



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

TUESDAY, July 20, 2010

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

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 09–112

Relating to runoff pollution performance standards and prohibitions, the targeted runoff management grant program and the urban nonpoint source and storm water management grant programs, and affecting small business.

Submitted by Department of Natural Resources.
Report received from Agency, July 6, 2010.
To committee on **Agriculture**.
Referred on July 9, 2010.

Assembly Clearinghouse Rule 10–021

Relating to foster care and kinship care and affecting small businesses.

Submitted by Department of Children and Families.
Report received from Agency, June 24, 2010.
To committee on **Children and Families**.
Referred on June 30, 2010.

Assembly Clearinghouse Rule 10–034

Relating to hospices and affecting small businesses.

Submitted by Department of Health Services.
Report received from Agency, June 29, 2010.
To committee on **Health and Healthcare Reform**.
Referred on July 7, 2010.

Assembly Clearinghouse Rule 10–035

Relating to phosphorus water quality standards criteria and limitations and effluent standards.

Submitted by Department of Natural Resources.
Report received from Agency, July 6, 2010.
To committee on **Natural Resources**.
Referred on July 9, 2010.

Assembly Clearinghouse Rule 10–036

Relating to hazardous waste management.

Submitted by Department of Natural Resources.
Report received from Agency, June 28, 2010.
To committee on **Natural Resources**.
Referred on June 30, 2010.

Assembly Clearinghouse Rule 10–043

Relating to treatment of autism spectrum disorders and affecting small business.

Submitted by Office of the Commissioner of Insurance.
Report received from Agency, June 29, 2010.
To committee on **Insurance**.
Referred on July 7, 2010.

Assembly Clearinghouse Rule 10–052

Relating to the use of archery deer hunting licenses.

Submitted by Department of Natural Resources.
Report received from Agency, July 1, 2010.
To committee on **Fish and Wildlife**.
Referred on July 9, 2010.

Assembly Clearinghouse Rule 10–056

Relating to authorized hours of subsidized child care and affecting small businesses.

Submitted by Department of Children and Families.
Report received from Agency, June 30, 2010.
To committee on **Children and Families**.
Referred on July 7, 2010.

Assembly Clearinghouse Rule 10–062

Relating to minor revisions to securities law and franchise law administrative code sections.

Submitted by Department of Financial Institutions.
Report received from Agency, June 29, 2010.
To committee on **Financial Institutions**.
Referred on July 7, 2010.

COMMUNICATIONS

State of Wisconsin
Legislative Reference Bureau
Madison

DATE: July 1, 2010

TO: Patrick E. Fuller
Assembly Chief Clerk

Robert Marchant
Senate Chief Clerk

FROM: Bruce J. Hoesly
Code Editor

SUBJECT: Rules published in the June 30, 2010, Wisconsin Administrative Register, No. 654.

The following rules have been published:

Clearinghouse Rule 09–023 effective 7–1–2010

Clearinghouse Rule 09-042	effective	7-1-2010
Clearinghouse Rule 09-051	effective	7-1-2010
Clearinghouse Rule 09-052	effective	7-1-2010
Clearinghouse Rule 09-067	effective	7-1-2010
Clearinghouse Rule 09-079	effective	7-1-2010
Clearinghouse Rule 09-080	effective	7-1-2010
Clearinghouse Rule 09-081	effective	7-1-2010
Clearinghouse Rule 09-086	effective	7-1-2010
Clearinghouse Rule 09-087	effective	7-1-2010
Clearinghouse Rule 09-092	effective	7-1-2010
Clearinghouse Rule 09-118	effective	7-1-2010
Clearinghouse Rule 09-122	effective	7-1-2010
Clearinghouse Rule 10-001	effective	7-1-2010
Clearinghouse Rule 10-009	effective	7-1-2010
Clearinghouse Rule 10-019	effective	7-1-2010

July 12, 2010

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

Dear Chief Clerk Fuller:

It has come to my attention that on the night of February 17, 2009, I was mistakenly marked “present” in the Assembly Journal during Governor Doyle’s Budget Address in the Assembly Chamber.

I wanted to inform you that I was not present in the Chamber that evening as I had a family commitment. However, I was in Madison earlier that day for a Ways and Means Committee Public Hearing and Executive Session.

If you have any questions or concerns regarding my presence in the Capitol on February 17, and the error within the Assembly Journal, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,
SAMANTHA J. KERKMAN
 State Representative
 66th Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
 Department of Administration
 Madison

June 30, 2010

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 May 2010.

On May 1, 2010, the Utility Public Benefits Fund cash balance closed at a negative \$6.7 million. This negative balance continued through May 31, 2010, when the fund’s cash balance closed at a negative \$7.3 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On May 1, 2010, the Medical Assistance Trust Fund cash balance closed at a negative \$309.0 million (its intra-month low). This negative balance continued through May 31, 2010, when the fund’s cash balance closed at a negative \$307.7 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On May 1, 2010, the Police and Fire Protection Fund cash balance closed at a negative \$13.9 million (its intra-month low). This negative balance continued through May 31, 2010, when the fund’s cash balance closed at a negative \$12.9 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The Utility Public Benefits Fund, Medical Assistance Trust Fund, and Police and Fire Protection 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 Health Services
 Madison

June 30, 2010

To the Honorable, the Legislature:

I am pleased to submit to the Legislature the enclosed report as required by Wisconsin Statute s. 252.01 (11). The report describes the success of the statewide immunization program and was prepared by the Wisconsin Immunization Program.

Sincerely,
KAREN E. TIMBERLAKE
 Secretary

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

State of Wisconsin
Department of Health Services
Madison

July 6, 2010

To the Honorable, the Legislature:

Under the provisions of s. 16.953, Wis Stats., the Department of Health Services (DHS) is submitting its energy cost reduction plan. DHS is committed to reducing energy usage while recognizing that the greatest cost of owning state facilities is the cost to heat, cool, illuminate and operate. Energy conservation is not a one-time activity or project, but an ongoing responsibility requiring daily attention. Successful efforts to reduce energy usage will help the Department manage budget resources as well as reduce the demand for fossil fuels with the associated environmental benefits that include the reduction of hazardous air emissions and greenhouse gases.

The Department has reduced its overall energy consumption by 5.5 percent from the 2005 base year. Although this reduction did not meet the 10 percent goal for 2008, several operational factors complicated the ability of the Department to meet these energy conservation goals. The DHS facilities operate on a 24/7 schedule and care for medically and emotionally fragile persons who have difficulty tolerating large or unexpected disruptions in their daily routine. Significant security and/or life safety considerations are also a factor. Even with these constraints, DHS is committed to reducing energy consumption to the extent possible.

The Department has a longstanding practice of incorporating high efficiency equipment and energy reducing upgrades within our facilities. Recent energy savings projects include: instantaneous hot water heating where feasible, high efficiency dish machines and laundry equipment, high bay fluorescent lighting, outdoor LED wall packs and street lighting retrofits. More aggressive opportunities being considered at the facilities include: window replacement and building envelope upgrades, solar water heating, and photo voltaic electrical systems.

The attached energy cost reduction plan worksheets reflect DHS' efforts over the last two years and outline some of its potential efforts planned for the next two years. The Department has and will continue to make energy efficiency a major part of all its capital improvement projects. In addition, the operational and maintenance staff at our facilities will continue to look for and identify non-capital improvements resulting in further reduction of our energy usage.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

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

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

July 8, 2010

To the Honorable, the Assembly:

At your request, we have completed a limited-scope review of the use value assessment of agricultural land. Wisconsin's use value law, which was enacted as part of the 1995-97 Biennial Budget Act, is intended both to provide property tax relief for farmers and to reduce urban sprawl. Under use value assessment, property taxes are assessed on land that is used primarily for agricultural purposes based on the land's agricultural productivity, rather than its full market value. In 2008, approximately 35.0 percent of all acreage in Wisconsin was assessed as agricultural land.

In conducting this analysis, we reviewed agricultural land classification and assessments in 14 municipalities statewide. All agricultural land we reviewed met the criteria for agricultural use established in Wisconsin Administrative Code. However, more than 6,300 agricultural acres in the 14 municipalities were zoned for non-agricultural purposes, and more than 3,800 agricultural acres were owned by real estate or property development businesses, which may indicate a greater likelihood for the land to eventually be sold or developed.

We worked with assessors in each of the 14 municipalities to estimate the effect of use value assessment on property taxes within their municipalities. If those communities had assessed agricultural land that is zoned for another purpose at market value in 2009, the owners of the land would have owed a total of \$4.7 million in additional property taxes, and the tax liability of other property owners in those municipalities would have been reduced by the same amount. On an individual basis, taxes on agricultural land that is zoned for another purpose would have increased by an average of \$3,516, while taxes on all other parcels would have decreased, on average, by \$38.

Recently, the Legislature enacted the Working Lands Initiative to promote local farmland planning and provide income tax credits to eligible landowners. Should the Legislature wish to modify farmland preservation strategies through changes to use value assessment, we have identified programs in other states that may serve as models.

We appreciate the courtesy and cooperation extended to us by local assessors in our sample of 14 municipalities and by staff from the departments of Revenue; Agriculture, Trade and Consumer Protection; and Financial Institutions.

Sincerely,
JANICE MUELLER
State Auditor