskunas, Berceau, Nelson and Sheridan.

Absent: (1) Representative Lehman.

Appearances For

- Dean Kaufert, Madison Representative, Wisconsin State Assembly
- Robert Cowles, Madison Senator, Wisconsin State Senate
- Jim Kelley Executive VP and General Counsel, Georgia-Pacific
- Paul Kent, Madison Attorney, Anderson & Kent Law Firm
- Chris Hermann, Portland Stoel Rives Law Firm
- Dennis Delie, Green Bay United Steelworkers of America USW Pace Union
- Gary DeKeyser, Green Bay United Steelworkers of America Pace Union
- Rick Delacenserie, Madison David & Kuelthau Law Firm
- Ron Van Den Heuval, De Pere Vos Spirit and Tissue Product Technology Corp
- Ed Wilusz Wisconsin Paper Council
- Al Toma Georgia-Pacific
- Terrance McGowan, Pewaukee Operating Engineers Local 139

Appearances Against

- Eric Englund, Madison Wisconsin Insurance Alliance
- Michael Cohen Attorney, Meissner, Tierney, Fisher & Nichols, S.C.
- Laura Foggan Attorney, Wiley Rein & Fielding, LLP
- David Dybdahl CPCU,ARM, MBA, American Risk Management Resources
- Gordon Baldwin, Madison Attorney, Evjue-Bascom Emeritus Professor of Law, University of Wisconsin
- James Friedman Attorney, Godfey and Kahn
- Don Haldeman, Madison CEO, Rural Mutual Insurnace Company
- Terry Wendorf, Madison CEO, Wisconsin Reinsurance Corp
- Gerald Mueller President, Wisconsin Association of Mutual Insurance Companies
- Bill Thielmann, Sun Pririe General Causualty Insurance Companies
- Jim Pauly, West Bend West Bend Mutual Insurance
- Scott Huiras, Appleton Secura Mutual Insurance
- Dave Cristan, Stevens Point Sentry Insurance
- Peder Larson Former Commissioner, Minnesota Pollution Control Agency
- Connie O'Connell Former Wisconsin Insurance Commissioner
- Misha Lee, Stevens Point Sentry Insurance

Appearances for Information Only

• Bruce Baker, Madison — Department of Natural Resources

Registrations For

- Carol Roessler, Madison Senator, Wisconsin State Senate
- Carol Owens, Madison Representative, Wisconsin State Assembly
- Curt Witynski, Madison League of Wisconsin Municipalities
- Phil Uekert Wisconsin Public Service Corporation
- Russel Retzack, West Allis self

Registrations Against

- Glenn Grothman, Madison Senator, Wisconsin State Senate
- Louis Schubert, Madison American Family
- Melissa Duffy Wisconsin Feration of Cooperatives
- Scott Stenger, Madison AIG
- Dianna Dean Lorenz, Chicago AIG
- Sean McManamy American Insurance Association

 Dan Schwartzer — Wisconsin Association of Health Underwriters

June 21, 2005 **EXECUTIVE SESSION HELD**

Present: (15) Representatives Nischke, Friske, Underheim, Montgomery, McCormick, Gielow, Van Roy, Ballweg, Moulton, Cullen, Lehman, Staskunas,

Molepske, Nelson and Sheridan.

Absent: (0) None.

Moved by Representative Staskunas, seconded by Representative McCormick that **Assembly Substitute Amendment 1** be recommended for adoption.

Ayes: (5) Representatives McCormick, Cullen, Lehman, Staskunas and Molepske.

Noes: (10) Representatives Nischke, Friske, Underheim, Montgomery, Gielow, Van Roy, Ballweg, Moulton, Nelson, Sheridan.

ASSEMBLY SUBSTITUTE AMENDMENT 1 ADOPTION NOT RECOMMENDED, Ayes 5, Noes 10

Moved by Representative Montgomery, seconded by Representative Friske that **Assembly Amendment 1** be recommended for introduction.

Ayes: (15) Representatives Nischke, Friske, Underheim, Montgomery, McCormick, Gielow, Van Roy, Ballweg, Moulton, Cullen, Lehman, Staskunas, Molepske, Nelson and Sheridan.

Noes: (0) None.

INTRODUCTION OF ASSEMBLY AMENDMENT 1 RECOMMENDED, Ayes 15, Noes 0

Moved by Representative Montgomery, seconded by Representative Underheim that **Assembly Amendment 1** be recommended for adoption.

Ayes: (15) Representatives Nischke, Friske, Underheim, Montgomery, McCormick, Gielow, Van Roy, Ballweg, Moulton, Cullen, Lehman, Staskunas, Molepske, Nelson and Sheridan.

Noes: (0) None.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED, Ayes 15, Noes 0

Moved by Representative Montgomery, seconded by Representative Van Roy that **Assembly Bill 222** be recommended for passage as amended.

Ayes: (9) Representatives Nischke, Friske, Underheim, Montgomery, McCormick, Gielow, Van Roy, Nelson and Sheridan.

Noes: (6) Representatives Ballweg, Moulton, Cullen, Lehman, Staskunas and Molepske.

PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 6

Mary Jan Rosenak Committee Clerk