



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

FRIDAY, May 20, 2011

The Chief Clerk makes the following entries dated
Thursday, May 19, 2011:

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Bill 7

The Chief Clerk makes the following entries dated
Friday, May 20, 2011:

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 71**
offered by Representative Kestell.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 10-109

Relating to the application and permit process for
withdrawals of Great Lakes basin water and affecting small
business.

Submitted by Department of Natural Resources.
Report received from Agency, May 6, 2011.
To committee on **Natural Resources**.
Referred on May 18, 2011.

Assembly Clearinghouse Rule 11-011

Relating to late renewal and continuing education.
Submitted by Department of Regulation and Licensing.
Report received from Agency, May 6, 2011.
To committee on **Consumer Protection and Personal**

Privacy.

Referred on May 18, 2011.

Assembly Clearinghouse Rule 10-143

Relating to certification of resellers.

Submitted by Public Service Commission.
Report received from Agency, May 13, 2011.
To committee on **Energy and Utilities**.
Referred on May 18, 2011.

Assembly Clearinghouse Rule 10-148

Relating to foster care.
Submitted by Department of Children and Families.
Report received from Agency, May 16, 2011.
To committee on **Children and Families**.
Referred on May 18, 2011.

Assembly Clearinghouse Rule 11-008

Relating to commercial fishing in outlying waters.
Submitted by Department of Natural Resources.
Report received from Agency, May 9, 2011.
To committee on **Natural Resources**.
Referred on May 18, 2011.

Assembly Clearinghouse Rule 11-019

Relating to continuing education for chiropractors,
chiropractic technicians, and chiropractic radiological
technicians.

Submitted by Department of Regulation and Licensing.
Report received from Agency, May 5, 2011.
To committee on **Health**.
Referred on May 18, 2011.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 145

Relating to: authorizing the Public Service Commission to
approve temporary electric rates to promote economic
development.

By Representatives Klenke, Nygren, Bernier, Petryk and
Loudenbeck; cosponsored by Senators Hopper, Galloway and
Leibham.

To committee on **Energy and Utilities**.

Assembly Bill 146

Relating to: use of renewable resource credits to comply
with renewable portfolio standards.

By Representatives Severson, Honadel, Petryk, Klenke,
T. Larson, Bernier, Brooks, Jacque, Kapenga, Knudson,
Kooyenga, Krug, LeMahieu, Litjens, Rivard and Spanbauer;
cosponsored by Senators Cowles, Moulton and Wanggaard.

To committee on **Energy and Utilities**.

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 7
Assembly Bill 23
Assembly Joint Resolution 3
Assembly Joint Resolution 14
Assembly Joint Resolution 20
Assembly Joint Resolution 23
Assembly Joint Resolution 29
Assembly Joint Resolution 35
Assembly Joint Resolution 38
Assembly Joint Resolution 40

PATRICK E. FULLER
Assembly Chief Clerk

REFERENCE BUREAU CORRECTIONS

Assembly Bill 126

1. Page 28, line 1: delete “identification card” and substitute “license document”.
 2. Page 28, line 5: on lines 5, 8, and 9, delete “identification cards” and substitute “license documents”.
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CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 23

Presented to the Governor on Friday, May 20.

PATRICK E. FULLER
Assembly Chief Clerk

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health Services
Madison

May 16, 2011

To the Honorable, the Legislature:

Pursuant to Wis. Stats., s. 50.04 (5)(fr), I am submitting the Department of Health Services’ annual report to the Legislature related to Class A violations committed by nursing homes, and forfeitures assessed on nursing homes for those violations. As defined by Wis. Stats., s. 50.04 (3b), a Class A violation is “. . . a violation of this subchapter or of the rules promulgated thereunder which creates a condition or

occurrence relating to the operation and maintenance of a nursing home presenting a substantial probability that death or serious mental or physical harm to a resident will result...”

The Department issued 19 Class A violations in calendar year 2010. The enclosed report provides details on all Class A violations, including the original forfeiture amount assessed and the status of payment.

Sincerely,
DENNIS G. SMITH
Secretary

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

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

May 19, 2011

To the Honorable, the Assembly:

We have completed the third in a series of analyses of the overtime costs of state agencies, which for the first time also includes the University of Wisconsin System. Our analysis focuses on premium overtime, which is typically earned by employees who staff facilities with 24-hour operations or address emergency needs. Premium overtime is typically paid at 1.5 times the employee’s hourly rate for hours in excess of 40 per week.

From 2006 to 2010, state agencies paid a total of \$297.5 million in premium overtime. After declining in 2009, premium overtime payments increased 2.5 percent in 2010. The Department of Corrections (DOC) and the Department of Health Services (DHS) continue to account for the largest share of overtime costs. Both agencies’ overtime payments increased from 2009 to 2010, although they declined over the five-year period we reviewed.

DOC and DHS have increasingly used surplus positions to control overtime costs and address staffing needs. Surplus positions are intended to be temporary, and statutes authorize their use when “necessary to maintain adequate staffing levels for high turnover classifications, in anticipation of attrition, to fill positions for which recruitment is difficult.” However, we are concerned that the increased use of surplus positions for purposes or periods that may not have been intended by the Legislature has had the effect of circumventing statutory controls on position authority, and that existing reporting mechanisms may not provide sufficient information for the exercise of legislative oversight.

We appreciate the courtesy and cooperation extended to us by staff of the Office of State Employment Relations, the Department of Administration, DOC, DHS, University of Wisconsin System Administration, and other agencies reviewed.

Sincerely,
JANICE MUELLER
State Auditor