

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, October 11, 2006

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

PETITIONS AND COMMUNICATIONS

**The State of Wisconsin
Office of the Governor**

EXECUTIVE ORDER #172

***Directing DHFS and DWD to Meet and Confer With
Family Child Care Providers in Order to Improve the
Delivery of Quality Child Care Services***

WHEREAS, the State of Wisconsin Department of Health and Family Services and the State of Wisconsin Department of Workforce Development are empowered to establish and maintain standards for the delivery of quality child care services provided in family child care centers. These standards include regulation and licensing of family child care centers and the establishment of reimbursement rates for family child care providers who deliver publicly subsidized care in the Wisconsin Shares program; and

WHEREAS, family child care providers deliver essential services to thousands of low-income Wisconsin children and families as part of Wisconsin Shares, the State's child care assistance program; and

WHEREAS, the number of families and children served under the Wisconsin Shares program has increased significantly over the past six years, from 17,990 families and 32,029 children in January 2000 to 30,745 families and 53,413 children in January 2006; and

WHEREAS, over 35% of all children receiving child care in the Wisconsin Shares program were served by family child care providers in 2005; and

WHEREAS, the number of licensed family child care providers has gradually increased over the last five years in Wisconsin, but turnover among family child care providers has been significant, with nearly 15% of licensed family child care centers closing in 2005, and an even higher turnover rate among certified providers; and

WHEREAS, in order to promote access to quality child care and increase parental choice of providers, there is a need to stabilize the child care workforce and to ensure that licensed and certified family child care centers reach higher quality standards; and

WHEREAS, the Quality Counts for Kids Task Force recommended a Quality Rating system to fit both licensed group child care centers and licensed and/or certified family child care, and also recommended that a statewide professional development system be created for early care and education personnel; and

WHEREAS, licensed and certified family child care providers are located throughout Wisconsin and usually work hours which may prohibit them from effectively voicing their common concerns about child care regulation and the child care assistance program, their role in the program, or the terms and conditions of their provision of services under the program without representation; and

WHEREAS, it is important for the State of Wisconsin to receive input from a majority of family child care providers in order to improve the delivery of quality child care services and to learn about issues that discourage child care providers from continuing in the field and/or becoming licensed through the state's licensing program; and

WHEREAS, it is desirable to have family child care providers select a representative to meet and confer with the state on their behalf on issues that affect the delivery of quality child care services for children in the child care assistance program and issues that affect their livelihood;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and Laws of the State of Wisconsin, do hereby:

1. Direct the Secretary of the Department of Health and Family Services (DHFS) and the Secretary of the Department of Workforce Development (DWD) to meet and confer with a recognized exclusive majority representative of family child care providers in Wisconsin, as selected by a majority of all licensed, certified and provisionally certified family child care providers. The verification of exclusive majority status shall be based on signed authorization cards, and shall be conducted by a neutral third party who is mutually acceptable to the parties. Any cost associated with verifying majority status shall be borne by any organization seeking majority status. DHFS and DWD shall provide the neutral third party with a record of licensed, certified and provisionally certified family child care providers covered by the Executive Order; and

2. Direct that, in meeting and conferring with the authorized representative of family child care providers, the Secretary of DHFS and the Secretary of DWD shall discuss issues of mutual concern, including quality standards, training and certification requirements, reimbursement and payment procedures, benefits, health and safety conditions, the monitoring and evaluating of family child care centers, licensure and other fees, and any other matters and regulations that would improve recruitment and retention of qualified family child care providers, encourage certified providers to become licensed and improve the quality of the programs they offer; and

3. Direct that, after meeting and conferring pursuant to paragraph 2, the Secretaries of DHFS and DWD shall enter into a written agreement embodying the agreed upon terms of the parties, to the extent agreement is reached on any of the possible issues. The Agreement shall reflect the parties' mutual understanding concerning the issues discussed in accordance with paragraph 2 above. Any agreement that requires

rule-making or statutory changes will be contingent upon the successful completion of such regulatory or legislative action. If any provisions of the agreement require legislative action, or require the appropriation of funds to be effective, the parties will jointly seek the enactment of such legislative action. If any provisions of the agreement require the adoption or modification of rules and regulations of any department or agency of State government to be effective, the department or agency shall seek the adoption or modification of such rules or regulations through the appropriate regulatory process.

4. General Provisions.

a. Nothing in this Executive Order shall be construed to infringe upon the existing relationship between consumers and family child care providers, including parental rights to select and deselect family child care providers.

b. This Executive Order is not intended to create any contractual rights or obligations. It is intended solely as executive direction to the state agencies identified herein. Nothing in this Executive Order is intended to give to family child care providers, or imply that family child care providers have, any right to engage in a strike or a collective cessation of the delivery of family child care services. Nothing in this Executive Order is intended to provide any entity with third-party beneficiary rights.

c. Nothing in this Executive Order shall be construed to preclude anyone from meeting and/or conferring with the Secretaries of DHFS and DWD.

d. Family child care providers are not employees or agents of the State. Nothing in this Executive Order is intended to alter the existing relationship between family child care providers and the State or in any way imply an employer-employee or principal-agent relationship.

e. In connection with this Executive Order, the "State Action" exemption to federal antitrust laws shall be fully available to the State, family child care providers and their Exclusive Representative, and exempt conduct shall be actively supervised by the Executive through DHFS and DWD.

f. Nothing in this Executive Order shall be construed to contravene any applicable state or federal law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this sixth day of October in the year two thousand and six.

JIM DOYLE
Governor

BY THE GOVERNOR:
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Department of Natural Resources
Department of Administration**

September 28, 2006

The Honorable, The Senate:

Attached to this letter is the Environmental Improvement Fund Biennial Finance Plan for the 2007-2009 biennium.

Environmental Improvement Fund program legislation (s. 281.59(3), Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit the first version of the Biennial Finance plan to the Legislature and to the State Building Commission. The purpose of the plan is

to provide information on loan, loan subsidy, and bonding levels for program operations in the 2007-2009 biennium.

If you have any questions regarding the Biennial Finance Plan, please contact Robert Ramharter at 266-3915 or Michael Wolff at 267-2734.

Sincerely,

MICHELE A. YOUNG

Director, Bureau of Community Financial Assistance

FRANK R. HOADLEY

Capital Finance Director

Referred to committee on **Natural Resources and Transportation.**

**State of Wisconsin
Department of Administration**

September 29, 2006

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 August 2006.

On August 1, 2006, the **General Fund** cash balance closed at a negative \$243.4 million. This negative balance continued through August 22, 2006, when the fund's cash balance closed at a positive \$22.3 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund shortfall was 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,

STEPHEN E. BABLITCH

Secretary

Referred to joint committee on **Finance.**

**Supreme Court of Wisconsin
Director of State Courts**

September 29, 2006

The Honorable, The Legislature:

Pursuant to s. 758.19(5)(i), Wis. Stats., the information reported to the Director of State Courts under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., by Wisconsin's counties has been compiled and is herein submitted. Under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., each county is required to submit an annual report to the Director of State Courts which provides information on the actual amount expended in the previous calendar year for court costs relating to the circuit court support and the guardian ad litem payment programs. Statutes prohibit the Director of State Courts from requiring counties to submit audited annual reports to ensure accurate, uniform information. As a result, due to the differing and inconsistent accounting

practices among and within counties, the following reported expenditures are not comparable among counties.

Sincerely,
A. JOHN VOELKER
Director of State Courts

**State of Wisconsin
Office of State Employment Relations**

September 29, 2006

The Honorable, The Senate:

I am pleased to forward the Fiscal Year 2006 report on employment of customers of the Wisconsin Works (W-2) program. Included in this report are the number of W-2 job seekers employed by each state agency and the classification of each position filled from July 1, 2005, through June 30, 2006. Of the 2,984 new hires to state employment, 157, or 5.3 percent were W-2 hires. This exceeds the state's hiring goal of 5 percent.

Attached is a copy of the W-2 Hiring Report. Please contact me if you have questions or need additional information regarding this report.

Sincerely,
KAREN E. TIMBERLAKE
Director

**University of Wisconsin
Hospital and Clinics**

September 29, 2006

The Honorable, The Legislature:

Attached please find a copy of the UWHC report on patient care, education, research, community service activities and an audited financial statement required by state law.

Please feel free to contact me if you have questions or desire additional information. Thank you.

Sincerely,
DONNA K. SOLLENBERGER
President & CEO

**State of Wisconsin
Department of Health and Family Services**

October 9, 2006

The Honorable, The Senate:

The Department of Health and Family Services operates BadgerCare under section 49.665 of the Wisconsin Statutes. Under this section of the statutes, the Department is also required to submit a report to the Legislature summarizing the BadgerCare program and its progress. In fulfillment of this statutory requirement, the Department is providing the Legislature with the enclosed report recently completed for the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

This report was originally prepared under terms of the federal waiver agreement authorizing the BadgerCare program. Under terms of our federal waiver, the Department of Health and Family Services agreed to provide the Centers for Medicare and Medicaid Services with ongoing evaluations of BadgerCare and its operation. This report, completed in March 2006, represents the most recent study of BadgerCare.

As you will see through the report, BadgerCare is a very successful program that leverages significant amounts of federal funding to directly support health care coverage for eligible Wisconsin residents. Through BadgerCare 29,000 children and 66,000 adults are obtaining access to needed health care services. Due in large part to BadgerCare,

Wisconsin enjoys one of the lowest levels of uninsured populations in the nation. As demonstrated in the report, BadgerCare provides a high quality of care. I am pleased to report that BadgerCare is having a powerful impact on the quality of life in Wisconsin.

Sincerely,
HELENE NELSON
Secretary

**State of Wisconsin
Ethics Board**

October 10, 2006

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 2005-2006 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Koehler, Tiffany Forest County Potawatomi Community
Wilson, John D Dominion Resources Services, Inc.

Also available from the Wisconsin Ethics 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,
R. ROTH JUDD
Executive Director

**Motions Under Senate Rule 98 and Joint Rule 7
for the Month of September 2006**

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Shirley Abrahamson, on the occasion of her 30 years of devoted service to the Wisconsin Supreme Court.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Chad Joseph Atwood, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Brown, for Builder First Class Dean J. Berlin, on the occasion of his outstanding service to the United States of America, its citizens, and truly living by the Sebees motto, "build with compassion for others and fight for peace with freedom".

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Robert Blazich, on the occasion of being honored as the Mequon Thiensville Chamber of Commerce Citizen of the Year.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Matthew Bollom, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for the Town of Copperstown, on the occasion of the celebration of its 150th anniversary.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Heather Gensch, on the occasion of earning and attaining the 4-H Key Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Rick Graber, on the occasion of years of dedicated service as the President and Chief Executive Officer of Reinhart Boerner Van Deuren.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Darling, for Rick Graber, on the occasion of being appointed as the U.S. Ambassador to the Czech Republic.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for Andrew Hedman, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for HospiceCare, Inc., on the occasion of their exemplary service to our community and congratulations on the opening of the Ellen and Peter Johnson HospiceCare Residence.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Lakeside Development Company, on the occasion of being honored as the Mequon Thiensville Chamber of Commerce Business of the Year.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Lustre Color Printing and Graphics, on the occasion of being honored as the Mequon Thiensville Chamber of Commerce Small Business of the Year.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for the Historic Marckwardt–Weston Barn, on the occasion of celebrating its 100th anniversary.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Oshkosh Correctional Institution, on the occasion of 20 years of operation in the Oshkosh community.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Marty Paulsen, on the occasion of his outstanding career and commitment to the Fond du Lac High School and baseball team.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for the Spectrum Brands/Rayovac –Fennimore employees past and present, on the occasion of celebrating its 100th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Dane Reimer, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cogg, for Dr. Prem Sharma, on the occasion of receiving the Vision for Milwaukee Award by the Milwaukee Ethnic Council.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Jeff Sinclair, on the occasion of his steadfast loyalty and dedication to his family, as well as mentoring the children in the community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Camille Spella, on the occasion of celebrating five years being cancer-free.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for the City of Sturgeon Bay, on the occasion of the dedication of their new municipal building.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for The Swiss Colony, on the occasion of celebrating 80 years of success.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for the Taipei Economic and Cultural Office in Chicago, IL, on the occasion of celebrating its 95th National Day of the Republic of China (Taiwan), October 6, 2006.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Cory Vandertie, on the occasion of being selected as one of the top educators in the nation in the Wal-Mart's 11th annual Teacher of the Year program.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Vierbicher Associates, Inc., on the occasion of 30 years of leadership in quality development of Wisconsin communities and businesses.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for the many volunteers and staff throughout the state, on the occasion of assisting the Department of Natural Resources diligently working in the interest of preserving Wisconsin's natural resources.