

STATE OF WISCONSIN

Senate Journal

One–Hundredth Regular Session

TUESDAY, December 27, 2011

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 161** offered by Senator Schultz.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 347

Relating to: creation of a Capitol Council, granting rule-making authority, making appropriations, and providing a penalty.

By Senators Taylor, Miller, Carpenter, Wirsch and Lassa; cosponsored by Representatives C. Taylor, Sinicki, Barca, Grigsby, Berceau, Molepske Jr, Pasch, Bewley, Pope–Roberts and Clark.

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

Senate Bill 348

Relating to: eliminating an obsolete reference governing pilot payments to Second Chance Partnership to establish a work-based learning program; changing the name of the Division for Libraries, Technology, and Community Learning, the name of the Reference and Loan Library, and the name of the Division for Learning Support, Equity and Advocacy; participation in a public library system; and the appropriation to the Department of Public Instruction for children-at-risk programs (suggested as remedial legislation by the Department of Public Instruction).

By Law Revision Committee.

To committee on **Education**.

Senate Bill 349

Relating to: the confidentiality of information related to exemptions from the requirement to register livestock premises; membership of county land conservation committees; vehicle scale operators; and changing a reporting requirement for pesticide sales (suggested as remedial legislation by the Department of Agriculture, Trade and Consumer Protection).

By Law Revision Committee.

To committee on **Agriculture, Forestry, and Higher Education**.

Senate Bill 350

Relating to: increased penalty for repeated domestic abuse offenses and providing a penalty.

By Senators Olsen, S. Coggs, Erpenbach, Lassa, Schultz, Shilling and Wanggaard; cosponsored by Representatives A. Ott, Ballweg, Bies, Billings, Brooks, Doyle, Endsley, Jacque, Marklein, Petrowski, Petryk, Ringhand, Ripp, Sinicki, Spanbauer, Staskunas, Steineke and Wynn.

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

Senate Bill 351

Relating to: changing the deadline for approval of a certain federal law waiver request affecting the Medical Assistance program.

By Senators Vinehout, Taylor, Hansen, Lassa, C. Larson, S. Coggs and Wirsch; cosponsored by Representatives Mason, Grigsby, Ringhand, C. Taylor, Molepske Jr, Berceau, Bernard Schaber, Poca, Bewley, Toles and Turner.

To committee on **Health**.

Senate Bill 352

Relating to: participation in certain training by unemployment insurance claimants, granting rule-making authority, and making an appropriation.

By Senators Wanggaard, Galloway, Holperin, Lassa, Moulton and Schultz; cosponsored by Representatives Honadel, Kuglitsch, Petersen, Krug, Sinicki, Jacque, Bernier, Petrowski, Wynn, Knodl, Tauchen, Petryk, Litjens, Klenke, Mursau, Brooks, Steineke, A. Ott, Marklein, Spanbauer, Strachota, Staskunas, Toles, Bies, Zepnick and Endsley.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Senate President

December 27, 2011

The Honorable, the Senate:

Pursuant to Senate Rule [46 \(2\)\(c\)](#), I am writing to inform you that I have directed the following proposal(s) to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on Senate Organization.

Senate Bill 274, relating to regulating sales of plastic bulk merchandise containers to scrap plastic dealers and providing

penalties, withdrawn from committee on Natural Resources and Environment and rereferred to committee on Judiciary, Utilities, Commerce, and Government Operations.

Sincerely,
MICHAEL G. ELLIS
Senate President

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

December 22, 2011

The Honorable, the Senate:

Pursuant to Wisconsin Statute 234.165(2)(b), I am writing to refer the report from the Wisconsin Housing and Economic Development, *Dividends for Wisconsin 2011–12* to the committee on Economic Development, Veterans and Military Affairs.

Sincerely,
MICHAEL G. ELLIS
Senate President

Pursuant to Senate Rule 17 (5), Representative Pope–Roberts added as a cosponsor of **Senate Bill 343**.

**State of Wisconsin
Legislative Audit Bureau**

December 20, 2011

The Honorable, The Legislature:

We have completed a review of the Department of Health Services' (DHS's) Medical Assistance program, as requested by the Joint Legislative Audit Committee. Total Medical Assistance expenditures increased from \$5.0 billion in fiscal year (FY) 2006–07 to \$7.5 billion in FY 2010–11, primarily because the number of recipients increased from 870,201 in January 2007 to 1.2 million in January 2011.

DHS has increasingly relied on vendors to provide administrative support to the program, and vendor payments increased from \$66.2 million in FY 2006–07 to \$114.8 million in FY 2010–11. DHS has not always adequately assessed costs before contracting with vendors, and its extensive reliance on vendors raises concerns about DHS's ability to provide adequate program oversight. We include recommendations for DHS to improve its contracting and oversight practices.

Most recipients receive services through subprograms, such as BadgerCare Plus, which are often provided through managed care arrangements. It is widely believed that providing services through such arrangements is cost-effective. However, an estimated \$3.6 billion, or 51.2 percent of all Medical Assistance expenditures, were incurred on a fee-for-service basis in FY 2009–10. We include a recommendation for DHS to consider enrolling recipients in managed care plans more quickly.

DHS's budgeting and financial management practices have not kept pace with the growth and increasing complexity of the Medical Assistance program, and DHS has not been able to readily produce the type of management information that is desired by legislators and needed for effective management. For example, DHS does not include all Medical Assistance expenditures as part of the program's budget or record them as the program's expenditures. In addition, it neither budgets nor routinely accounts for expenditures on a subprogram basis, which is typically how legislators and others deliberate the program. We include recommendations for DHS to better

account for all Medical Assistance expenditures and to budget and track these expenditures by subprogram.

The federal Patient Protection and Affordable Care Act will impact Medical Assistance funding and participation, but its overall effects are difficult to predict because many provisions of the Act will not become effective until 2014. We include a recommendation for DHS to report to the Joint Legislative Audit Committee by January 2013 when more will be known about the likely effects of the Act.

We appreciate the courtesy and cooperation extended to us by DHS, health care providers, and other groups in completing this evaluation. DHS's response follows the appendices.

Sincerely,
JOE CHRISMAN
State Auditor

**State of Wisconsin
Legislative Audit Bureau**

December 16, 2011

The Honorable, The Legislature:

We have completed a financial audit of the State of Wisconsin Educational Communications Board (ECB) to meet our audit requirements under s. 13.94, Wis. Stats., and as requested by ECB to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels. Our audit report contains ECB's financial statements and related notes as of and for the year ended June 30, 2011.

ECB, which is an agency of the State of Wisconsin, operates a television network of 5 digital stations and two radio networks consisting of 14 FM stations and 1 AM station. The financial activity of the Wisconsin Public Broadcasting Foundation, Inc., which was organized by ECB for the exclusive purpose of raising funds for its television and radio networks, is included as part of ECB's financial statements. ECB reported a total of \$20.5 million in support and revenue during fiscal year 2010–11, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

We were able to issue an unqualified independent auditor's report on ECB's financial statements. In our report on internal control and compliance, we note that ECB continues to take steps to improve its financial reporting process and we identify additional areas for it to consider as part of that process.

We appreciate the courtesy and cooperation extended to us by ECB staff during the audit.

Sincerely,
JOE CHRISMAN
State Auditor

Wisconsin Technical College System

December 16, 2011

The Honorable, The Legislature:

This letter certifies that all sixteen Wisconsin Technical Colleges have provided sexual assault and harassment orientation, materials and information to students as required on state statute 38.12(11)(c) for the 2010–2011 school year.

Individual college letters assuring compliance are on file at the WTCS office. If you have any questions or need additional

information, please contact Norman Kenney, Associate Vice President – Management Services, at 266–1766.

Sincerely,
DANIEL CLANCY
 President

Wisconsin Economic Development Corporation

December 22, 2011

The Honorable, The Legislature:

Pursuant to Ch. 238.07, Wis. Stats., the Wisconsin Economic Development Corporation is required to submit an annual plan to the Wisconsin Legislature by January 1, 2012.

Special Session Act 7 created the new Wisconsin Economic Development Corporation (WEDC), a public–private corporation to replace the state Department of Commerce. The primary purpose of this initiative was the creation of an entity which will be devoted exclusively to economic development activities in Wisconsin. The new WEDC is authorized to develop and implement economic programs to provide business support, expertise and financial assistance to companies that invest and create jobs in Wisconsin, and to support new business start–up and business expansion.

This report includes a summary of WEDC’s Operations Plan which was approved by the WEDC Board of Directors on October 11, 2011. To read the Operations Plan in its entirety, go to: WEDC.org/operations-plan.

Sincerely,
PAUL JADIN
 Secretary

**State of Wisconsin
 Department of Revenue**

December 19, 2011

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending June 30, 2011, as required by s. [565.37\(3\)](#), Wis. Stats. The attached materials contain unaudited Wisconsin Lottery year–to–date Revenue and Expenditure information.

Lottery sales were \$133.5 million for the quarter, up 5.2% from the same quarter last year. For the year, sales are at \$502.6 million, up 4.4% over last year.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266–6466.

Sincerely,
RICHARD G. CHANDLER
 Secretary

**State of Wisconsin
 Department of Natural Resources**

December 20, 2011

The Honorable, The Legislature:

It’s my pleasure to share with you some of the successes we are seeing with Wisconsin’s electronics recycling program, E–Cycle Wisconsin. This program, which expands electronics recycling options for Wisconsin households and schools with financial support from electronics manufacturers, is helping create jobs in our state and reducing costs for local taxpayers.

E–Cycle Wisconsin is an example of public–private partnerships at their best. The law sets basic ground rules and minimum standards for a statewide recycling program and then gives electronics collectors, recyclers and manufacturers flexibility to set up an efficient, effective system that fits their business models. Wisconsin–based recyclers have been able to expand their facilities and hire more workers thanks to the increased volume of electronic recovered through E–Cycle Wisconsin. Recyclers registered under the program have worked with local governments and schools to reduce their electronics recycling costs, saving taxpayers money.

With more than 400 collection sites in 68 of the state’s 72 counties, E–Cycle Wisconsin is making it easier for us all to properly recycle the old TVs, computers and VCRs sitting in our basements and closets. During the most recent program year, Wisconsin households and schools recycled more than 35 million pounds of electronics, allowing the metal, plastic and glass to be used in new manufacturing rather than sitting in a landfill. That’s about 6.2 pounds per person, one of the highest collection rates in the nation.

Enclosed are three documents with more information. Attachment 1 is a brief summary of results from E–Cycle Wisconsin’s most recent program year. Attachment 2 is a report required under s. [287.17\(10\)\(cm\)](#), Wis. Stats., regarding how manufacturer recycling targets are set under the program. Attachment 3 is a report on electronics recycling in Wisconsin schools required under [2009 Wisconsin Act 50](#), the electronics recycling law.

If you have any questions, please do not hesitate to contact Ann Coakley, director of our Waste and Materials Management Program, at (608) 261–8449.

Sincerely,
CATHY STEPP
 Secretary

**State of Wisconsin
 Department of Safety and Professional Services**

December 20, 2011

The Honorable, The Legislature:

It is with great pleasure that I submit to you the 2009–2011 Biennial Report for the Department of Safety and Professional Services (DSPS). The past year has been a period of major transition for the DSPS, which was formed through the merger of the former Department of Regulation and Licensing and parts of the former Department of Commerce under [2011 Wisconsin Act 32](#). The first half of this year was filled with extensive planning to bring these two agencies together. During the second half of this year, the focus has shifted to implementing the new consolidated agency and developing resulting efficiencies. We look forward as an agency, in the years ahead, to providing an increased level of customer service and efficiency as our contribution to growing Wisconsin’s culture for job creation.

Our biennial report is a snapshot of some of the department’s recent accomplishments, as well as a preview of some of the goals and objectives we will be working toward in

the near future. I would like to take this opportunity to thank the Governor, members of the Legislature, our employees and stakeholders who have all been supportive of the creation of this new agency.

Sincerely,
DAVE ROSS
Secretary

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin Office of the Governor

December 13, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CUMMINGS, NORMAN, of Brookfield, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2017.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Financial Institutions and Rural Issues.**

State of Wisconsin Office of the Governor

December 20, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FABIAN, PETER, of Madison, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2014.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Public Health, Human Services, and Revenue.**

State of Wisconsin Office of the Governor

December 16, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAFARI, MARY, of Onalaska, as a member of the Radiography Examining Board, to serve for the term ending May 1, 2012.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Health.**

State of Wisconsin Office of the Governor

December 20, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KEDROWSKI, DAVID, of Washburn, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2016.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Natural Resources and Environment.**

State of Wisconsin Office of the Governor

December 20, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LOVELAND, DONNA, of Onalaska, as a member of the Dietitians Affiliated Credentialing Board, to serve for the term ending July 1, 2014.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Public Health, Human Services, and Revenue.**

State of Wisconsin Office of the Governor

December 20, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint POLENSKE, MARY ELLEN, of Sun Prairie, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2015.

Sincerely,
SCOTT WALKER
Governor

Read and referred to committee on **Health.**

State of Wisconsin Office of the Governor

December 13, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PRUNTY, BRIAN, of Antigo, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2015.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Financial Institutions and Rural Issues.**

State of Wisconsin Office of the Governor

December 22, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROBERTS, LON, of Wausau, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2017.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Financial Institutions and Rural Issues.**

State of Wisconsin Office of the Governor

December 20, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHWANTES, JOHN, of Elkhart Lake, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2017.

Respectfully submitted,

SCOTT WALKER

Governor

Read and referred to committee on **Agriculture, Forestry, and Higher Education.**

**State of Wisconsin
Office of the Governor**

December 21, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SHIER, JOHN, of Green Bay, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2014.

Respectfully submitted,

SCOTT WALKER

Governor

Read and referred to committee on **Natural Resources and Environment.**

**State of Wisconsin
Office of the Governor**

December 13, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WEDDLE, MCARTHUR, of Milwaukee, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2016.

Respectfully submitted,

SCOTT WALKER

Governor

Read and referred to committee on **Economic Development and Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

December 20, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WEGENKE, ROLF, of Sun Prairie, as a member of the Educational Communications Board, to serve for the term ending May 1, 2015.

Respectfully submitted,

SCOTT WALKER

Governor

Read and referred to committee on **Education.**