



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

THURSDAY, September 2, 2010

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

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 08-022

Relating to hunting in state parks, including department managed portions of state trails.

Submitted by Department of Natural Resources.
Report received from Agency, August 26, 2010.
To committee on **Fish and Wildlife**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 09-096

Relating to continuation of group insurance policies.
Submitted by Insurance Commissioner.
Report received from Agency, August 25, 2010.
To committee on **Insurance**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-042

Relating to the use of department properties.
Submitted by Department of Natural Resources.
Report received from Agency, August 26, 2010.
To committee on **Natural Resources**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-051

Relating to license and permit procedures, game and hunting, wildlife damage, and nuisance control and dog trials and training.

Submitted by Department of Natural Resources.
Report received from Agency, August 26, 2010.
To committee on **Fish and Wildlife**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-053

Relating to commercial fishing on the Mississippi river boundary waters of Wisconsin and affecting small business.
Submitted by Department of Natural Resources.
Report received from Agency, August 26, 2010.
To committee on **Fish and Wildlife**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-064

Relating to the design, installation or construction, inspection, and maintenance of plumbing.
Submitted by Department of Commerce.

Report received from Agency, August 13, 2010.
To committee on **Housing**.
Referred on August 27, 2010.

Assembly Clearinghouse Rule 10-066

Relating to hunting and the 2010 migratory game bird seasons and waterfowl hunting zones.

Submitted by Department of Natural Resources.
Report received from Agency, August 26, 2010.
To committee on **Fish and Wildlife**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-067

Relating to small employer uniform employee application for group health insurance.

Submitted by Office of the Commissioner of Insurance.
Report received from Agency, August 25, 2010.
To committee on **Insurance**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-068

Relating to uniform questions and format for individual health insurance.

Submitted by Office of the Commissioner of Insurance.
Report received from Agency, August 25, 2010.
To committee on **Insurance**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-069

Relating to endangered resources information fees.

Submitted by Department of Natural Resources.
Report received from Agency, August 26, 2010.
To committee on **Fish and Wildlife**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-076

Relating to policy form language simplification and readability and affecting small business.

Submitted by Office of the Commissioner of Insurance.
Report received from Agency, August 25, 2010.
To committee on **Insurance**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-077

Relating to the risk-based capital of health insurers, property and casualty insurers and fraternal insurers.

Submitted by Insurance Commissioner.
Report received from Agency, August 26, 2010.
To committee on **Insurance**.
Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-088

Relating to the vehicle emission inspection process.

Submitted by Department of Transportation.
 Report received from Agency, August 26, 2010.
 To committee on **Transportation**.
 Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-093

Relating to motor vehicle, alternate fuels, and general aviation fuel tax return and refund claim forms; fermented malt beverage tax return and refund claim forms; intoxicating liquor report, tax return, and refund claim forms; cigarette and tobacco products report, tax return, and refund claim forms; and sales and use tax, local exposition tax, and premier resort area tax return forms.

Submitted by Department of Revenue.
 Report received from Agency, August 25, 2010.
 To committee on **Ways and Means**.
 Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-094

Relating to sales and use tax.
 Submitted by Department of Revenue.
 Report received from Agency, August 25, 2010.
 To committee on **Ways and Means**.
 Referred on September 2, 2010.

Assembly Clearinghouse Rule 10-095

Relating to electronic funds transfer; original and amended corporation franchise and income tax returns; information returns and wage statements; returns of persons other than corporations; the recycling surcharge; estimated tax requirements; addback and disclosure of related entity expenses; pass-through entity withholding; and the dividends received deduction for corporations.

Submitted by Department of Revenue.
 Report received from Agency, August 25, 2010.
 To committee on **Ways and Means**.
 Referred on September 2, 2010.

COMMUNICATIONS

State of Wisconsin
 Legislative Reference Bureau
 Madison

DATE: August 30, 2010
TO: Patrick E. Fuller
 Assembly Chief Clerk

 Robert Marchant
 Senate Chief Clerk
FROM: Bruce J. Hoesly
 Code Editor

SUBJECT: Rules published in the August 31, 2010,
 Wisconsin Administrative Register No. 656.

The following rules have been published:

Clearinghouse Rule 08-025 effective 9-1-2010
 Clearinghouse Rule 09-028 part eff 9-1-2010
 part eff 4-1-2013

Clearinghouse Rule 09-091 effective 9-1-2010
 Clearinghouse Rule 09-107 effective 9-1-2010
 Clearinghouse Rule 09-110 effective 9-1-2010
 Clearinghouse Rule 10-007 effective 9-1-2010
 Clearinghouse Rule 10-008 effective 9-1-2010
 Clearinghouse Rule 10-010 effective 9-1-2010
 Clearinghouse Rule 10-011 effective 9-1-2010
 Clearinghouse Rule 10-015 effective 9-1-2010
 Clearinghouse Rule 10-016 effective 9-1-2010
 Clearinghouse Rule 10-026 effective 9-1-2010
 Clearinghouse Rule 10-028 effective 9-1-2010

REFERRAL OF AGENCY REPORTS

State of Wisconsin
 Groundwater Coordinating Council
 Madison

August 2010

To the Honorable, the Legislature:

The Groundwater Coordinating Council (GCC) is pleased to release its 2010 Report to the Legislature. The GCC was formed in 1984 to help state agencies coordinate non-regulatory activities and exchange information on groundwater. For the past 26 years, the GCC has served as a model for interagency coordination and cooperation among state agencies, the Governor, local and federal government, and the university. It is one of the few groups in the nation to effectively coordinate groundwater activities in its state from an advisory position.

This report summarizes and provides links to information on GCC and agency activities related to groundwater protection and management in FY 10 (July 1, 2009 to June 30, 2010). The links also provide information on the condition of the groundwater resource. At the end of this report are the GCC's recommendations titled Directions for Future Groundwater Protection.

We hope you will find this report to be a useful reference in protecting Wisconsin's valuable groundwater resource.

Sincerely,
 BRUCE BAKER, CHAIR
 Groundwater Coordinating Council

Referred to committee on **Natural Resources**.

State of Wisconsin
 Department of Administration
 Madison

August 31, 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 July 2010.

On July 26, 2010, the General Fund cash balance closed at a negative \$123.0 million (its intra-month low). This negative balance continued through July 31, 2010, when the fund's cash balance closed at a negative \$84.4 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On July 1, 2010, the Medical Assistance Trust Fund cash balance closed at a negative \$253.1 million (its intra-month low). This negative balance continued through July 29, 2010, when the fund's cash balance closed at a positive \$4.2 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On July 1, 2010, the Police and Fire Protection Fund cash balance closed at a negative \$5.0 million (its intra-month low). This negative balance continued through July 31, 2010, when the fund's cash balance closed at a negative \$1.0 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On July 1, 2010, the Environmental Fund cash balance closed at a negative \$10.7 million. This negative balance continued through July 31, 2010, when the fund's cash balance closed at a negative \$10.6 million. The Environmental Fund cash balance reached its intra-month low of a negative \$13.0 million on July 22, 2010. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, Medical Assistance Trust Fund, Police and Fire Protection Fund, and Environmental 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,
DANIEL J. SCHOOFF
Secretary of Administration

Referred to committee on **Ways and Means** and joint committee on **Finance**.

State of Wisconsin
Department of Health Services
Madison

September 1, 2010

To the Honorable, the Legislature:

Section 55.14 (11) of the Wis. Statutes 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. Section 51.14 (3) and (8) establish the criteria for issuance of court orders. Four counties (Oneida, Pierce, Rock and Washburn) provided copies of protective placement court orders for psychotropic medications in the last year.

Sincerely,
KAREN TIMBERLAKE
Secretary

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

State of Wisconsin
Department of Health Services
Madison

September 2, 2010

To the Honorable, the Legislature:

Section 227.485 (9) of the 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. As indicated in the attached chart, five payments totaling \$51,613.82 were made during SFY2010.

In addition, under 814.245 (10) of the Wis. Stats., the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2010, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,
KAREN TIMBERLAKE
Secretary

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

AGENCY REPORTS

State of Wisconsin
Housing and Economic Development Authority
Madison

August 24, 2010

To the Honorable, the Legislature:

Pursuant to Wisconsin Statutes 234.931 (5), enclosed please find the following report relating to the Wisconsin Development Reserve Fund:

Annual Report of Guarantee Funds as of June 30, 2010

Should you have any questions or comments on the reports, please feel free to call me at 266-1640.

Sincerely,
LAURA B. MORRIS
Chief Financial Officer

State of Wisconsin
Legislative Audit Bureau
Madison

September 2, 2010

To the Honorable, the Legislature:

In response to a complaint reported to the Fraud, Waste, and Mismanagement Hotline established by [2007 Wisconsin Act 126](#), we have completed a limited-scope review of the Justice Gateway information system developed by the Office of Justice Assistance (OJA). This system was designed for local law enforcement agencies to share information that is not currently available in other statewide information systems. Concerns were raised about the progress made in development and implementation of the system and whether it is meeting its objectives.

Through fiscal year 2008-09, OJA spent \$6.4 million in federal funds to develop and maintain the Justice Gateway system. OJA is continuing its efforts to gain access to local

law enforcement agencies' information, register users, and increase Justice Gateway's use. However, implementation has proceeded relatively slowly. OJA staff assert that Justice Gateway will play a role in the ongoing development of a similar voluntary federal system. However, there are challenges to OJA's plans to increase Justice Gateway's use, including the ability and willingness of local law enforcement agencies to participate in either the State's or the federal initiative. In addition, because several programs and initiatives are supported with Homeland Security funds, establishing the Justice Gateway's priority as it relates to the State's overall information sharing objectives may be important.

During 2011-13 biennial budget deliberations, the Legislature is likely to consider whether Justice Gateway merits state resources, especially in light of other information sharing systems under development. To help inform the debate, we include a recommendation that OJA report in early 2011 to the Joint Legislative Audit Committee and the Joint Committee on Information Policy and Technology on the system's current status and its future plans for Justice Gateway.

We appreciate the courtesy and cooperation extended to us by OJA, the Department of Justice, and the Department of Administration's Division of Enterprise Technology staff in conducting this review.

Sincerely,
JANICE MUELLER
State Auditor