

STATE OF WISCONSIN
Senate Journal
One–Hundredth Regular Session

WEDNESDAY, April 27, 2011

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 40** offered by Senator Lassa.

**INTRODUCTION, FIRST READING, AND
REFERENCE OF PROPOSALS**

Read and referred:

Senate Joint Resolution 24

Relating to: commending Meghan Duggan as the recipient of the Patty Kazmaier Memorial Award.

By Senators Risser, Miller, Lazich, T. Cullen, Schultz, Taylor and Darling; cosponsored by Representatives Hulsey, Berceau, Hebl, Fields, Tranel, Bies, Young, Milroy, Spanbauer, Pridemore, Rivard, Turner and Steineke.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 74

Relating to: eliminating substitution of judges in criminal matters.

By Senators Zipperer, Kedzie, Darling and Wanggaard; cosponsored by Representatives Jacque, Bies, Knilans, Mursau, Rivard, Spanbauer, Vos and Ziegelbauer.

To committee on **Judiciary, Utilities, Commerce, and Government Operations**.

Senate Bill 75

Relating to: prohibiting the Department of Natural Resources from establishing certain restrictions on hunting antlered deer and regulating the establishment of fall open seasons for hunting deer with firearms.

By Senators Moulton, Kedzie, Cowles, S. Fitzgerald, Galloway, Harsdorf, Lasee, Hopper, Olsen, Grothman and Kapanke; cosponsored by Representatives Tiffany, Mursau, Bernier, Endsley, Jacque, Kerkman, Kestell, Kleefisch, Krug, T. Larson, Litjens, Nygren, J. Ott, Petryk, Pridemore, Rivard, Severson, Spanbauer and Steinbrink.

To committee on **Natural Resources and Environment**.

Senate Bill 76

Relating to: costs of administering tests for intoxication.

By Senators Kedzie, Leibham, Galloway, Wirch and Darling; cosponsored by Representatives Jacque, Farrow, Petersen, Kooyenga, Rivard, Spanbauer, Steineke, Brooks, Bies, A. Ott, Staskunas, Jorgensen, Endsley, Ziegelbauer, Mursau, Tranel and Knilans.

To committee on **Labor, Public Safety, and Urban Affairs**.

Senate Bill 77

Relating to: membership on the State Trails Council.

By Senators Leibham, Holperin and Taylor; cosponsored by Representatives Kestell, Bernier, Brooks, Endsley and A. Ott.

To committee on **Natural Resources and Environment**.

Senate Bill 78

Relating to: waiver for prescription drug assistance for elderly program, use of excess moneys in prescription drug assistance for elderly program, and making an appropriation.

By Senators Carpenter, Hansen, Wirch, Holperin, Lassa, Schultz, Miller, Jauch, C. Larson, Erpenbach, T. Cullen, Risser and S. Coggs; cosponsored by Representatives Jorgensen, Shilling, Pasch, Bewley, Turner, Zepnick, Bernard Schaber, Berceau, Pope–Roberts, Molepske Jr, Kessler, Ringhand, Roys, Young, E. Coggs, Fields, Pocan, Staskunas, Mason, Grigsby, Hebl, Hulsey, Vruwink, Steinbrink, Milroy, Clark, Hintz and Sinicki.

To committee on **Insurance and Housing**.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Senate Majority Leader**

April 21, 2011

The Honorable, The Senate:

Pursuant to Section [13.489 \(1g\)](#) Wisconsin Statutes and Senate Rule [20](#), I am appointing Senator Dave Hansen and Senator Jim Holperin to the Transportation Projects Commission.

Please feel free to contact me with any questions.

Sincerely,
SCOTT FITZGERALD
Senate Majority Leader

**State of Wisconsin
Office of the Senate Majority Leader**

April 22, 2011

The Honorable, The Senate:

Pursuant to Section 13.55 (1) Wisconsin Statutes and Senate Rule 20, I am reappointing Senator Rich Zipperer to the Commission Uniform State Laws when his term expires on May 1, 2011.

Please feel free to contact me with any questions.

Sincerely,
SCOTT FITZGERALD
Senate Majority Leader

**State of Wisconsin
Office of Senator Sheila Harsdorf**

April 25, 2011

The Honorable, The Senate:

I am writing in regards to Senator Robert Cowles' appointment to the Information Technology Management Board. As the co-chair of the Joint Information Policy and Technology Committee, I am requesting that Senator Cowles be appointed to the ITM Board as my designee of the same party.

Thank you for your consideration of this request. Please contact me if you have any questions.

Sincerely,
SHEILA HARSDORF
Senator, 10th Senate District

**State of Wisconsin
Office of the Senate President**

April 26, 2011

The Honorable, The Senate:

Pursuant to Section 13.81 (1), Wisconsin Statutes, I am appointing Senator Frank Lasee to the Joint Legislative Council as my designee.

Please feel free to contact me with any questions.

Sincerely,
MICHAEL G. ELLIS
Senate President

University of Wisconsin System

April 26, 2011

The Honorable, The Senate:

Pursuant to Wis. Stat. 227.19(4)(b)3m, the Board of Regents of the University of Wisconsin System hereby recalls its proposed rule relating to accrual and use of sick leave by faculty, academic staff, and limited appointees of the University of Wisconsin System. The proposed rule was submitted to the legislature on February 28, 2011.

Thank you for your consideration.

Sincerely,
JANE S. RADUE
Secretary

**State of Wisconsin
Legislative Audit Bureau**

April 27, 2011

The Honorable, The Legislature:

We have completed an evaluation of the Department of Health Services' (DHS's) Family Care program, as requested

by the Joint Legislative Audit Committee. As of June 2010, Family Care operated in 53 counties and served 28,885 elderly and disabled participants. Program expenditures totaled \$936.4 million in fiscal year (FY) 2009-10, including \$892.4 million paid to nine public and nonprofit organizations that arrange and manage participants' long-term care and pay the providers who deliver medical care, assist with the activities of daily living, and provide other services.

Several of the managed care organizations (MCOs) have incurred operating deficits as the program expanded from 5 pilot counties to 53 counties as of June 2010. DHS and the Office of the Commissioner of Insurance, which share financial oversight of the MCOs, have identified three that are at an increased risk of insolvency. Despite increases in the capitation amounts they are paid, the MCOs contend that capitation amounts are not sufficient to pay for all necessary services, in part because of increasing numbers of participants with high-cost needs. High-cost participants represented 16.9 percent of the total caseload in FY 2009-10, and the number of participants with developmental disabilities, who tend to require more expensive care, represented 41.2 percent of the total caseload at the end of that fiscal year.

Our analysis indicates that the program has improved access to long-term care, ensured thorough participant care planning, and provided participants with choices tailored to their individual needs. However, its cost-effectiveness remains difficult to assess, in part because the type and quality of services available under Family Care may be prompting enrollment by some individuals who would otherwise not seek public assistance.

The Governor's 2011-13 biennial budget proposal caps Family Care enrollment at existing levels, pending results of this evaluation. We include a number of questions for the Legislature to consider as it debates the future of the Family Care program.

We appreciate the courtesy and cooperation extended to us by DHS, the MCOs, and county staff in completing this evaluation. DHS's response follows the appendices.

Sincerely,
JANICE MUELLER
State Auditor

**State of Wisconsin
Government Accountability Board**

April 27, 2011

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2011-2012 session of the legislature, visit the Government Accountability Board's web site at: <http://gab.wi.gov/>

- | | |
|-------------------|--|
| Anastasi, Anthony | Iron Workers District Council of the North Central States Wisconsin Counties Association |
| Blaska, J Michael | Advantage Capital Partners Enhanced Capital Partners LLC |
| Brooks, Bryan | Stonehenge Capital Company, LLC |
| Brooks, Bryan | The Daily Reporter |

Craver, Jeff	Advantage Capital Partners
Foti, Steven	Advantage Capital Partners
Foti, Steven	Enhanced Capital Partners LLC
Foti, Steven	Stonehenge Capital Company, LLC
Graul, Mark	Advantage Capital Partners
Graul, Mark	Enhanced Capital Partners LLC
Graul, Mark	Stonehenge Capital Company, LLC
Handrick, Joe	Aurora Health Care Inc
Henderson, Patrick	Quad/Graphics, Inc
Kent, Paul	Radtke Contractors Inc
McCoshen, William J	WCA Services, Inc.
Mitchell, Brian	Plumbing Mechanical Sheet Metal Contractors Alliance
Newcomer, Scott	Government and Municipal Systems, LLC
Panzer, Mary	Government and Municipal Systems, LLC
Panzer, Mary	The Management Group, Inc.
Petersen, Eric J	WCA Services, Inc.
Richmond, Ann	The Daily Reporter
Swanson, Eric	Manitoba Hydro
Wilson, A.J.	Iron Workers District Council of the North Central States
Zelenkova, Ramie	Iron Workers District Council of the North Central States

Also available from the Wisconsin Government Accountability Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,
KEVIN KENNEDY
Director and General Counsel

**State of Wisconsin
Legislative Reference Bureau**

April 27, 2011

To the Honorable, the Legislature:

The following rules have been published in the April 30, 2011 Wisconsin Administrative Register No. 664:

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
10-096	5-1-2011
10-101	5-1-2011
10-102	5-1-2011
10-110	5-1-2011
10-112	5-1-2011
10-133	6-19-2011
10-134	6-19-2011

Sincerely,
BRUCE J. HOESLY
Senior Legislative Attorney/Code Editor

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

**SENATE SUBSTITUTE AMENDMENT 1
TO 2011 SENATE BILL 6**

Prepared by the Legislative Reference Bureau
(April 27, 2011)

In engrossing, the following correction was made:

1. Page 69, line 11: delete “353.50” and substitute “343.50”.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

**SENATE AMENDMENT 1 TO SENATE
SUBSTITUTE AMENDMENT 1
TO 2011 SENATE BILL 6**

Prepared by the Legislative Reference Bureau
(April 27, 2011)

In engrossing, the following correction was made:

1. Page 2, line 7: delete “6.18” and substitute “6.18.”
2. Page 2, line 12: delete “, 6.87 (1),” and substitute “6.87 (1).”

Pursuant to Senate Rule 17 (5), Senator Kapanke added as a coauthor of **Senate Bill 28**.

Pursuant to Senate Rule 17 (5), Representative Nygren added as a cosponsor of **Senate Bill 42**.

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

April 21, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PASCH, RODNEY, of Fond du Lac, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2017.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Labor, Public Safety, and Urban Affairs**.

**State of Wisconsin
Office of the Governor**

April 21, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCOTT, JAMES, of Dousman, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2015.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Labor, Public Safety, and Urban Affairs**.

**REFERRALS AND RECEIPT OF COMMITTEE
REPORTS CONCERNING PROPOSED
ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 10–103

Relating to construction, use and maintenance of public buildings and places of employment, and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, April 25, 2011.

Referred to committee on **Judiciary, Utilities, Commerce, and Government Operations**, April 27, 2011.

Senate Clearinghouse Rule 11–015

Relating to annual injured patients and families compensation fund fees, mediation panel fees, and provider classifications.

Submitted by Insurance Commissioner.

Report received from Agency, April 26, 2011.

Referred to committee on **Insurance and Housing**, April 27, 2011.

The committee on **Insurance and Housing** reports and recommends:

Senate Clearinghouse Rule 10–149

Relating to health insurance coverage of nervous and mental disorders and substance use disorders, and affecting small business.

No action taken.

Senate Clearinghouse Rule 10–150

Relating to colorectal cancer screening coverage and affecting small business.

No action taken.

FRANK LASEE
Chairperson