



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

TUESDAY, April 6, 2010

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

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 641** offered by Representative Molepske Jr..

Assembly substitute amendment 1 to **Assembly Bill 641** offered by Representative Molepske Jr..

Assembly substitute amendment 2 to **Assembly Bill 792** offered by Representative Jorgensen.

Assembly amendment 1 to **Assembly Bill 811** offered by Representatives Nygren and Cullen.

Assembly amendment 2 to **Assembly Bill 828** offered by Representative Molepske Jr..

Assembly amendment 1 to **Assembly Bill 894** offered by Representative Roys.

Assembly substitute amendment 1 to **Assembly Bill 895** offered by Representative Smith.

Assembly substitute amendment 1 to **Assembly Bill 910** offered by Representatives Clark and Mason.

Assembly amendment 1 to **Senate Bill 121** offered by Representative Berceau.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 928

Relating to: licensing of individuals using cranes and heavy equipment, requiring the exercise of rule-making authority, and providing a penalty.

By Representatives Parisi and Sinicki; cosponsored by Senators Coggs, Wirsch and Hansen.

To committee on **Labor**.

Assembly Bill 929

Relating to: willful misclassification of an employee as a nonemployee by a person engaged in the painting or drywall finishing of buildings or other structures with intent to evade the laws related to income tax withholding, worker's compensation, unemployment insurance, or employment discrimination and providing a penalty.

By Representatives Pocan and Sinicki; cosponsored by Senators Risser and Lassa.

To committee on **Labor**.

Assembly Bill 930

Relating to: adding a member to the council on veterans programs.

By Representative Sinicki; cosponsored by Senator Coggs.

To committee on **Veterans and Military Affairs**.

Assembly Bill 931

Relating to: rule making that increases costs or regulatory burdens.

By Representatives M. Williams, Strachota, Knodl, LeMahieu, Lothian, Kerkman, Honadel, Gunderson, Zipperer and Petrowski; cosponsored by Senator Schultz.

To committee on **State Affairs and Homeland Security**.

Assembly Bill 932

Relating to: information on a person who is required to register as a sex offender.

By Representatives M. Williams, Suder, Mursau, Kleefisch, LeMahieu and Gunderson; cosponsored by Senator Darling.

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

Assembly Bill 933

Relating to: notification of law enforcement when certain sex offenders change residential addresses.

By Representatives M. Williams, Suder, Mursau, Kleefisch, LeMahieu, Gunderson, Townsend and Vos; cosponsored by Senators Darling, Olsen and Kedzie.

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

Assembly Bill 934

Relating to: sex offender registry requirements following certain plea agreements.

By Representatives M. Williams, Suder, Mursau, Kleefisch, LeMahieu, Gunderson and Townsend; cosponsored by Senator Darling.

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

Assembly Bill 935

Relating to: information on a person who is required to register as a sex offender.

By Representatives M. Williams, Suder, Mursau, Kleefisch, LeMahieu, Gunderson and Townsend; cosponsored by Senator Darling.

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

Assembly Bill 936

Relating to: depreciation and expense deductions for property used in farming.

By Representatives Tauchen, Ziegelbauer, Kestell, Molepske Jr., Gunderson, Strachota, Spanbauer, Berceau, Brooks, Fields, Kleefisch and Nass; cosponsored by Senators Kedzie, Lassa, Taylor, Olsen and Leibham.

To committee on **Agriculture**.

Assembly Bill 937

Relating to: distributing one-half of general school aid using an income equalization formula.

By Representatives Meyer, Mursau, Lothian, Tauchen, Brooks, Murtha and Nygren; cosponsored by Senator Kapanke.

To committee on **Education**.

Assembly Bill 938

Relating to: bifurcating claims related to interest due on insurance payments.

By Representatives Colon and Turner.

To committee on **Judiciary and Ethics**.

COMMITTEE REPORTS

The committee on **Corrections and the Courts** reports and recommends:

Assembly Bill 793

Relating to: animals taken into custody.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Parisi, Benedict, Seidel, Kessler, Pope–Roberts, Zigmunt, Pasch, Van Roy, Gundrum, Kestell, LeMahieu and Brooks.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Parisi, Benedict, Seidel, Kessler, Pope–Roberts, Zigmunt, Pasch, Van Roy and Brooks.

Noes: 3 – Representatives Gundrum, Kestell and LeMahieu.

To committee on **Rules**.

Senate Bill 475

Relating to: reimbursement of counties and Indian tribes for unexpected or unusually high-cost out-of-home care placements of Indian juveniles who have been adjudicated delinquent by tribal courts and making an appropriation.

Concurrence:

Ayes: 12 – Representatives Parisi, Benedict, Seidel, Kessler, Pope–Roberts, Zigmunt, Pasch, Van Roy, Gundrum, Kestell, LeMahieu and Brooks.

Noes: 0.

To committee on **Rules**.

JOE PARISI

Chairperson

Committee on Corrections and the Courts

The committee on **Criminal Justice** reports and recommends:

Assembly Bill 747

Relating to: crimes against animals and providing a penalty.

Assembly Substitute Amendment 1 adoption:

Ayes: 10 – Representatives Turner, Kessler, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Kramer, Brooks and Ripp.

Noes: 0.

Without recommendation (Assembly Rule 19).

Ayes: 5 – Representatives Turner, Kessler, Staskunas, Soletski and Pasch.

Noes: 5 – Representatives Hraychuck, Kleefisch, Kramer, Brooks and Ripp.

To committee on **Rules**.

Assembly Bill 769

Relating to: evidentiary recordings of persons under the age of 18 engaging in sexually explicit conduct and attempt of certain sex crimes against children and providing penalties.

Passage:

Ayes: 9 – Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Kramer, Brooks and Ripp.

Noes: 1 – Representative Kessler.

To committee on **Rules**.

Assembly Bill 775

Relating to: throwing or expelling a bodily substance at a public safety worker and providing a penalty.

Passage:

Ayes: 9 – Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Kramer, Brooks and Ripp.

Noes: 1 – Representative Kessler.

To committee on **Rules**.

ROBERT TURNER

Chairperson

Committee on Criminal Justice

The committee on **Fish and Wildlife** reports and recommends:

Assembly Bill 855

Relating to: authorizing the Department of Natural Resources to waive fishing license requirements for a weekend fishing event.

Passage:

Ayes: 9 – Representatives Hraychuck, Milroy, Molepske Jr., Steinbrink, Danou, Vruwink, Gunderson, M. Williams and J. Ott.

Noes: 0.

To committee on **Rules**.

Senate Bill 396

Relating to: fishing and trolling in boats with electric motors.

Concurrence:

Ayes: 9 – Representatives Hraychuck, Milroy, Molepske Jr., Steinbrink, Danou, Vruwink, Gunderson, M. Williams and J. Ott.

Noes: 0.

To committee on **Rules**.

ANN HRAYCHUCK
Chairperson
Committee on Fish and Wildlife

The committee on **Ways and Means** reports and recommends:

Assembly Bill 13

Relating to: creating an individual income tax subtract modification for amounts received from the well contamination and abandonment compensation program.

Passage:

Ayes: 10 – Representatives Ziegelbauer, Hebl, Steinbrink, Zepnick, Toles, Wood, Kerkman, Nass, Lothian and Knodl.

Noes: 0.

To committee on **Rules**.

GARY HEBL
Chairperson
Committee on Ways and Means

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

April 6, 2010

To the Honorable, the Assembly:

We have completed our calendar year 2008 financial audit of the Department of Employee Trust Funds, as requested by the Department and to fulfill our audit requirements under s. [13.94 \(1\)\(dd\)](#), Wis. Stats. The Department's financial statements report on the financial position and activity of various benefit programs available to state and local public employees, including the Wisconsin Retirement System (WRS) and health and life insurance programs for active and retired employees of the state and participating local governments. The statements and our unqualified opinion on

them are included in the Department's 2008 Comprehensive Annual Financial Report (CAFR), which can be found on its Web site.

The largest program administered by the Department is the WRS, which reported net assets of \$59.4 billion at the end of 2008 and provided benefits totaling \$3.8 billion during 2008. Negative investment returns contributed to a net decrease in retirement assets of \$25.2 billion in 2008. At the end of 2008, the WRS was 76.5 percent funded based on the fair value of its assets and 99.7 percent funded based on standard actuarial measures, which smooth investment returns over a five-year period. More current information on the performance and status of the WRS can be found on the Department's and the State of Wisconsin Investment Board's Web sites.

Accompanying this letter is a management letter we provided to the Department, which includes an auditor's report on internal control and compliance, as required by Government Auditing Standards. We are pleased to note that the Department has been attentive to addressing concerns we noted in past audits about its financial reporting process. We did not identify the level of errors for 2008 that we had found for 2006 and 2007.

We also note that the Department is in agreement with our recommendations and is working to address our continuing concerns with cash reconciliations on a program level and the need to be more diligent in ensuring that access changes to certain computer systems are made in a timely manner. However, because the Department has not had time to fully implement procedural changes recommended in the 2007 audit, we will continue to monitor and report on the Department's progress in addressing these concerns in future audits.

Sincerely,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

April 6, 2010

To the Honorable, the Assembly:

In follow-up to previous audit work, we reviewed the use of funds the Wisconsin Department of Justice (DOJ) is awarded in negotiated settlement agreements and court judgments related to its successful prosecution of consumer protection and antitrust cases. From fiscal year (FY) 2004-05 through FY 2008-09, DOJ's receipts from such cases totaled nearly \$11.8 million and included \$3.6 million for distribution to injured parties or as otherwise specified by the settlement or judgment, and \$8.1 million that may be used at the discretion of the Attorney General.

Over the past five years, DOJ has expended \$5.1 million of the discretionary receipts, which are deposited to its gifts, grants, and proceeds appropriation. Expenditures from that appropriation include approximately \$3.4 million to supplement DOJ's own operations or help it meet lapse

requirements enacted through legislation. As of June 30, 2009, DOJ's gifts, grants, and proceeds appropriation had a balance of nearly \$4.2 million.

The Department of Administration currently reviews and approves all requests to expend the discretionary receipts DOJ is awarded in settlements and judgments. Past efforts to enhance or retain legislative oversight over their use have been limited by vetoes and by DOJ's incomplete compliance with a statutory reporting requirement. The Legislature may

therefore wish to consider extending an existing reporting requirement to include all funds DOJ receives from settlements and judgments or to reconsider legislation that would increase its oversight and budgetary control.

We appreciate the courtesy and cooperation extended to us by DOJ staff as we conducted this review.

Sincerely,
JANICE MUELLER
State Auditor