



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

FRIDAY, February 26, 2010

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

AMENDMENTS OFFERED

Assembly amendment 2 to **Assembly Bill 390** offered by Representative A. Ott.

Assembly amendment 1 to **Assembly Bill 671** offered by Representative Shilling.

Assembly amendment 1 to **Senate Bill 383** offered by Representative Seidel.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 112

Relating to: declaring March 10, 2010, Tibet Day.

By Representatives Parisi, Black, Bies, Roys, Pasch, Pocan, Pope–Roberts, Turner and Grigsby; cosponsored by Senators Miller, Darling, Kanavas, Kapanke, Taylor, Ellis and Carpenter.

To committee on **Rules**.

Assembly Bill 780

Relating to: elimination of surplus retention limitations for residential care centers for children and youth, group homes, and child welfare agencies that provide rate-based services for the Department of Children and Families or a county department of human services or social services; determination of the rates charged by those providers; establishment of a performance-based contracting system for those providers; and requiring the exercise of rule-making authority.

By Joint Legislative Council.

To committee on **Children and Families**.

Assembly Bill 781

Relating to: remission of fees for veterans and their dependents enrolled in the University of Wisconsin System or in a technical college.

By Representatives Hilgenberg, Turner, Hubler, Sinicki, Ziegelbauer, Lothian, Garthwaite, Pope–Roberts, Berceau, Smith, Soletski, Pasch and Young; cosponsored by Senators Lehman, Holperin and Taylor.

To committee on **Veterans and Military Affairs**.

Assembly Bill 782

Relating to: encouraging the purchase of food produced in this state, creating goals and a preference in state procurement for food produced in this state, and creating a council.

By Representatives Garthwaite, Danou, Berceau, Black, Clark, Hilgenberg, Hraychuck, Jorgensen, Mason, Molepske Jr., Steinbrink, Turner, Vruwink and Young; cosponsored by Senators Wirch, Lassa, Schultz, Taylor and Hansen.

To committee on **Rural Economic Development**.

Assembly Bill 783

Relating to: requiring the Department of Revenue to study income tax reciprocity with the state of Minnesota.

By Representatives Hraychuck, Milroy, Rhoades, Richards, Murtha, Danou, Suder, Ballweg, Vos, Zigmunt, Smith, Townsend, Shilling, Ziegelbauer, Brooks, Nerison, Hubler, Knodl and Dexter; cosponsored by Senators Kreitlow, Harsdorf, Kapanke and Vinehout.

To committee on **Ways and Means**.

COMMITTEE REPORTS

The committee on **Financial Institutions** reports and recommends:

Assembly Bill 564

Relating to: long-term name reservation by a limited liability company (suggested as remedial legislation by the Department of Financial Institutions).

Passage:

Ayes: 10 – Representatives Fields, Smith, Barca, Zepnick, Hixson, Garthwaite, Newcomer, Kaufert, Huebsch and Kramer.

Noes: 0.

To committee on **Rules**.

Assembly Bill 565

Relating to: changing the registered office or registered agent of a limited partnership or registered limited liability partnership (suggested as remedial legislation by the Department of Financial Institutions).

Passage:

Ayes: 10 – Representatives Fields, Smith, Barca, Zepnick, Hixson, Garthwaite, Newcomer, Kaufert, Huebsch and Kramer.

Noes: 0.

To committee on **Rules**.

Assembly Bill 658

Relating to: qualifications of mortgage loan originators.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Fields, Smith, Barca, Zepnick, Hixson, Garthwaite, Newcomer, Kaufert, Huebsch and Kramer.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Fields, Smith, Barca, Zepnick, Hixson, Garthwaite, Newcomer, Kaufert, Huebsch and Kramer.

Noes: 0.

To committee on **Rules**.

Assembly Bill 687

Relating to: adopting revised article 1 of the Uniform Commercial Code concerning general provisions.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Fields, Smith, Barca, Zepnick, Hixson, Garthwaite, Newcomer, Kaufert, Huebsch and Kramer.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Fields, Smith, Barca, Zepnick, Hixson, Garthwaite, Newcomer, Kaufert, Huebsch and Kramer.

Noes: 0.

To committee on **Rules**.

JASON FIELDS
Chairperson
Committee on Financial Institutions

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

Assembly Bill 512

Relating to: health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

Assembly Amendment 1 to Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch and Bernard Schaber.

Noes: 5 – Representatives Vukmir, Rhoades, Stone, Strachota and Nygren.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch and Bernard Schaber.

Noes: 5 – Representatives Vukmir, Rhoades, Stone, Strachota and Nygren.

Passage as amended:

Ayes: 8 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch and Bernard Schaber.

Noes: 5 – Representatives Vukmir, Rhoades, Stone, Strachota and Nygren.

To committee on **Rules**.

JON RICHARDS
Chairperson
Committee on Health and Healthcare Reform

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

Assembly Bill 625

Relating to: authority to modify speed limits in school zones.

Passage:

Ayes: 6 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields and Bernard Schaber.

Noes: 5 – Representatives Petrowski, A. Ott, Stone, Bies and Ripp.

To committee on **Rules**.

Assembly Bill 679

Relating to: the placement of advertising signs in highway rights-of-way and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 11 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

Passage as amended:

Ayes: 11 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

Assembly Bill 711

Relating to: vehicle towing and storage liens.

Passage:

Ayes: 11 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

Assembly Bill 766

Relating to: designating and marking a portion of STH 50 in Kenosha County as the LeRoy and Lynn Copen Memorial Highway.

Passage:

Ayes: 11 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

JOHN STEINBRINK

Chairperson

Committee on Transportation

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

Assembly Bill 542

Relating to: treatment of abandoned employee retirement accounts under a retirement system of a 1st class city.

Passage:

Ayes: 8 – Representatives Berceau, Ziegelbauer, Hintz, Parisi, Roys, LeMahieu, Gottlieb and Spanbauer.

Noes: 0.

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

Adopted and asks concurrence in:

Senate Joint Resolution 63

Passed and asks concurrence in:

Senate Bill 96

Senate Bill 374

Senate Bill 457

Senate Bill 463

Senate Bill 467

Senate Bill 473

Senate Bill 478

Senate Bill 484

Senate Bill 485

Senate Bill 486

Senate Bill 487

Senate Bill 488

Senate Bill 489

Senate Bill 490

Senate Bill 492

Senate Bill 507

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 63

Relating to: recognizing Black History Month.

By Senators Taylor and Coggs; cosponsored by Representative Toles.

To committee on **Rules**.

Senate Bill 96

Relating to: diversions under a community integration program of Medical Assistance—eligible persons from imminent entry into nursing homes.

By Senators Leibham, Darling and Robson; cosponsored by Representatives LeMahieu, Townsend, Spanbauer, Petrowski and Kaufert.

To committee on **Aging and Long-Term Care**.

Senate Bill 163

Relating to: requiring health insurance coverage of colorectal cancer screening and granting rule-making authority.

By Senators Wirch, Taylor, Lehman, Hansen, Erpenbach, Risser, Darling, Kapanke, Plale, Coggs, Carpenter and Lassa; cosponsored by Representatives Colon, Barca, Benedict, Steinbrink, Hixson, Grigsby, Turner, Clark, Hubler, Milroy, A. Williams, Berceau, Jorgensen, Hebl, Hilgenberg, Young, Pope-Roberts, Mason, Townsend, Wood, Pasch and Bernard Schaber.

To committee on **Insurance**.

Senate Bill 224

Relating to: notice of proposed vacation of certain highways.

By Senators Holperin, Lehman, Miller, Plale, Kreitlow, Hansen and Taylor; cosponsored by Representatives Steinbrink, Petrowski, Turner and Molepske Jr..

To committee on **Rules**.

Senate Bill 362

Relating to: health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

By Senators Hansen, Wirch, Taylor, Robson, Lehman, Coggs, Vinehout, Carpenter, Lassa, Miller, Risser and Erpenbach; cosponsored by Representatives Pasch, Richards, Benedict, Soletski, Black, Parisi, Milroy, Fields, Pope-Roberts, Hixson, Smith, Zepnick, Roys, Pohan, A. Ott, Berceau, Sinicki, Molepske Jr., Grigsby, Kaufert, Young, Turner, Hebl, Sherman, Jorgensen, Hilgenberg, Hintz and Toles.

To committee on **Rules**.

Senate Bill 374

Relating to: creating a commercial driver license exception for law enforcement officers operating commercial motor vehicles.

By Senators Grothman, Kedzie, Olsen, Darling and Lassa; cosponsored by Representatives Strachota, Suder, Mursau, Vos, Townsend, Gunderson, LeMahieu, Knodl, Friske, A. Ott, Lothian, Brooks and Bies.

To committee on **Transportation**.

Senate Bill 457

Relating to: the placement of advertising signs in highway rights-of-way and providing a penalty.

By Senators Sullivan and Taylor; cosponsored by Representatives Pasch, Berceau, Parisi, Steinbrink and Turner.

To committee on **Rules**.

Senate Bill 467

Relating to: using an electronic signature on a criminal complaint.

By Senators Jauch, Lehman, Taylor and Schultz; cosponsored by Representatives Hebl, Turner, Pope-Roberts, Molepske Jr., Van Roy, Kerkman, Townsend, Bies, A. Ott, Ripp and Kaufert.

To committee on **Rules**.

Senate Bill 473

Relating to: modifications to the Uniform Interstate Family Support Act.

By Senators Risser and Taylor; cosponsored by Representatives Cullen, Ziegelbauer, Berceau and Turner.

To committee on **Rules**.

Senate Bill 484

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

By Senator Erpenbach; cosponsored by Representative Richards.

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

Senate Bill 485

Relating to: displaying the empty weight on the side of certain motor vehicles (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

To committee on **Transportation**.

Senate Bill 486

Relating to: the liability release exception to the requirement that proof of financial responsibility be provided after a motor vehicle accident (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

To committee on **Transportation**.

Senate Bill 487

Relating to: motor vehicle occupational licenses issued by the Department of Transportation (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

To committee on **Transportation**.

Senate Bill 488

Relating to: policies and bonds issued by out-of-state insurers offered as proof of financial responsibility after a motor vehicle accident (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

To committee on **Transportation**.

Senate Bill 489

Relating to: the requirement that a nonresident provide proof of financial responsibility for the operation of a motor vehicle to reinstate a suspended operating privilege or vehicle registration (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

To committee on **Transportation**.

Senate Bill 490

Relating to: registration plates for vehicles leased to persons with a disability that limits the ability to walk (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

To committee on **Transportation**.

Senate Bill 492

Relating to: restoration to competency of a defendant (suggested as remedial legislation by the Department of Health Services).

By Law Revision Committee.

To committee on **Judiciary and Ethics**.

Senate Bill 507

Relating to: changing the fees collected by a register of deeds, the redaction of social security numbers from electronic documents, and changes to the land information program.

By Senators Erpenbach, Lehman, Hansen, Kreitlow, Vinehout, Risser and Taylor; cosponsored by Representatives Soletski, Hebl, Pope-Roberts, Smith, Lothian, Townsend, Vruwink, Dexter, Vos, Radcliffe and Van Roy.

To committee on **Urban and Local Affairs**.

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 166**
- Assembly Bill 275**
- Assembly Bill 415**
- Assembly Bill 570**
- Assembly Bill 571**
- Assembly Bill 572**
- Assembly Bill 573**
- Assembly Bill 592**
- Assembly Joint Resolution 111**

PATRICK E. FULLER
Assembly Chief Clerk

COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
Madison

State of Wisconsin
Department of Administration
Madison

February 26, 2010

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Assembly Bill 458	134	March 10, 2010

Sincerely,
DOUGLAS LA FOLLETTE

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health Services
Madison

February 25, 2010

To the Honorable, the Legislature:

The Community Integration Program (CIP) for residents of State Centers was created by [1983 Wisconsin Act 27](#). According to s. [46.275](#) of the Wisconsin statutes, this program is intended:

...to relocate persons from the state centers for the developmentally disabled into appropriate community settings with the assistance of home and community-based services and with continuity of care. The intent of the program is also to minimize its impact on state employees through redeployment of employees into vacant positions.

Under Wisconsin statutes s. [46.275 \(5m\)](#), the Department is required to submit an annual report to the Joint Committee on Finance and to the Chief Clerk of each house of the Legislature describing the program’s impact during the prior calendar year on state employees, including the Department’s efforts to redeploy employees into vacant positions and the number of employees laid off.

During calendar year 2009, Southern Wisconsin Center and Central Wisconsin Center have relocated 9 center residents into the community under the CIP program. There were no employee layoffs as the result of these placements. However, the Department redeployed 24 employees into other vacant positions dedicated to providing care to persons who continue to reside at the Center.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

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

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 January 2010.

On January 1, 2010, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$12.7 million (its intra-month low). This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$9.1 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 January 1, 2010, the Utility Public Benefits Fund cash balance closed at a negative \$10.9 million. This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$14.1 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2010, the Permanent Endowment Fund cash balance closed at a negative \$2.0 million. This negative balance continued through January 31, 2010, 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 January 1, 2010, the Workers Compensation Fund cash balance closed at a negative \$4.1 million (its intra-month low). This negative balance continued through January 19, 2010, when the fund’s cash balance closed at a positive \$782 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2010, the Medical Assistance Trust Fund cash balance closed at a negative \$70.4 million. This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$97.0 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2010, the Police and Fire Protection Fund cash balance closed at a negative \$32.2 million (its intra-month low). This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$29.7 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 21, 2010, the Conservation Fund cash balance closed at a negative \$3.8 million. This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$7.1 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, Utility Public Benefits Fund, Permanent Endowment Fund, Workers Compensation Fund, Medical Assistance Trust Fund, Police and Fire Protection Fund, and Conservation 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**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

February 26, 2010

To the Honorable, the Assembly:

We have completed a limited-scope review of the Wisconsin Health and Educational Facilities Authority (WHEFA) as authorized in s. 231.19 (1), Wis. Stats. Through June 2009, WHEFA has issued 603 revenue bonds totaling more than \$14.5 billion on behalf of tax-exempt healthcare and certain

educational institutions. The tax-exempt bonds help the borrowing institutions finance capital projects. They are not debt or obligations of the State of Wisconsin and are repaid solely by the borrowing institutions.

WHEFA has no taxing power and does not receive state appropriations. It is governed by a seven-member board and has four full-time employees, whose salaries and fringe benefits are its primary operating costs. WHEFA funds those costs with annual fees paid by borrowing institutions.

As of June 30, 2009, WHEFA accumulated a surplus balance of \$3.1 million, which is more than four times its annual operating expenses. We include a recommendation that WHEFA continue to carefully monitor its surplus balance for appropriateness. We are also concerned that the WHEFA Board's actions to increase compensation for the Executive Director have had the effect of circumventing a statutory salary limit on the Executive Director's salary. Since 2005, the WHEFA Board has provided him with 40 days of vacation each year. WHEFA paid him for unused leave, including vacation and sick leave, by making annual deposits into the Wisconsin Deferred Compensation Program. As a result, the Executive Director's annual compensation has exceeded the statutory limit established for his position by an average of \$16,200 annually. In addition, we believe WHEFA is incorrectly reporting some unused leave as earnings that will effectively increase its employees' pension benefits under the Wisconsin Retirement System. We include recommendations for the Legislature to take steps to address these concerns and for WHEFA to work with the Department of Employee Trust Funds to correctly report future earnings.

We appreciate the courtesy and cooperation extended to us by the WHEFA Board and staff in completing this review.

Sincerely,
JANICE MUELLER
State Auditor