



# STATE OF WISCONSIN Assembly Journal

## Ninety-Eighth Regular Session

TUESDAY, July 8, 2008

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

Clearinghouse Rule 08-005 effective 07-01-2008  
Clearinghouse Rule 08-006 effective 07-01-2008  
Clearinghouse Rule 08-015 effective 07-01-2008  
Clearinghouse Rule 08-017 effective 07-01-2008

### ADMINISTRATIVE RULES

#### Assembly Clearinghouse Rule 08-037

Relating to diesel truck idling reduction grants and affecting small business.

Submitted by Department of Commerce.

Report received from Agency, June 24, 2008.

To committee on **Transportation**.

Referred on July 8, 2008.

### REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Madison

June 19, 2008

To the Honorable, the Legislature:

Included with this correspondence, I am submitting the reports from the Department of Administration, Division of Gaming (Gaming), for the first, second and third quarters of fiscal year 2008 (July 1, 2007 through September 30, 2007; October 1, 2007 through December 31, 2007 and January 1, 2008 through March 31, 2008, respectively). As required by s. 562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming, Bingo and Indian Gaming.

If you have any questions or comments regarding this report, please do not hesitate to contact Rachel Meek at (608) 270-2535.

Sincerely,  
*ROBERT W. SLOEY*  
Administrator

Referred to committee on **State Affairs**.

### COMMUNICATIONS

State of Wisconsin  
Legislative Reference Bureau  
Madison

**DATE:** July 1, 2008

**TO:** Patrick E. Fuller  
Assembly Chief Clerk

Robert Marchant  
Senate Chief Clerk

**FROM:** Bruce J. Hoesly  
Senior Legislative Attorney/Code Editor

**SUBJECT:** Rules published in the June 30, 2008,  
Wisconsin Administrative Register, No. 630

The following rules have been published:

Clearinghouse Rule 07-017 effective 07-01-2008  
Clearinghouse Rule 07-061 effective 07-01-2008  
and 07-01-2009  
Clearinghouse Rule 07-062 effective 07-01-2008  
Clearinghouse Rule 07-081 effective 07-01-2008  
Clearinghouse Rule 07-089 effective 07-01-2008  
and 01-01-2009  
Clearinghouse Rule 07-106 effective 07-01-2008  
Clearinghouse Rule 07-114 effective 07-01-2008  
Clearinghouse Rule 07-115 effective 07-01-2008  
Clearinghouse Rule 07-117 effective 07-01-2008  
Clearinghouse Rule 08-002 effective 07-01-2008

State of Wisconsin  
Department of Corrections  
Madison

June 23, 2008

To the Honorable, the Legislature:

The following information is provided for your consideration and review pursuant to 301.03(6m) Wis. Stats. The figures below pertain to calendar year 2007.

1) There were seventy-one Chapter 51 mental health commitments within the Department of Corrections. Of these, thirty-one were initial commitments and forty were extensions of commitments from previous years.

Sixty of the seventy-one commitments were obtained at the Wisconsin Resource Center (male inmates). Of these, twenty-seven were initial commitments and thirty-three were renewals of commitments from previous years. Eleven of the seventy-one commitments were obtained at Taycheedah Correctional Institution (female inmates). Of these, four were initial commitments and seven were recommitments from previous years.

After a Chapter 51 commitment, male inmates were treated at the Wisconsin Resource Center (WRC). The average length of stay for WRC inmates was 309 days. One male inmate was transferred from WRC to Mendota Mental Health Institute on an involuntary basis.

After a chapter 51 commitment, four females were transferred to Winnebago Mental Health Institute (WMHI) and seven were treated at Taycheedah. In addition, two females were transferred to WMHI and received treatment on a voluntary basis. The average length of stay was 26.5 days.

2) The total number of inmates who were treated with psychotropic medication in 2007 was 8022. This number includes inmates who were incarcerated for short-term stays as well as long-term stays. The number of inmates who were treated with psychotropic medication on any specific date is estimated at approximately 4200. Of these, the number treated on an involuntary basis was the same as the number of involuntary commitments (seventy-one). Major classes of medication included antidepressants, antipsychotics, and mood stabilizers.

3) Mental Health Services are available at all of the major institutions. Services include crisis intervention, individual counseling, and group therapy. Specific programs include sex offender treatment, anger management, domestic violence, substance abuse treatment, and cognitive interventions. Psychiatrists are available at all major institutions to provide evaluations for psychotropic medication and management of these medications. In addition, consultation is available from both psychologists and psychiatrists to evaluate competency to consent to psychotropic medication and for medical treatment.

If you have any questions or need further information, please let me know.

Sincerely,  
*RICK RAEMISCH*  
Secretary

Referred to committee on **Corrections and the Courts.**

Wisconsin Hospital Association  
Inpatient Hospital Quality Indicators Report  
Madison

June 24, 2008

To the Honorable, the Legislature:

Enclosed is a copy of the 2006 Wisconsin Inpatient Hospital Quality Indicators Report produced by WHA Information Center pursuant to s. 153.22, Wis. Stats. The report was posted on our Web site in March 2008. Please feel free to download and print additional copies.

If you have any question regarding the report you may contact me at 608-274-1820, 800-321-8340 or [jkachelski@wha.org](mailto:jkachelski@wha.org).

Sincerely,  
*JOSEPH KACHELSKI*  
Vice President

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

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Wisconsin Hospital Association  
2006 Uncompensated Health Care Report  
Madison

June 24, 2008

To the Honorable, the Legislature:

Enclosed is a hard copy of the fiscal year 2006 Uncompensated Health Care Report produced by WHA Information Center pursuant to s. 153.22, Wis. Stats. The report was posted on our Web site in March 2008. Please feel free to download and print additional copies.

If you have any questions regarding the report you may contact me at 608-274-1820, 800-231-8340 or [jkachelski@wha.org](mailto:jkachelski@wha.org).

Sincerely,  
*JOSEPH KACHELSKI*  
Vice President

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

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Wisconsin Hospital Association  
2006 Health Care Data Report  
Madison

June 24, 2008

To the Honorable, the Legislature:

Enclosed is a copy of the 2006 Health Care Data Report produced by WHA Information Center pursuant to s. 153.22, Wis. Stats. The report was posted on our Web site in March 2008. Please feel free to download and print additional copies.

If you have any question regarding the report you may contact me at 608-274-1820, 800-321-8340 or [jkachelski@wha.org](mailto:jkachelski@wha.org).

Sincerely,  
*JOSEPH KACHELSKI*  
Vice President

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

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Wisconsin Hospital Association  
2006 Guide to Wisconsin Hospitals  
Madison

June 24, 2008

To the Honorable, the Legislature:

Enclosed is a hard copy of the 2006 Guide to Wisconsin Hospitals produced by WHA Information Center pursuant to s. 153.22, Wis. Stats. The report was posted on our Web site in February 2008. Please feel free to download and print additional copies.

If you have any question regarding the report you may contact me at 608-274-1820, 800-321-8340 or [jkachelski@wha.org](mailto:jkachelski@wha.org).

Sincerely,  
*JOSEPH KACHELSKI*  
Vice President

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

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State of Wisconsin  
Department of Health and Family Services  
Madison

June 25, 2008

To the Honorable, the Legislature:

The Department of Health and Family Services is pleased to submit to the Governor and the Legislature the Wisconsin Tobacco Prevention and Control Program, 2007 Annual Report. The report is required by 2003 Wis. Act 33, SB 44, Section 2462, 255.15 (4).

Wisconsin continued its success during 2007 in preventing youth tobacco use and promoting tobacco addiction treatment, the elimination of tobacco-related disparities and exposure to secondhand smoke. Highlights include:

- Smoking among high school students decreased from 38 percent in 1999 to 20 percent in 2006. This equals over 47,000 fewer high school smokers in 2006 than in 1999.
- Youth access to tobacco products declined substantially from 24.6 percent of establishments selling to minors in 2000 to 4.5 percent selling to youth in 2007.
- The Wisconsin Tobacco Quit Line received over 70,000 calls since its beginning in May 2001, through December 2007. Smokers who use Quit Line services are four to five times more likely to quit successfully than a smoker who quits "cold turkey."
- The First Breath Program, administered by the Wisconsin Women's Health Foundation in partnership with the Division of Public Health, provided 6,211 pregnant women on public assistance programs with intensive tobacco addiction treatment counseling and support at 114 sites in 63 counties from 2003 through December 2007. In 2007, 1,490 women were enrolled in the program.

- Tobacco consumption declined from 80.1 packs per capita in 2000 to 69.0 in 2007.

These accomplishments mark the continued importance of tobacco prevention and control in Wisconsin.

Under the leadership of Governor Doyle, the Tobacco Prevention and Control Program achieved great success in the 2007-09 Biennial Budget. The Program's budget was increased by \$5 million annually, bringing the program's total funding to \$15 million annually. The Program will use the Centers for Disease Control and Prevention's revised 2007 Best Practices for Comprehensive Tobacco Control Programs to guide its enhancement of existing efforts in Wisconsin.

In addition, the Biennial Budget included a \$1 increase in the state's tobacco excise tax, effective January 1, 2008. This tax increase is a proven best practice strategy that will significantly increase the quit attempts by Wisconsin smokers. In order to provide treatment to these tobacco users, Quit Line services will be expanded and nicotine replacement therapy medications will be provided in conjunction with free coaching.

These successful milestones demonstrate the continuous progress that is being made in tobacco and control efforts in Wisconsin as well as the significance of these efforts.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Secretary

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

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State of Wisconsin  
Department of Transportation  
Madison

June 25, 2008

To the Honorable, the Legislature:

On behalf of the Wisconsin Department of Transportation, I am pleased to submit the final report of the "Eau Claire County T Study" to the office of the Governor and the Wisconsin State Legislature.

The completion of this report is in accordance to a provision that was included in the 2008 Wisconsin State Budget. That provision included the following language:

(9d) STUDY AND REPORT RELATING TO TRANSPORTATION IMPROVEMENTS IN THE CITY OF EAU CLAIRE

"The department of transportation shall conduct a study that examines potential transportation improvements that could improve the access to businesses and promote economic development along CTH "T" north of STH 312 in the city of Eau Claire. Not later than June 30, 2008, the department of transportation shall submit a report to the governor, and to the legislature in the manner provided under section 13.172."

The distribution of this report follows the guidelines as indicated in section 13.172:

"...Notwithstanding any other law, any agency which is

required, by statute, to submit a report to the legislature shall submit the report to the chief clerk of each house of the legislature...”

If you have any questions, please contact Tom Beekman, Northwest Region Planning Chief, at 715-836-4629.

Sincerely,  
*FRANK J. BUSALACCHI*  
Secretary

Referred to committee on **Transportation**.

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State of Wisconsin  
Department of Administration  
Madison

June 30, 2008

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 2008.

On May 1, 2008, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$23.0 million. This negative balance continued through May 31, 2008, when the fund’s cash balance closed at a negative \$21.5 million. The Injured Patients and Families Compensation Fund cash balance reached its intra-month low of a negative \$23.1 million on May 6, 2008. The negative balance was due to the transfer of \$71.5 million to the General Fund per [2007 Wisconsin Act 20](#), and the pending liquidation of fund securities necessary to offset this shortfall.

On May 7, 2008, the Medical Assistance Trust Fund cash balance closed at a negative \$8.4 million. This negative balance continued through May 31, 2008, when the fund’s cash balance closed at a negative \$59.7 million. The Medical Assistance Trust Fund cash balance reached its intra-month low of a negative \$60.5 million on May 21, 2008. The negative balance was due to the difference in the timing of revenues and expenditures, including a pending transfer from the Permanent Endowment Fund as required under [2007 Wisconsin Act 226](#).

On May 20, 2008, the Utility Public Benefits Fund cash balance closed at a negative \$1.8 million. This negative balance continued through May 31, 2008, when the fund’s cash balance closed at a negative \$2.5 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

The Injured Patients and Families Compensation Fund, Medical Assistance Trust Fund, and Utility Public Benefits 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**.

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State of Wisconsin  
Southeast Wisconsin Professional  
Baseball Park District  
Madison

June 30, 2008

To the Honorable, the Legislature:

On behalf of the Board of Directors of the Southeast Wisconsin Professional Baseball Park District, we are pleased to submit the District’s Financial Statements – Independent Auditor’s Report for Year Ended December 31, 2007 (approved at the meeting of the Board of Directors on June 10, 2008) for your review and use. A copy can also be found on the District’s website, [www.millerparkdistrict.com](http://www.millerparkdistrict.com).

The above report indicates that the Southeast Wisconsin Professional Baseball Park District Board of Directors has consistently protected the taxpayers of the five-county District, and continues to do so. As you review the enclosed report, please note that for the twelfth consecutive year, the Southeast Wisconsin Professional Baseball Park District has received a “clean opinion” from independent financial auditors, BDO Seidman, LLP. In this year’s audit, dated June 10, 2008, BDO Seidman states, “In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the District at December 31, 2007, and the changes in its financial position, for the year then ended in conformity with accounting principles generally accepted in the United States of America.”

Thank you for your assistance and cooperation. Please feel free to contact me if you should have any questions or should you desire more information.

Very truly yours,  
*MICHAEL R. DUCKETT, P.E., R.L.S*  
Executive Director