



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

1:15 P.M.

THURSDAY, November 1, 2007

The Assembly met in the Assembly Chamber located in the State Capitol.

Representative M. Williams in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 393** offered by joint committee on **Finance**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 07-008

Relating to rental unit energy efficiency requirements and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, October 17, 2007.

To committee on **Housing**.

Referred on October 31, 2007.

COMMITTEE REPORTS

The joint committee on **Finance** reports and recommends:

Assembly Bill 393

Relating to: adding a circuit court branch in Barron, Chippewa, Dodge, Green, Juneau, Monroe, and St. Croix counties.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon; Senators Decker, Hansen, Taylor, Jauch, Miller, Lehman, Darling and Olsen.

Noes: 0.

Passage as amended:

Ayes: 15 – Representatives Rhoades, Meyer, Stone, Kestell, Suder, Pocan and Colon; Senators Decker, Hansen, Taylor, Jauch, Miller, Lehman, Darling and Olsen.

Noes: 1 – Representative Vos.

To committee on **Rules**.

KITTY RHOADES

Assembly Chairperson

Joint Committee on Finance

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 4
Senate Joint Resolution 53
Senate Joint Resolution 54
Senate Joint Resolution 55
Senate Joint Resolution 56
Senate Joint Resolution 57
Senate Joint Resolution 58
Senate Joint Resolution 59
Senate Joint Resolution 60
Senate Joint Resolution 64
Senate Joint Resolution 65

Passed and asks concurrence in:

Senate Bill 15
Senate Bill 30
Senate Bill 148
Senate Bill 198
Senate Bill 226
Senate Bill 234
Senate Bill 249

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 4

Relating to: recognizing February 6 as Ronald Reagan Day in the state of Wisconsin.

By Senators Kanavas, Grothman, Darling, A. Lasee, Lazich and Roessler; cosponsored by Representatives J. Ott, Davis, Zipperer, Vos, Newcomer, Honadel, A. Ott, Ballweg, Bies, F. Lasee, Hines, Hahn, Nerison, Suder, Kerkman, Townsend, M. Williams, Kestell, Jeskewitz, Vukmir, Lothian, Nass, Gundrum and J. Fitzgerald.

To committee on **Rules**.

Senate Joint Resolution 53

Relating to: the 75th Anniversary of the Military Order of the Purple Heart.

By Senators Kapanke, Lassa, Cowles, A. Lasee, Kedzie, Roessler, Lehman, Breske, Coggs and Grothman; cosponsored by Representatives Musser, Sheridan, Fields, Boyle, Kerkman, Roth, Gronemus, LeMahieu, Pocan, Turner, Jorgensen, Albers, Seidel, Petersen, Owens, Hahn, Hintz, Nerison, A. Ott, Hebl, A. Williams, Bies, Grigsby, Sinicki, Ballweg and F. Lasee.

To committee on **Rules**.

Senate Joint Resolution 54

Relating to: honoring the centennial of United Parcel Service of America, Inc., and recognizing the contributions of the company to the citizens of Wisconsin.

By Senators Breske, Hansen, Lazich, Lassa, Kedzie, Coggs, Darling, Plale, Erpenbach and Risser; cosponsored by Representatives Petrowski, Suder, A. Ott, M. Williams, A. Williams, Seidel and Albers.

To committee on **Rules**.

Senate Joint Resolution 55

Relating to: recognizing Kikkoman and its contribution to the cultural and economic vitality of Wisconsin.

By Senator Kedzie; cosponsored by Representative Lothian.

To committee on **Rules**.

Senate Joint Resolution 56

Relating to: honoring members of the University of Michigan Health System Hospital survival flight team.

By Senators Cowles, Erpenbach, Roessler, Kreitlow, Olsen, Miller, Lehman, A. Lasee and Darling; cosponsored by Representatives Jeskewitz, Kerkman, Sheridan, Steinbrink, Gunderson, Sinicki, Gronemus, Berceau, Hahn, M. Williams, Fields, Ballweg, Pope–Roberts, Mursau and Townsend.

To committee on **Rules**.

Senate Joint Resolution 57

Relating to: providing for an advisory referendum on the question of continuing the program of prescription drug assistance for elderly persons (Senior Care) past December 30, 2009, as a permanent federal–state program.

By Senators Carpenter, Hansen, Wirch, Lehman, Sullivan, Erpenbach, Plale, Kreitlow, Schultz, Leibham and Coggs; cosponsored by Representatives Nelson, Black, Zepnick, Soletski, Fields, Pocan, Hebl, Turner, Boyle, Seidel, Pope–Roberts, Jorgensen, Berceau, Sheridan, Molepske, Young, Grigsby, Hixson and Hintz.

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

Senate Joint Resolution 58

Relating to: Badger Mining Corporation of Berlin, Wisconsin.

By Senator Olsen; cosponsored by Representative Ballweg.

To committee on **Rules**.

Senate Joint Resolution 59

Relating to: Rogers Memorial Hospital's centennial year.

By Senators Kedzie, Darling, Lazich, Lassa, Roessler, Sullivan and Lehman; cosponsored by Representatives Nass, Lothian, Sheridan, Kerkman, Jeskewitz, Hahn, Berceau, Gunderson, Albers, Townsend, Kreuser, Bies, Kleefisch, Petrowski and Wasserman.

To committee on **Rules**.

Senate Joint Resolution 60

Relating to: recognizing October 2007 as Domestic Violence Awareness Month.

By Senators Robson, Erpenbach, Darling, Risser, Lassa, Miller, Schultz, Olsen, Lehman, Harsdorf, Taylor, Hansen, Cowles, Coggs, Roessler, Sullivan and Wirch; cosponsored by Representatives Berceau, Hilgenberg, Sheridan, Boyle, Zepnick, Nelson, Soletski, Jeskewitz, Hraychuck, Sinicki, Albers, Benedict, Pocan, A. Williams, Suder, A. Ott, Ballweg, Pope–Roberts, Hahn, Seidel, Shilling, Toles, Young, Parisi, Kreuser, Molepske, Hebl, Grigsby, Kaufert, Mason, Strachota, Fields and Townsend.

To committee on **Rules**.

Senate Joint Resolution 64

Relating to: the life and public service of Ronald G. Parys.

By Senators Plale, Erpenbach, Ellis, Miller, Risser, Lassa, Cowles, Lehman, Schultz, Sullivan, Coggs and A. Lasee; cosponsored by Representatives Jeskewitz, Gronemus, Boyle, Turner, Berceau, Hahn, Musser, A. Williams, Petrowski, Gunderson, Schneider, Sheridan and Bies.

To committee on **Rules**.

Senate Joint Resolution 65

Relating to: recognition of November as Diabetes Awareness Month.

By Senators Risser, Lassa, Darling, Plale, Roessler, Hansen, Breske, Erpenbach, Sullivan, Wirch, Vinehout, Lehman, Cowles, Coggs and Taylor; cosponsored by Representatives Newcomer, Jeskewitz, Sheridan, Albers, Friske, Davis, Hintz, Fields, Kaufert, Vruwink, Boyle, Musser, Ballweg, Seidel, Berceau, Rhoades, Kleefisch, Van Roy, Pope–Roberts, Shilling, Richards, Cullen, Gronemus, Hines, Nelson, Ziegelbauer, Kerkman, Schneider, Travis, Turner, Toles, Soletski, Hahn, Benedict, Colon, A. Ott, Hebl, Wasserman, Townsend, Petrowski, Hraychuck, Van Akkeren, Mason, M. Williams and Molepske.

To committee on **Rules**.

Senate Bill 15

Relating to: the appointment of the secretary of natural resources.

By Senators Wirch, Miller, Carpenter, Lassa, Risser, Hansen, Lehman, Breske and Sullivan; cosponsored by Representatives Black, Zepnick, Molepske, Sherman, Van Akkeren, Hubler, Hebl, Berceau, Pope–Roberts, Pocan, Boyle and Smith.

To committee on **Natural Resources**.

Senate Bill 30

Relating to: permitting a mother to breast-feed in any public or private location where she is otherwise authorized to be.

By Senators Risser, Lassa, Erpenbach, Lehman, Plale, Roessler, Miller, Schultz, Darling and Sullivan; cosponsored

by Representatives Wasserman, Pocan, Black, F. Lasee, Pope-Roberts, Boyle, Hines, Berceau, Albers, Hahn, Bies, Townsend, Molepske, Owens, Sheridan, A. Ott, Hilgenberg, Parisi, Musser and Mason.

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

Senate Bill 148

Relating to: exempting an assessor and an assessor’s staff from liability for trespassing and creating immunity from civil liability.

By Senators Breske, Coggs, Lassa, Lehman and Cowles; cosponsored by Representatives A. Ott, Ballweg, Musser, Hahn, Mursau, Hines, Townsend, Lothian, Tauchen, Van Roy, Sinicki, Jeskewitz, Nygren, Hubler, Strachota, Gunderson, Turner, Molepske and Friske.

To committee on **Rural Economic Development.**

Senate Bill 198

Relating to: hunting of deer during the open bow hunting season.

By Senators Miller, Kedzie, Vinehout, Schultz, Decker, Hansen, Lassa, Grothman, Breske and A. Lasee; cosponsored by Representatives Hraychuck, Pridemore, Boyle, A. Ott, Bies and Vruwink.

To committee on **Natural Resources.**

Senate Bill 226

Relating to: changes to the Health Insurance Risk-Sharing Plan.

By Senator Breske; cosponsored by Representative F. Lasee.

To committee on **Rules.**

Senate Bill 234

Relating to: designating and marking STH 57 as the 57th Field Artillery Brigade Memorial Highway.

By Senators Leibham and Roessler; cosponsored by Representatives Ziegelbauer, Kestell, LeMahieu, Jeskewitz, Townsend, Turner and M. Williams.

To committee on **Transportation.**

Senate Bill 249

Relating to: payment of the costs of advanced placement examinations taken by certain pupils.

By Senators Lehman, Breske, Darling, Erpenbach, Kreitlow, Hansen, Lassa, Miller, Plale, Risser, Schultz, Taylor and Vinehout; cosponsored by Representatives Pope-Roberts, Ballweg, Berceau, Black, Cullen, Fields, Grigsby, Hilgenberg, Hixson, A. Ott, Pocan, Sheridan, Smith, Soletski, Toles, Townsend, Travis, Turner, Van Akkeren, Vruwink and M. Williams.

To committee on **Education.**

ENROLLED JOINT RESOLUTIONS

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

- Assembly Joint Resolution 40**
- Assembly Joint Resolution 42**
- Assembly Joint Resolution 49**
- Assembly Joint Resolution 74**
- Assembly Joint Resolution 75**

PATRICK E. FULLER
Assembly Chief Clerk

REFERENCE BUREAU CORRECTIONS

In enrolling, the following correction was made:

Assembly Joint Resolution 49

1. Page 2, line 21: after “therefore” insert a comma.

COMMUNICATIONS

November 1, 2007

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53708

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 401, relating to hunting of deer during the open bow hunting season.

Sincerely,
TERRY MOULTON
State Representative
68th Assembly District

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: November 1, 2007

TO: Patrick E. Fuller
Assembly Chief Clerk

Robert Marchant
Senate Chief Clerk

FROM: Gary L. Poulson
Assistant Revisor of Statutes

SUBJECT: Rules published in the October 31, 2007,
Wisconsin Administrative Register, No. 622.

The following rules have been published:

Clearinghouse Rule 07-011	effective	11-01-2007
Clearinghouse Rule 07-019	effective	11-01-2007
Clearinghouse Rule 07-020	effective	11-01-2007
Clearinghouse Rule 07-024	effective	11-01-2007
Clearinghouse Rule 07-027	effective	11-01-2007
Clearinghouse Rule 07-030	effective	11-01-2007

Clearinghouse Rule 07-032 effective 11-01-2007
Clearinghouse Rule 07-038 effective 11-01-2007
Clearinghouse Rule 07-039 effective 11-01-2007
Clearinghouse Rule 07-042 effective 11-01-2007

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health and Family Services
Madison

October 26, 2007

To the Honorable, the Legislature:

Wisconsin State Statute 13.172 (2) directs the Department of Health and Family Services to submit an annual report to the Legislature regarding information on pharmacies and pharmacists that discontinue participation as a certified provider of medical assistance (MA). The mandate also requires the Department to report whether pharmacists comply with the MA program's deductible and co-payment requirements.

A comparison of MA certified pharmacy providers in SFY 2006 and SFY 2007 indicates 65 new pharmacies were certified as MA providers in SFY 2007. In addition, 21 Wisconsin pharmacies' or pharmacists' MA certification ended in SFY 2007. Twenty of those pharmacies no longer met certification requirements; many because their business had closed altogether. One provider chose to discontinue their MA certification. There were 25 out-of-state pharmacies or pharmacists that were no longer certified as providers of MA in SFY 2007.

The Department of Health and Family Services has not received any complaints that pharmacists have incorrectly charged MA participants a deductible or co-payment.

With warm regards,
KEVIN R. HAYDEN
Secretary

Referred to committee on **Health and Health Care Reform.**

State of Wisconsin
Department of Administration
Madison

October 31, 2007

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 September 2007.

On September 13, 2007, the Dry Cleaner Environmental Response Fund cash balance closed at a negative \$12 thousand. This negative balance continued through September 30, 2007, when the fund's cash balance closed at a negative \$55 thousand. The Dry Cleaner Environmental Response Fund cash balance reached its intra month low of a negative \$56 thousand on September 17, 2007. The negative balance was due to the difference in the timing of revenues and expenditures.

On September 1, 2007, the Wisconsin Health Education Loan Repayment Fund cash balance closed at a negative \$2 thousand. This negative balance continued through September 30, 2007, when the fund's cash balance closed at a negative \$2 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The Dry Cleaner Environmental Response Fund and Wisconsin Health Education Loan Repayment 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.**

ADJOURNMENT

Representative J. Ott moved that the Assembly stand adjourned until 11:00 A.M. on Tuesday, November 6.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

1:16 P.M.