

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

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FRIDAY, January 29, 2010

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

### CHIEF CLERK'S ENTRIES

#### SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Bill 57**

**Senate Bill 262**

**Senate Bill 413**

**Senate Joint Resolution 11**

**Senate Joint Resolution 54**

**Senate Joint Resolution 55**

Report correctly enrolled on 1–29–2010.

### INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Senate Bill 499**

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 Senators Darling, Lazich, Plale, Olsen, Cowles and Hopper; cosponsored 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.

To committee on **Children and Families and Workforce Development**.

#### **Senate Bill 500**

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 Senators Darling, Lazich, Plale, Olsen, Cowles and Hopper; cosponsored 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, Gottlieb and Ballweg.

To committee on **Children and Families and Workforce Development**.

#### **Senate Bill 501**

Relating to: disclosure of the identity of a foster parent or treatment foster parent of a child; the rights of a foster parent, treatment foster parent, or other physical custodian of a child on removal of the child from the person's home; and placement of a child for adoption with a foster parent, treatment foster parent, or other physical custodian of the child.

By Senators Darling, Olsen, Lassa, Lazich, Hopper and Plale; cosponsored by Representatives Strachota, Knodl, J. Ott, Honadel, Vos, Townsend and Spanbauer.

To committee on **Children and Families and Workforce Development**.

#### **Senate Bill 502**

Relating to: exempting wellness programs from unfair trade or marketing practices.

By Senators Sullivan, Darling, Taylor, Schultz, Lazich, Wirch, Cowles and Hansen; cosponsored by Representatives Zigmunt, Kaufert, Nygren, Vos, Shilling, Molepske Jr., Vruwink, Sinicki, Jorgensen, Turner, Roys, Benedict, Pasch, Montgomery, Cullen, Barca, Soletski, Ripp, Van Roy and Zepnick.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

#### **Senate Bill 503**

Relating to: requiring certain county agencies to petition a court to freeze accounts of certain individuals being financially exploited.

By Senators Kreitlow, Taylor, Erpenbach, Lehman, Plale, Risser, Schultz, Sullivan and Coggs; cosponsored by Representatives Dexter, Bernard Schaber, Berceau, Sinicki, Suder, Turner and Zepnick.

To committee on **Public Health, Senior Issues, Long–Term Care, and Job Creation**.

### PETITIONS AND COMMUNICATIONS

#### Wisconsin Council on Children & Families

January 22, 2010

The Honorable, The Legislature:

This week amidst news of rising unemployment numbers, the Wisconsin Council on Children and Families released our semi–annual data book, Jobs Count: Helping Wisconsin Families Thrive through New Opportunities. I am pleased to present you with the complementary copy.

Finally, we urge you to make use of the state and county data available on over 50 data indicators related to child well being in Wisconsin on our data site: [datacenter.kidscount.org](http://datacenter.kidscount.org). As always, we look forward to continuing to work with you to advance the well being of all children and families in our state.

Sincerely,  
*KEN TAYLOR*  
Executive Director

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

January 29, 2010

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

*REGGIE BICHA*  
Secretary

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**State of Wisconsin  
Legislative Audit Bureau**

January 29, 2010

The Honorable, The Legislature:

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.

Sincerely,  
*JANICE MUELLER*  
State Auditor

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**State of Wisconsin  
Legislative Audit Bureau**

January 29, 2010

The Honorable, The Legislature:

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.

Sincerely,  
*JANICE MUELLER*  
State Auditor

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**State of Wisconsin  
Department of Administration**

Month Date, 2009

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 the joint committee on **Finance**.

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## ADVICE AND CONSENT OF THE SENATE

State of Wisconsin  
Office of the Governor

January 27, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MICHAELSEN, GLENN, of Brookfield, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2013.

Respectfully Submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Economic Development**.

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## REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

### Senate Clearinghouse Rule 09-076

Relating to medicare supplement and replacement guarantee issue eligibility and affecting small business.

Submitted by Insurance Commissioner.

Report received from Agency, January 26, 2010.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, January 29, 2010.

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## MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

**Assembly Bill 347**  
**Assembly Bill 371**  
**Assembly Bill 532**  
**Assembly Bill 548**  
**Assembly Bill 574**  
**Assembly Bill 575**  
**Assembly Bill 579**

Concurred in:

**Senate Bill 284**  
**Senate Bill 415**  
**Senate Bill 440**  
**Senate Bill 498**  
**Senate Amendment 1 to Assembly Bill 47**  
**Senate Amendment 1 to Assembly Bill 229**  
**Senate Amendment 1 to Assembly Bill 165**

Nonconcurrent in:

**Senate Amendment 1 to Assembly Bill 411**

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**MESSAGES FROM THE ASSEMBLY CONSIDERED**

**Assembly Bill 219**

Relating to: requiring that personal flotation devices be worn by certain underage persons in certain boats.

By Representatives Clark, Staskunas, Hebl, Hraychuck, Cullen, Pasch, Jorgensen, Berceau, A. Ott, Petrowski, Smith, Steinbrink, Townsend, Zepnick and Zigmunt; cosponsored by Senators Sullivan, Cowles, Lassa, Lehman, Miller, Risser, Taylor and Wirch.

Read first time and referred to committee on **Transportation, Tourism, Forestry, and Natural Resources.**

**Assembly Bill 372**

Relating to: the disposal of solid waste from a household on the property where it is generated.

By Representatives Molepske Jr., Clark, Roys, Berceau and Turner; cosponsored by Senators Lehman and Taylor.

Read first time and referred to committee on **Environment.**

**Assembly Bill 414**

Relating to: requirements for a certificate of food protection practices and providing an exemption from emergency rule procedures.

By Representatives Richards, Petrowski, Bernard Schaber and Townsend; cosponsored by Senators Risser, Hopper and Taylor.

Read first time and referred to committee on **Public Health, Senior Issues, Long-Term Care, and Job Creation.**

**Assembly Bill 494**

Relating to: the methodology for filing campaign finance reports in electronic format.

By Representatives Mason, Vos, Sherman, Kestell, Roys, Gunderson, Berceau, LeMahieu, Pope-Roberts, A. Williams, Clark, Townsend, Nerison, Brooks, Jorgensen and Grigsby; cosponsored by Senators Risser, Darling, Holperin and Taylor.

Read first time and referred to committee on **Ethics Reform and Government Operations.**

**Assembly Bill 502**

Relating to: requiring the Department of Revenue to certify the tax base of Tax Incremental Financing District Number 18 in the city of Waukesha.

By Representatives Kramer and Newcomer; cosponsored by Senator Kanavas.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

**Assembly Bill 560**

Relating to: remedial statutory changes affecting the Wisconsin Employment Relations Commission (suggested as remedial legislation by the Wisconsin Employment Relations Commission).

By Law Revision Committee.

Read first time and referred to committee on **Labor, Elections and Urban Affairs.**