



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

THURSDAY, May 3, 2012

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

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 11–053

Relating to procurement.

No action taken by committee on **Colleges and Universities** on April 27, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 3, 2012.

Assembly Clearinghouse Rule 12–002

Relating to licensure, examinations, temporary licenses, locum tenens license, referrals, and continuing education.

No action taken by committee on **Health** on April 30, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 2, 2012.

Assembly Clearinghouse Rule 12–004

Relating to endorsement licensure.

No action taken by committee on **Health** on April 27, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 2, 2012.

Assembly Clearinghouse Rule 12–006

Relating to pre–2009 net business loss carryforwards.

No action taken by committee on **Ways and Means** on April 27, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 3, 2012.

Assembly Clearinghouse Rule 12–007

Relating to thermal insulator credentials.

No action taken by committee on **Labor and Workforce Development** on April 30, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 2, 2012.

Assembly Clearinghouse Rule 12–008

Relating to passenger ropeways and affecting small business.

No action taken by committee on **Tourism, Recreation and State Properties** on April 30, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 2, 2012.

Assembly Clearinghouse Rule 12–010

Relating to requirements and procedures for granting special use authorizations.

No action taken by committee on **Health** on April 30, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 2, 2012.

Assembly Clearinghouse Rule 12–011

Relating to tax law changes made by **2011 Wisconsin Act 32** and other legislation.

No action taken by committee on **Ways and Means** on April 27, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 3, 2012.

Assembly Clearinghouse Rule 12–012

Relating to the electronic medical records credit.

No action taken by committee on **Ways and Means** on April 27, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 3, 2012.

Assembly Clearinghouse Rule 12–013

Relating to activities of brewers, bottlers, out-of-state shippers, and wholesalers.

No action taken by committee on **Homeland Security and State Affairs** on April 27, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 2, 2012.

Assembly Clearinghouse Rule 12–014

Relating to sales and use tax law changes made by **2011 Wisconsin Act 32** and other legislation.

No action taken by committee on **Ways and Means** on April 27, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 3, 2012.

Assembly Clearinghouse Rule 12-015

Relating to sales and use tax exemptions for biotechnology.

No action taken by committee on **Ways and Means** on April 27, 2012.

To joint committee for **review of Administrative Rules, pursuant to s. 227.19 (5)(a)**, Wisconsin Statutes.

Referred on May 3, 2012.

State of Wisconsin
Wisconsin Employment Relations Commission
Madison

April 25, 2012

To the Honorable, the Legislature:

Pursuant to Sec. 227.24 (3), Stats., attached is an electronic copy of emergency administrative rules promulgated by the Wisconsin Employment Relations Commission on April 11, 2012 (and effective on April 19, 2012 upon publication in the Wisconsin State Journal) as to the calculation and distribution of base wages for the purposes of collective bargaining. The Commission respectfully requests that you forward these rules to all members of the Wisconsin Legislature. Thank you.

Sincerely,
PETER DAVIS
Chief Legal Counsel

Referred to joint committee on **Employment Relations**.

COMMUNICATIONS

State of Wisconsin
Legislative Reference Bureau
Madison

DATE: May 1, 2012

TO: Patrick E. Fuller
Assembly Chief Clerk

Jeff Renk
Assistant Senate Chief Clerk

FROM: Bruce J. Hoesly
Code Editor

SUBJECT: Rules published in the April 30, 2012 Wisconsin Administrative Register, No. 676.

The following rules have been published:

- Clearinghouse Rule 11-037 effective 5-1-2012
- Clearinghouse Rule 10-136 effective 5-1-2012

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Wisconsin Employment Relations Commission
Madison

April 25, 2012

To the Honorable, the Legislature:

Pursuant to Sec. 227.24 (1)(e)1, Stats., attached is an electronic copy of the Wisconsin Employment Relations Commission's fiscal estimate as to ERC 90 and ERC 100 relating to base wage calculation and distribution in collective bargaining. The Commission respectfully requests that you forward this estimate to all members of the Wisconsin Legislature and that Mr. Hoesly print the estimate as appropriate.

Sincerely,
PETER DAVIS
Chief Legal Counsel

Referred to joint committee on **Employment Relations**.

State of Wisconsin
Department of Administration
Madison

April 30, 2012

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 March 2012.

On March 1, 2012, the Conservation Fund cash balance closed at a negative \$3.5 million. The cash balance was negative until March 14, 2012, when it closed at a positive \$1.6 million. The Conservation Fund cash balance reached its intra-month low of a negative \$5.8 million on March 8, 2012.

On March 1, 2012, the Medical Assistance Trust Fund cash balance closed at a negative \$2.1 million (its intra-month low). The cash balance was negative until March 20, 2012, when it closed at a positive \$313 thousand.

On March 26, 2012, the Lottery Fund cash balance closed at a negative \$4.2 million. The cash balance was negative through March 31, 2012, when it closed at a negative \$122 thousand. The Lottery Fund cash balance reached its intra-month low of a negative \$6.0 million on March 29, 2012.

The Conservation Fund, Medical Assistance Trust Fund and Lottery Fund shortfalls were due to the difference in the timing of revenues and expenditures, 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,
MIKE HUEBSCH
Secretary

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

State of Wisconsin
Department of Administration
Madison

April 30, 2012

To the Honorable, the Legislature:

In accordance with s. 16.531 (3), Wisconsin Statutes, I am submitting this report on the completed calendar quarter ended March 31, 2012, with an assessment of the condition of the General Fund for the period from April 1, 2012 to September 30, 2012.

The General Fund will experience low balances from July 23, 2012, to September 19, 2012. During this period, it may become necessary to exercise the authority granted under s. 20.002 (11)(a), Wisconsin Statutes, pertaining to the reallocation of certain eligible surplus moneys.

Sincerely,
MIKE HUEBSCH
Secretary

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

State of Wisconsin
Department of Health Services
Madison

April 30, 2012

To the Honorable, the Legislature:

I am pleased to submit to the Legislature the enclosed report as required by Chapter 153, Wisconsin Statutes. The report describes, "the content and number of reports and currency of information and reports generated in the previous calendar year" by the Wisconsin Hospital Association Information Center (WHAIC). WHAIC produced all required reports in a timely manner using the most currently available annual hospital discharge data. WHAIC continues to shorten the time between availability of the annual data set for analysis and web publication of these mandated reports.

Sincerely,
DENNIS G. SMITH
Secretary

Referred to committee on **Health**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

April 27, 2012

To the Honorable, the Assembly:

As requested by the Joint Legislative Audit Committee, we have completed an audit of FoodShare Wisconsin, which is the State's program implementing the federal Food Stamp Act of 1964 to assist low-income individuals and families in purchasing food. The program is administered by the Department of Health Services (DHS). In February 2012, we released a related report on FoodShare benefits spent outside of Wisconsin (report 12-3).

FoodShare expenditures, including administrative costs, totaled \$1.2 billion in fiscal year 2010-11. The number of FoodShare recipients increased from 462,204 in 2003 to 1.1 million in 2011. In addition to the economic recession, several factors account for the increase, including policy changes that have increased the number of individuals eligible for benefits, facilitated the application process, and decreased work- and education-related requirements.

In recent years, the accuracy with which FoodShare applicants' eligibility is determined and benefit amounts are calculated has improved. However, the percentage of FoodShare applications processed within federal time limits decreased from 90.3 percent in federal fiscal year (FFY) 2005-06 to 74.9 percent in FFY 2009-10.

In addition, we quantified problems with program integrity, and we identified concerns associated with the provision of benefits to ineligible recipients. For example, we identified 1,639 individuals who received FoodShare benefits in January 2012 even though they were ineligible: 447 recipients because they were incarcerated in state prisons and 1,192 recipients because they are fleeing to avoid prosecution or confinement for a felony offense or because they are in violation of a condition of probation or parole. We provided information on these cases to DHS and law enforcement for appropriate action. We identify several important questions for DHS to consider in effectively addressing fraud prevention and investigation efforts statewide, including how best to facilitate coordination of these functions among counties.

We appreciate the courtesy and cooperation extended to us by DHS, county agencies, and the advocacy organizations we contacted in completing our review. DHS's response follows the appendix.

Respectfully submitted,
JOE CHRISMAN
State Auditor