



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

MONDAY, February 1, 2010

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 259** offered by committee on **Aging and Long-Term Care**.

Assembly amendment 1 to **Assembly Bill 659** offered by Representative Shilling.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 694

Relating to: prohibiting a person who has been convicted or adjudicated delinquent for committing a drug-related felony or who is the subject of a pending criminal charge or delinquency petition for committing a drug-related felony from showing that he or she has been rehabilitated for purposes of being licensed, certified, or contracted with to provide child care, of being employed or contracted as a caregiver of a child care provider, or of being permitted to reside at a premises where child care is provided.

By Representatives Gundrum, Honadel, Ziegelbauer, Davis, Kerkman, Pridemore, Strachota, Montgomery, Vos, LeMahieu, Townsend, Van Roy, Gunderson, Brooks, Suder, Kleefisch, Spanbauer, Murtha, Lothian, Bies, Petersen, Meyer, Vukmir, Ripp, Petrowski, A. Ott, Zipperer and Gottlieb; cosponsored by Senators Darling, Lazich, Plale, Olsen, Cowles and Hopper.

To committee on **Children and Families**.

Assembly Bill 695

Relating to: requiring suspected drug activity on the part of a caregiver or nonclient resident of a child care provider to be reported to an immediate supervisor and to the sheriff and suspected or threatened child abuse or neglect on the part of such an individual to be reported under the child abuse and neglect reporting law and providing a penalty.

By Representatives Gundrum, Honadel, Ziegelbauer, Davis, Kerkman, Pridemore, Strachota, Montgomery, Vos, LeMahieu, Townsend, Van Roy, Gunderson, Brooks, Suder, Kleefisch, Spanbauer, Murtha, Lothian, Bies, Petersen, Meyer, Vukmir, Ripp, Petrowski, A. Ott, Ballweg, Zipperer and Gottlieb; cosponsored by Senators Darling, Lazich, Plale, Olsen, Cowles and Hopper.

To committee on **Children and Families**.

Assembly Bill 696

Relating to: authority of the Public Service Commission over certain telecommunications utilities, telecommunications access charges, universal service fund contributions based on interconnected voice over Internet protocol service, tandem switching provider electronic call records, granting rule-making authority, and making an appropriation.

By Representative Zepnick; cosponsored by Senator Plale.

To committee on **Energy and Utilities**.

Assembly Bill 697

Relating to: the BadgerCare Plus Basic Plan, Benchmark Plan benefits, and making an appropriation.

By Representative Richards; cosponsored by Senator Erpenbach.

To committee on **Health and Healthcare Reform**.

Assembly Bill 698

Relating to: an addition to the 2009-11 Authorized State Building Program.

By Representatives Hixson, Hintz and Black; cosponsored by Senators Robson, Risser and Plale.

To committee on **Colleges and Universities**.

COMMITTEE REPORTS

The committee on **Agriculture** reports and recommends:

Assembly Bill 206

Relating to: creating a committee to study the uses of industrial hemp.

Assembly Substitute Amendment 1 adoption:

Ayes: 6 – Representatives Vruwink, Radcliffe, Garthwaite, Jorgensen, Molepske Jr. and Danou.

Noes: 5 – Representatives A. Ott, Nerison, Murtha, Tauchen and Brooks.

Passage as amended:

Ayes: 6 – Representatives Vruwink, Radcliffe, Garthwaite, Jorgensen, Molepske Jr. and Danou.

Noes: 5 – Representatives A. Ott, Nerison, Murtha, Tauchen and Brooks.

To committee on **Rules**.

AMY SUE VRUWINK
Chairperson
Committee on Agriculture

The committee on **Health and Healthcare Reform** reports and recommends:

Assembly Bill 651

Relating to: the wholesale distribution of prescription drugs.

Assembly Amendment 1 adoption:

Ayes: 13 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Vukmir, Rhoades, Stone, Strachota and Nygren.

Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Vukmir, Rhoades, Stone, Strachota and Nygren.

Noes: 0.

To committee on **Rules**.

JON RICHARDS
Chairperson
Committee on Health and Healthcare Reform

The committee on **State Affairs and Homeland Security** reports and recommends:

Assembly Bill 452

Relating to: the exemption of State Historical Society books from state printing requirements.

Passage:

Ayes: 8 – Representatives Kessler, Young, Pope–Roberts, Roys, Black, Ballweg, Kleefisch and Knodl.

Noes: 0.

To committee on **Rules**.

Assembly Bill 601

Relating to: membership of Building Commission.

Passage:

Ayes: 5 – Representatives Kessler, Young, Pope–Roberts, Roys and Black.

Noes: 3 – Representatives Ballweg, Kleefisch and Knodl.

To committee on **Rules**.

Senate Bill 292

Relating to: the exemption of State Historical Society books from state printing requirements.

Concurrence:

Ayes: 8 – Representatives Kessler, Young, Pope–Roberts, Roys, Black, Ballweg, Kleefisch and Knodl.

Noes: 0.

To committee on **Rules**.

FREDERICK KESSLER
Chairperson
Committee on State Affairs and Homeland Security

The committee on **Urban and Local Affairs** reports and recommends:

Assembly Bill 446

Relating to: authorizing county treasurers to provide notice of unclaimed funds by using the Internet.

Passage:

Ayes: 6 – Representatives Berceau, Van Akkeren, Hintz, Parisi, Gottlieb and Spanbauer.

Noes: 1 – Representative Ziegelbauer.

To committee on **Rules**.

Assembly Bill 489

Relating to: public access to certain local government law enforcement records.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Berceau, Van Akkeren, Ziegelbauer, Hintz, Parisi, Gottlieb and Spanbauer.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Berceau, Van Akkeren, Hintz, Parisi, Gottlieb and Spanbauer.

Noes: 1 – Representative Ziegelbauer.

To committee on **Rules**.

TERESE BERCEAU
Chairperson
Committee on Urban and Local Affairs

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 146
Senate Bill 263
Senate Bill 303
Senate Bill 362

Senate Bill 383

ACTION ON THE SENATE MESSAGE

Senate Bill 146

Relating to: providing benefits and protections to tribal schools and tribal school pupils and staff similar to those provided to private schools and private school pupils and staff and making an appropriation.

By Joint Legislative Council.
To committee on **Education**.

Senate Bill 263

Relating to: criteria for determining indigency for purposes of representation by the State Public Defender and requiring the exercise of rule-making authority.

By Senators Coggs, Risser, Sullivan, Miller, Olsen, Vinehout, Wirch, Robson, Lassa, Erpenbach, Lehman, Plale, Hansen, Taylor and Schultz; cosponsored by Representatives Sherman, Hebl, Grigsby, Hintz, Bies, Berceau, Colon, Dexter, Fields, Jorgensen, Kessler, Mason, Molepske Jr., A. Ott, Parisi, Pasch, Petrowski, Pope-Roberts, Richards, Roys, Seidel, Shilling, Smith, Soletski, Spanbauer, Staskunas, Tauchen, Turner, Van Akkeren, Van Roy, A. Williams and Young.

To committee on **Rules**.

Senate Bill 303

Relating to: requesting a person who operates a vehicle that is involved in an accident that causes death or injury to submit to a test for intoxication.

By Senators Grothman, Risser, Lehman, Olsen, Taylor and Darling; cosponsored by Representatives LeMahieu, Mason, Mursau, Townsend, Brooks, Vos, Knodl, Petersen, Spanbauer, A. Ott, Lothian, Gunderson, Nass, Bies, Ziegelbauer and Ballweg.

To committee on **Public Safety**.

Senate Bill 383

Relating to: municipal court elections, judges, and procedure, and providing penalties.

By Senators Taylor, Risser, Erpenbach and Wirch; cosponsored by Representatives Seidel, Parisi, Pope-Roberts, Turner, Tauchen, Pasch, Staskunas, Lothian, Berceau, Danou and Townsend.

To committee on **Corrections and the Courts**.

ENROLLED BILLS AND JOINT RESOLUTIONS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

- Assembly Bill 165**
- Assembly Bill 229**
- Assembly Bill 236**
- Assembly Bill 456**

- Assembly Joint Resolution 100**
- Assembly Joint Resolution 103**
- Assembly Joint Resolution 106**

PATRICK E. FULLER
Assembly Chief Clerk

REFERENCE BUREAU CORRECTIONS

Senate Amendment 6 to **Assembly Bill 458**

1. Page 1, line 2: delete "3" and substitute "5".
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Assembly Bill 647

1. Page 40, line 19: delete "(d)" and substitute "(e)".
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COMMUNICATIONS

February 1, 2010

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

Please remove my name as a co-sponsor of Assembly Bill 680, relating to temporary restraining orders and injunctions.

Sincerely,
JULIE LASSA
State Senator
24th Senate District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
University of Wisconsin-Parkside
Kenosha

- DATE:** December 29, 2009
- TO:** Patrick E. Fuller, Assembly Chief Clerk
- FROM:** Paul Haubrich, University of Wisconsin
-Parkside
Charter School Office
- SUBJECT:** Legislative Report pursuant to Chapter 118.40
(2r)(f)

Attached please find the report from University of Wisconsin-Parkside regarding the 21st Century Charter School. Statute requires a report every two years on the status of the school. Copies of this report have been shared with Representatives Turner and Mason as part of the distribution to interested parties.

Should you or your office have any questions please feel free to email me at paul.haubrick@uwp.edu for further information.

Referred to committee on **Education Reform.**

State of Wisconsin
Department of Revenue
Madison

January 25, 2010

To the Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31, 2009. As required by s. [565.37 \(3\)](#), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year-to-date Revenue and Expenditure information.

Sales for the second quarter were down slightly, \$112.0 million versus \$112.9 million for the same period last year. However, net operating income for the quarter was up \$32.9 million versus \$31.7 million for the same period last year. The increase in net operating income is primarily due to cost savings. Year to date sales are up \$6.2 million, or 2.7%.

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,
ROGER M. ERVIN
Secretary

Referred to committee on **State Affairs and Homeland Security.**

State of Wisconsin
Wisconsin Technical College System
Madison

January 27, 2010

To 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 under state statute 38.12 (11)(c) for the 2008-2009 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 of Management Services, at 266-1766.

Sincerely,
DANIEL CLANCY, PRESIDENT
Wisconsin Technical College System

Referred to committee on **Colleges and Universities.**

State of Wisconsin
Department of Administration
Madison

January 29, 2010

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 December 2009.

On December 1, 2009, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$19.7 million (its intra-month low). This negative balance continued through December 31, 2009, when the fund’s cash balance closed at a negative \$13.8 million. The negative balance was due to the transfer of \$200 million to the Medical Assistance Trust Fund per [2007 Wisconsin Act 20](#), and the pending liquidation of fund securities necessary to offset this shortfall.

On December 1, 2009, the Utility Public Benefits Fund cash balance closed at a negative \$13.0 million. This negative balance continued through December 31, 2009, when the fund’s cash balance closed at a negative \$17.9 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2009, the Permanent Endowment Fund cash balance closed at a negative \$2.0 million. This negative balance continued through December 31, 2009, when the fund’s cash balance closed at a negative \$2.0 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2009, the Workers Compensation Fund cash balance closed at a negative \$3.2 million. This negative balance continued through December 31, 2009, when the fund’s cash balance closed at a negative \$3.2 million. The Workers Compensation Fund cash balance reached its intra-month low of a negative \$4.0 million on December 24, 2009. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2009, the Medical Assistance Trust Fund cash balance closed at a negative \$43.0 million. This negative balance continued through December 31, 2009, when the fund’s cash balance closed at a negative \$79.4 million. The Medical Assistance Trust Fund cash balance reached its intra-month low of a negative \$80.3 million on December 29,

2009. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2009, the Police and Fire Protection Fund cash balance closed at a negative \$37.4 million (its intra-month low). This negative balance continued through December 31, 2009, when the fund's cash balance closed at a negative \$32.2 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The Injured Patients and Families Compensation Fund, Utility Public Benefits Fund, Permanent Endowment Fund, Workers Compensation Fund, Medical Assistance Trust Fund, and Police and Fire Protection 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** and joint committee on **Finance**.

State of Wisconsin
Department of Children and Families
Department of Health Services
Madison

January 29, 2010

To the Honorable, the Legislature:

In 1997, Act 27, the 1997-1999 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. Effective July 1, 2008, the Department of Health and Family Services (DHFS) became the Department of Health Services (DHS) and the DHFS Division of Children and Family Services became the Department of Children and Families (DCF) as a result of [2007 Act 20](#) (the 2007-09 biennial budget bill). DHS, DCF and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to DHS and/or DCF, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections [48.685 \(5g\)](#) and [50.065 \(5g\)](#) of the Wisconsin Statutes direct DHS and DCF to submit an annual report to the

Legislature that specifies the number of persons who have sought waivers of employment of licensing bands by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. DHS has continued to utilize the skills, support and knowledge of its personnel to process all rehabilitation review applications and we are, therefore, submitting a joint report. Attached is the report for 2009.

Questions about this report should be referred to the Department of Health Services, Diane Welsh, Chief Legal Counsel, at 608-266-9622.

Sincerely,
KAREN E. TIMBERLAKE
Secretary, Department of Health Services
REGGIE BICHA
Secretary, Department of Children and Families

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

AGENCY REPORTS

State of Wisconsin
Department of Employee Trust Funds
Madison

November 25, 2009

To the Honorable, the Legislature:

I am pleased to present the Comprehensive Annual Financial Report (CAFR) of the Wisconsin Department of Employee Trust Funds (ETF) for the year ended December 31, 2007. Management is responsible for both the accuracy of the data and the completeness and fairness of the presentation. I hope you will find this report useful and informative.

This report is intended to provide comprehensive and reliable information about ETF, the WRS, and other benefit plans and trust funds administered by the Department. I would like to express my appreciation to the Governor, members of the legislature, members of the boards, staff, employers, participants, and all those whose efforts and interest combine to assure the successful operation of our system, while protecting the integrity of the trust funds.

Sincerely,
DAVID A. STELLA
Secretary

State of Wisconsin
Legislative Audit Bureau
Madison

January 29, 2010

To the Honorable, the Assembly:

We have completed a financial audit of WHA Television, as requested by the University of Wisconsin-Extension 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.

WHA Television is licensed to the University of Wisconsin System's Board of Regents and is operated by the University of Wisconsin-Extension. WHA Television earned \$15.5 million in revenues during fiscal year 2008-09, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains WHA Television's financial statements and related notes as of and for the periods ended June 30, 2009, and June 30, 2008. We were able to issue an unqualified independent auditor's report on these statements. However, our report on internal control and compliance discusses the need for expanded procedures to more fully address proper accounting treatment for the acquisition of capital assets.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin-Extension staff during the audit.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

January 29, 2010

To the Honorable, the Assembly:

We have completed a financial audit of WHA Radio, as requested by the University of Wisconsin-Extension 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.

WHA Radio is licensed to the University of Wisconsin System's Board of Regents and is operated by the University of Wisconsin-Extension. WHA Radio earned \$10.1 million in revenues during fiscal year 2008-09, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains WHA Radio's financial statements and related notes as of and for the periods ended June 30, 2009, and June 30, 2008. We were able to issue an unqualified independent auditor's report on these statements. However, our report on internal control and compliance discusses the need for expanded procedures to more fully address proper accounting treatment for the acquisition of capital assets.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin-Extension staff during the audit.

Respectfully submitted,
JANICE MUELLER
State Auditor