

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

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THURSDAY, August 19, 2010

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

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### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Friday, August 13, 2010**.

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

##### **Senate Clearinghouse Rule 10–073**

Relating to the state apprenticeship program and affecting small businesses.

Submitted by Department of Workforce Development.

Report received from Agency, August 11, 2010.

Referred to committee on **Labor, Elections and Urban Affairs**, August 13, 2010.

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The Chief Clerk makes the following entries dated **Wednesday, August 18, 2010**.

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

##### **Senate Clearinghouse Rule 10–055**

Relating to somatic cell standards for dairy goat milk.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 13, 2010.

Referred to committee on **Agriculture and Higher Education**, August 18, 2010.

##### **Senate 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.

Referred to committee on **Commerce, Utilities, Energy, and Rail**, August 18, 2010.

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### PETITIONS AND COMMUNICATIONS

#### Wisconsin Council on Children & Families

August 11, 2010

The Honorable, The Legislature:

We are please to provide you with this copy of the Annie E. Casey Foundation's 2010 KIDSCOUNT Date Book, State

Profiles in Child Well–Being. As you know, the Casey Foundation published this state–by–state analysis of the well–being of America's children each year.

Wisconsin ranks 10th nationally in the 2010 Data Book. The new report reveals that between 200 and 2008, Wisconsin improved on five of the 10 measures of child well–being. Yet on three other measures, conditions worsened for Wisconsin's kids. Two measures were not comparable to previous years.

The 2010 Data Book is based on data from 2007 and 2008, primarily the U.S. Census Bureau's 2008 American Community Survey (ACS). While this it the most recent data available for many of the measures, it does not capture the impact of the recent severe recession. In addition to the data included in the 2010 KIDS COUNT Data Book, information on hundreds of other measures of child well–being is available via the Kids Count Data Center, which offers tools for creating maps and graphs of the data at the national, state, country and city levels. The Data Center's Wisconsin data is available at <http://datacenter.kidscount.org/wi>. It can also be accessed via the WCCF website at [http://ww.wccf.org/kidcount\\_data.php/](http://ww.wccf.org/kidcount_data.php/).

Sincerely,  
*KEN TAYLOR*  
Executive Director

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#### State of Wisconsin Legislative Audit Bureau

August 12, 2010

The Honorable, The Legislature:

As required by **2005 Wisconsin Act 125**, we have reviewed the pupil test score data provided to us by the School Choice Demonstration Project, which is a group of privately funded education researchers who are studying the Milwaukee Parental Choice Program. The Choice program provides publicly funded private school tuition for low–income children in Milwaukee.

Project researchers are conducting a five–year longitudinal study of Choice and Milwaukee Public Schools (MPS) pupils first selected in the 2006–07 school year. The representative sample includes 2,727 Choice pupils who were in the third through ninth grades in fall 2006 and a comparable group of 2,727 MPS pupils. The researchers are tracking changes in Wisconsin Knowledge and Concepts Examination scores and determining how participation in the Choice program affects changes in academic achievement.

We reviewed the project's data for the 2008–09 school year, which is the third year the researchers arranged for the Wisconsin Knowledge and Concepts Examination to be administered to Choice pupils. We analyzed and generally confirmed the analyses that they reported in April 2010, which

show no significant difference in the performance of Choice pupils and similar MPS pupils after three years. However, we note that only 1,097 of the 2,727 Choice pupils in the researchers' sample, or 40.2 percent, remained in Choice schools in the 2008–09 school year.

As we discussed in our September 2008 and August 2009 reports, we are unable to review average pupil test scores at individual Choice schools because the project, citing confidentiality concerns, has not provided us with this type of information. As a result, we cannot provide legislators and other policymakers with information about academic performance specific to each of the 127 Choice schools that operated in the 2008–09 school year. [2009 Wisconsin Act 28](#) made several changes to the testing requirements for Choice schools, and the Wisconsin Knowledge and Concepts Examination will be administered in Choice schools beginning with the 2010–11 school year.

We appreciate the courtesy and cooperation extended to us by project researchers as we conducted this review.

Sincerely,  
*JANICE MUELLER*  
 State Auditor

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**State of Wisconsin  
 Legislative Audit Bureau**

August 17, 2010  
 The Honorable, The Legislature:

We have completed a review of the methodology the Department of Veterans Affairs (DVA) has used to establish rates for nursing home and assisted living care provided to residents of the Wisconsin Veterans Homes at King and Union Grove. This review is the first phase of our comprehensive evaluation of veterans home operations.

From January 2008 to January 2010, daily “private pay” rates for veterans in Union Grove’s skilled nursing facility who do not qualify for Medical Assistance or Medicare funding have increased by 45.8 percent, which resulted in an annual cost increase of \$29,500. Private pay rates in Union Grove’s assisted living facilities increased by as much as 58.6 percent for veterans and 284.6 percent for spouses living with veterans, which resulted in annual cost increases of as much as \$15,400 and \$40,500, respectively.

The unusually large rate increases in private pay rates, which contributed to the departure of at least 12 Union Grove assisted living residents since January 2010, resulted from DVA’s efforts to comply with ch. [VA 6](#), Wis. Adm. Code, which requires rates to be based on the cost of care. Current rates, which were put in place in 2010, are consistent with agency officials’ current interpretation of that rule, which was promulgated by the Board of Veterans Affairs in 1992. However, we note that neither administrative rules nor DVA policies specify exactly how rates should be calculated. Our report includes a recommendation for the Board to establish more specific rate–setting rules and to formally review and approve all rate–setting proposals developed by DVA staff.

From fiscal year (FY) 2004–05 through FY 2008–09, Union Grove had deficits in both its nursing and assisted living operations, while King’s revenues have exceeded its expenditures. During that period, DVA transferred a total of \$21.2 million from King’s operating surplus to help support Union Grove’s operations. However, DVA projects net losses

at both homes in FY 2010–11, which could lead to the eventual depletion of the remaining surplus funds. If the homes are to achieve financial solvency while continuing to ensure they effectively serve Wisconsin veterans, additional action by DVA will be required. In addition, we believe legislative oversight will help to ensure that DVA’s actions are realistic, timely, and appropriate.

We appreciate the courtesy and cooperation extended to us by DVA in completing this review.

Sincerely,  
*JANICE MUELLER*  
 State Auditor

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**State of Wisconsin  
 Government Accountability Board**

August 17, 2010  
 The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2009–2010 session of the legislature, visit the Government Accountability Board’s web site at: <http://gab.wi.gov/>.

Christianson, Peter C	Hennessy Industries, Inc.
Richards, Michael	Gundersen Lutheran Administrative Services, Inc
Sumi, Gail	American Cancer Society

Also available from the Wisconsin Government Accountability Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,  
*KEVIN KENNEDY*  
 Director and General Counsel

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

**Senate Clearinghouse Rule 09–102**

Relating to groundwater quality standards.  
 Submitted by Department of Natural Resources.  
 Report received from Agency, August 18, 2010.  
 Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10–033**

Relating to implementation of best available retrofit technology for the protection of visibility in mandatory class I federal areas.  
 Submitted by Department of Natural Resources.  
 Report received from Agency, August 18, 2010.  
 Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10–046**

Relating to asbestos project inspection and notification revision fees and affecting small business.  
 Submitted by Department of Natural Resources.  
 Report received from Agency, August 18, 2010.  
 Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10-047**

Relating to fees for reviewing applications for construction of air pollution sources and affecting small business.

Submitted by Department of Natural Resources.

Report received from Agency, August 18, 2010.

Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10-048**

Relating to permit requirements for Class 1 areas and affecting small business.

Submitted by Department of Natural Resources.

Report received from Agency, August 18, 2010.

Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10-049**

Relating to the vehicle inspection and maintenance program and affecting small business.

Submitted by Department of Natural Resources.

Report received from Agency, August 18, 2010.

Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10-050**

Relating to permit requirements for particulate matter emissions and affecting small business.

Submitted by Department of Natural Resources.

Report received from Agency, August 18, 2010.

Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10-059**

Relating to the registration and reporting process for water withdrawals and affecting small business.

Submitted by Department of Natural Resources.

Report received from Agency, August 18, 2010.

Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10-060**

Relating to water conservation and water use efficiency for water withdrawals and affecting small business.

Submitted by Department of Natural Resources.

Report received from Agency, August 18, 2010.

Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10-061**

Relating to water withdrawal fees in the Great Lakes basin and affecting small business.

Submitted by Department of Natural Resources.

Report received from Agency, August 18, 2010.

Referred to committee on **Environment**, August 19, 2010.

**Senate Clearinghouse Rule 10-063**

Relating to debarment, suspension, and ineligibility of department of administration contractors

Submitted by Department of Administration.

Report received from Agency, August 18, 2010.

Referred to committee on **Ethics Reform and Government Operations**, August 19, 2010.