



# STATE OF WISCONSIN Assembly Journal

## Ninety-Eighth Regular Session

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WEDNESDAY, August 27, 2008

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

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 06-080**

Relating to certification of outpatient mental health clinics, and affecting small businesses.  
Submitted by Department of Health and Family Services.  
Report received from Agency, July 30, 2008.  
To committee on **Public Health**.  
Referred on August 13, 2008.

#### **Assembly Clearinghouse Rule 07-073**

Relating to the agricultural producer security program.  
Submitted by Department of Agriculture, Trade and Consumer Protection.  
Report received from Agency, August 13, 2008.  
To committee on **Agriculture**.  
Referred on August 26, 2008.

#### **Assembly Clearinghouse Rule 07-093**

Relating to local agents that license and inspect retail food establishments for the department.  
Submitted by Department of Agriculture, Trade and Consumer Protection.  
Report received from Agency, August 13, 2008.  
To committee on **Agriculture**.  
Referred on August 26, 2008.

#### **Assembly Clearinghouse Rule 07-107**

Relating to animal diseases and movement; animal markets, dealers and truckers; and livestock premises registration.  
Submitted by Department of Agriculture, Trade and Consumer Protection.  
Report received from Agency, August 13, 2008.  
To committee on **Agriculture**.  
Referred on August 26, 2008.

#### **Assembly Clearinghouse Rule 08-027**

Relating to electronic communication services offered to consumers.  
Submitted by Department of Agriculture, Trade and Consumer Protection.  
Report received from Agency, August 13, 2008.

To committee on **Energy and Utilities**.  
Referred on August 27, 2008.

#### **Assembly Clearinghouse Rule 08-042**

Relating to certification of programs for training and testing nurse assistants, home health aides, and hospice aides.  
Submitted by Department of Health and Family Services.  
Report received from Agency, August 25, 2008.  
To committee on **Health and Healthcare Reform**.  
Referred on August 27, 2008.

#### **Assembly Clearinghouse Rule 08-049**

Relating to examination waivers, temporary licenses and continuing education.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, August 12, 2008.  
To committee on **Health and Healthcare Reform**.  
Referred on August 26, 2008.

#### **Assembly Clearinghouse Rule 08-051**

Relating to the regulation of wholesale prescription drug distributors.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, August 12, 2008.  
To committee on **Health and Healthcare Reform**.  
Referred on August 26, 2008.

#### **Assembly Clearinghouse Rule 08-052**

Relating to state special education aid for certain pupil services personnel.  
Submitted by Department of Public Instruction.  
Report received from Agency, August 15, 2008.  
To committee on **Education**.  
Referred on August 26, 2008.

#### **Assembly Clearinghouse Rule 08-053**

Relating to audit, control and financial reporting requirements.  
Submitted by Insurance Commissioner.  
Report received from Agency, August 15, 2008.  
To committee on **Insurance**.  
Referred on August 22, 2008.

#### **Assembly Clearinghouse Rule 08-054**

Relating to amusement rides and affecting small business.  
Submitted by Department of Commerce.  
Report received from Agency, August 7, 2008.  
To committee on **Tourism, Recreation and State Properties**.  
Referred on August 21, 2008.

**Assembly Clearinghouse Rule 08-056**

Relating to the design and construction of public swimming pools and water attractions, and affecting small business.

Submitted by Department of Commerce.

Report received from Agency, August 19, 2008.

To committee on **Tourism, Recreation and State Properties.**

Referred on August 26, 2008.

**Assembly Clearinghouse Rule 08-058**

Relating to multiple trip overweight permits for vehicles transporting granular roofing materials.

Submitted by Department of Transportation.

Report received from Agency, August 26, 2008.

To committee on **Transportation.**

Referred on August 27, 2008.

**Assembly Clearinghouse Rule 08-059**

Relating to wages exempt from unemployment insurance levy and affecting small businesses.

Submitted by Department of Workforce Development.

Report received from Agency, August 20, 2008.

To committee on **Labor and Industry.**

Referred on August 26, 2008.

**Assembly Clearinghouse Rule 08-064**

Relating to advisory councils and committees.

Submitted by Insurance Commissioner.

Report received from Agency, August 11, 2008.

To committee on **Insurance.**

Referred on August 22, 2008.

**Assembly Clearinghouse Rule 08-072**

Relating to the occupational licensing program.

Submitted by Department of Transportation.

Report received from Agency, August 22, 2008.

To committee on **Transportation.**

Referred on August 27, 2008.

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**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Department of Administration  
Madison

July 31, 2008

To the Honorable, the Legislature:

In compliance with Wisconsin statute 16.548, please find the Wisconsin Office of Federal/State Relations quarterly report to be submitted to the Legislature for the Second Quarter of 2008. This report provides information on the activities of the office and the status of federal legislation of concern to the State of Wisconsin.

Please contact me if you have any questions about this material.

Sincerely,  
*DAN SCHOOFF*  
Deputy Secretary

Referred to committee on **State Affairs.**

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State of Wisconsin  
Department of Health Services  
Madison

August 13, 2008

To the Honorable, the Legislature:

The Department of Health Services is pleased to submit to you and the Legislature the Immunization Program Legislative Report for State Fiscal Year 2008. The attached report is required by Wisconsin Statute s. 252.04 (11).

Wisconsin continues to attain high preschool immunization levels and maintains a state of the art immunization registry. Highlights of the Immunization Program include:

- Attaining an estimated immunization level of 80.6% for series complete among preschoolers, ranking Wisconsin in the top 15 states in the nation;
- Maintaining and improving the Wisconsin Immunization Registry (WIR), an information system that stores, tracks, recalls and assesses immunization information;
- Maintaining parental access to the WIR as part of Governor Doyle's Kids First Initiative;
- Providing a record \$40.6 million in federally funded vaccines to Wisconsin's children in SFY 2008;
- Promulgating administrative rule changes to the Student Immunization Law to require adolescent Tdap and varicella (chickenpox) vaccine in selected grades and pneumococcal vaccine in day care centers; and
- Maintaining strong collaborative efforts with both public and private sectors throughout the state in implementing the WIR and other immunization initiatives.

These successes help Wisconsin to achieve high immunization levels. The Department is committed to ongoing efforts that will continue to ensure that our children are safe from vaccine-preventable diseases.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Secretary

Referred to committee on **Public Health.**

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State of Wisconsin  
Department of Administration  
Madison

August 19, 2008

To the Honorable, the Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the fourth quarter of fiscal year 2008 (April 1, 2008 through June 30, 2008). 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**.

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State of Wisconsin  
Department of Health Services  
Madison

August 29, 2008

To the Honorable, the Legislature:

Section [55.14 \(11\)](#) of the Wis. Stats. requires the Department of Health Services to submit a report concerning any orders for the involuntary administration of psychotropic medications to individuals who are receiving protective services. Counties and their contract agencies are required to submit copies of these orders to the Department. Sections [51.14 \(3\)](#) and [\(8\)](#) establish the criteria for issuance of court orders. Eight counties (La Crosse, Manitowoc, Marinette, Oneida, Rock, Washburn, Waushara and Wood) provided copies of protective placement court orders for psychotropic medications in the last year.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Secretary

Referred to committee on **Aging and Long Term Care**.

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State of Wisconsin  
Department of Health Services  
Madison

August 29, 2008

To the Honorable, the Legislature:

Section [227.485\(9\)](#) Wis. Stats. requires the Department to submit a report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter [227](#) hearing prevails and it is determined the agency's position was not substantially justified. The attached report reflects payments made during SFY2008. In addition, under s. [814.245\(10\)](#) Wis. Stats., the

Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2008, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Secretary

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

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## AGENCY REPORTS

State of Wisconsin  
Investment Board  
Madison

August 15, 2008

To the Honorable, the Legislature:

Attached is our quarterly report listing all expenses that were charged directly to funds managed by the State of Wisconsin Investment Board (SWIB or the Board) during the quarter ending June 30, 2008. Section [25.17 \(13m\)](#), Stats., requires that we provide this report on a quarterly basis.

The statutes authorize the Board to employ special legal or investment counsel in any matter arising from the scope of our investment authority and to employ professionals, contractors or agents to evaluate or operate any property in which the Board has an interest. The Board may also contract with external advisers to manage various types of investments. Expenses for these services are directly charged to the current income of the fund for which the services were furnished.

This report lists expenses on an accrual basis, which lists costs when they are incurred rather than paid. Providing the information on an accrual basis gives a better picture of quarter to quarter trends in services that are directly charged to the funds. A negative charge typically indicates an adjustment to expenses accrued in a prior quarter or a refund of expenses that were prepaid and subsequently adjusted.

We hope this report gives you a clear picture of expenditures and how funds are managed. Please contact me, however, if you have any questions or comments about the report.

Sincerely,  
*KEITH BOZARTH*  
Executive Director