



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

FRIDAY, June 22, 2012

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

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 12-009

Relating to the prescription drug monitoring program and affecting small business.

No action taken by committee on **Health** on June 14, 2012.

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

Referred on June 20, 2012.

SPEAKER'S COMMUNICATIONS

DATE: June 15, 2012

TO: Patrick E. Fuller, Assembly Chief Clerk

FROM: Speaker Jeff Fitzgerald

RE: Appointment of Representative Jon Richards to Joint Committee on Finance

Assembly Speaker Jeff Fitzgerald confirms Minority Leader Peter Barca's permanent appointment of Representative Jon Richards to the Joint Committee on Finance, pursuant to Assembly Rule 9(c).

COMMUNICATIONS

June 14, 2012

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Patrick:

Enclosed is a copy of the General Report of the Joint Legislative Council to the 2011-2012 Legislature, prepared and submitted pursuant to s. 13.81 (3), Stats.

I would appreciate your noting in the Assembly Journal, pursuant to s. 13.172, Stats., that this report has been delivered to your office.

Sincerely,
TERRY C. ANDERSON
Joint Legislative Council
Director

June 21, 2012

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

I am writing to let you know that after serving almost 22 years, I have decided to retire from the State Assembly. My current term will expire on January 7, 2013. If there is any additional information you require at this time, please let me know.

Sincerely,
ROBERT L. TURNER
State Representative
61st Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Southeast Wisconsin Professional
Baseball Park District
Milwaukee

June 11, 2012

To the Honorable, the Legislature:

For the past several years, the Marquette University National Sports Law Institute has provided research studies to the Board of Directors of the Southeast Wisconsin Professional Baseball Park District (District). Law students from Marquette University have completed research reports and comparative analyses on the complex relationships between communities and professional sports franchises.

This year's project, under the guidance of Professor Martin J. Greenberg, who also serves as a Board member for the District, resulted in a report entitled, "Ten Years Later: Miller Park and Real Estate Development in the Village of West

Milwaukee and the Menomonee Valley” (Report). The Report will be presented to the Southeast Wisconsin Professional Baseball Park District at the June 12, 2012 meeting of the Board of Directors. The purpose of the Report is to determine whether Miller Park has had any impact on the adjacent mixed-use development on Miller Park Way in the Village of West Milwaukee and/or the industrial development along Canal Street in the City of Milwaukee’s Menomonee Valley.

The Report concludes that “before Miller Park, the land on Miller Park Way and Canal Street was contaminated, environmentally tainted, an eyesore, or legally blighted. The construction of Miller Park helped create a new focus, a new identification and a focal point for the area. The efforts and investments of adjacent governmental units (Village of West Milwaukee and City of Milwaukee) directly affected and benefitted the surrounding areas through new infrastructure, transportation, access and aesthetics. With the energized efforts of the Village and the City, following the construction of Miller Park, there has been a rebirth within the adjacent business and industrial corridors and a dramatic increase in assessed valuation in both municipalities.”

According to the Report, “Miller Park has experienced the phenomenon of concentric circles (i.e. real estate development near or surrounding a stadium) like many other Major League Baseball (MLB) stadiums throughout the country. Intergovernmental cooperation has proven to help drive real estate and economic development. The dedicated efforts provided by the Village of West Milwaukee and the City of Milwaukee have resulted in successful developments within both communities.” The Report concludes that “MLB stadiums can be valuable anchor tenants for development districts.”

I believe you will find the enclosed report interesting. Please feel free to contact me if you should have any questions or comments.

Sincerely,
MICHAEL R. DUCKETT, P.E., R.L.S.
Executive Director

State of Wisconsin
Public Service Commission of Wisconsin
Madison

June 15, 2012

To the Honorable, the Legislature:

Enclosed please find a report from the Public Service Commission (Commission) on the rate and revenue impacts of the Wisconsin Renewable Portfolio Standard (RPS). Wisconsin Stat. § 196.378 (4r) requires the Commission to biannually submit a report by July 1 which evaluates the impact of the RPS, Wis. Stat. § 196.378, on the rates and revenue requirements of electric providers and compare that impact with the impact that would have occurred if renewable energy practices of electric providers were subject to market forces in the absence of the requirements of Wis. Stat. § 196.378.

The report notes that as of today, the Commission has approved capital costs amounting to approximately \$1.7 billion since 2007 for new utility-owned renewable facilities. The report includes information regarding the impact of the RPS for calendar years 2008 through 2010. Complete information regarding calendar year 2011 will not become available until late in 2012, too late to include in this report.

Using two different perspectives, the report summarizes the overall effect of Wisconsin’s RPS on Wisconsin ratepayers from 2008 to 2010, concluding ratepayers paid nearly \$210 million from the perspective of new renewable generation or, from the perspective of new renewable electricity sales, approximately \$191 million. These dollar amounts translate into an approximately 1.09 percent and 1.00 percent rate and revenue impact, respectively.

The Commission used a Microsoft Excel spreadsheet methodology to calculate the costs of renewable generation used to satisfy the RPS, and to determine rate and revenue impact estimates. For the next reporting period (2010 through 2012), the Commission may consider changes to this evaluation process to provide additional input to the determination required under Wis. Stat. § 196.378(4r). These could include:

- Seeking utility and stakeholder input on the analysis required by the statute. As noted in the report, a variety of factors may influence utility decision-making and value determination in this area. Additionally, the utilities in particular are uniquely in possession of information that may provide additional insight into the costs and benefits of their decision to provide renewable energy to their customers. Providing an opportunity for outside input (through data requests, the annual RPS compliance proceeding (see Wis. Stat. § 196.378(2)(c)) or opportunity to comment on this report) may further inform the statutory determination on rates and revenue requirements.

- Utilizing modeling to analyze the question of rate and revenue requirements with and without the RPS. While it was determined for purposes of this report that the spreadsheet analysis done by staff meets the statutory criteria, it is possible that the Commission could get to a more granular and predictive result by using modeling tools already at the Commission’s disposal (EGEAS and PROMOD). This would take a larger commitment of staff time and would benefit from outside stakeholder review.

I hope you find the information in this report useful. Please don’t hesitate to contact my staff if you have questions about the report.

Sincerely,
PHIL MONTGOMERY
Chairperson

Referred to committee on **Energy and Utilities**.

State of Wisconsin
Department of Health Service
Madison

June 18, 2012

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 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..."

On December 2, 2011, s. 50.04 (4)(am) was enacted to eliminate the issuance of a state violation, when a federal deficiency was issued for the same noncompliance factors. Section 50.04 (4)(am) states "Dual federal and state violations. 1. Notwithstanding s. 50.01 (3), in this paragraph, "nursing home" does not include a facility serving people with developmental disabilities. 2. If an act or omission constitutes a violation of this subchapter or the rules promulgated under this subchapter, s. 49.498, or requirements under 42 CFR 483 related to the operation of a nursing home, the department may not issue under s. 50.04 (4) (a) a notice of violation of this subchapter, the rules promulgated under this subchapter, or s. 49.498 if the department has, in a statement of deficiency, cited the nursing home for the violation under requirements under 42 CFR 483 related to the operation of a nursing home."

The Department issued 12 Class A violations in calendar year 2011. 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 **Ageing and Long-Term Care.**

DATE: June 20, 2012
TO: Patrick E. Fuller, Assembly Chief Clerk
Robert J. Marchant, Senate Chief Clerk
FROM: Kevin P. Reilly, President
University of Wisconsin System
SUBJECT: Report Pursuant to § 36.11 (22)(2)(b), Wisconsin Statutes

Section 36.11 (22)(2)(b), Wisconsin Statutes, requires the Board of Regents to annually submit a report to the chief clerk of each house of the Legislature on the methods used by each UW System institution to disseminate information to students on sexual assault and sexual harassment. The attached report is submitted on behalf of the Board of Regents to fulfill our statutory requirements.

The law requires UW System institutions to incorporate into their orientation programs for newly entering students oral and written information on sexual assault and sexual

harassment, including information on: (1) sexual assault by acquaintances of the victims; (2) the legal definitions and penalties for sexual assault; (3) generally available national, state, and campus statistics on sexual assault; (4) the rights of victims; and (5) protective behaviors including methods of recognizing and avoiding sexual assault and sexual harassment. In addition, each institution must annually supply to all students enrolled in the institution printed material that includes information on all of these topics.

This law was enacted in April 1990, and this report has been compiled for the Legislature each year since its enactment. This report summarizes the primary methods used by each institution to comply with s. 36.11 (22), Wisconsin Statutes. The summaries are not exhaustive of all efforts underway at the institutions. Instead, they summarize the programs institutions have identified as their "best practices" to respond to victims of sexual assault and provide information about sexual assault prevention to all students.

Overall, UW System institutions are (1) continually updating and improving the scope and quality of information provided to students; (2) integrating presentations, small-group discussion of the issues, and interactive dramatizations relating to sexual violence into new student orientation programs; (3) providing educational and resource information required by s. 36.11 (22), Wisconsin Statutes, on the web or in print form; (4) offering educational programs addressing the topic in a wide range of venues, including residence halls, student unions, classrooms, student organization gatherings, and private housing facilities; and (5) establishing effective and important connections among campus and health personnel, local police, community service agencies, and regional hospitals to address sexual violence in a coordinated manner.

If you need additional information regarding this report, please contact Adam Brigham at abrigham@uwsa.edu or 608-260-1894.

Referred to committee on **Colleges and Universities.**

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

June 8, 2012

To the Honorable, the Assembly:

As required by s. 13.94 (1)(dm), Wis. Stats., we have completed our annual financial audit of State Fair Park. We have issued an unqualified opinion on State Fair Park's financial statements for fiscal year (FY) 2010-11. In addition, we have continued to monitor its financial condition.

State Fair Park's operating revenue exceeded expenditures by \$2.4 million in FY 2010-11, on a cash basis, primarily because of a successful 2010 Wisconsin State Fair. State Fair Park's cash deficit was reduced to \$235,000 as of June 30, 2011. State Fair Park projects positive operating results for FY 2011-12 that would allow it to eliminate the deficit.

Although State Fair Park's financial condition continues to improve, close monitoring of the operations of the Milwaukee Mile racetrack, the Wisconsin Exposition Center, and the Wisconsin State Fair's ride and amusement area will be important. We note that State Fair Park continues to be involved in a legal dispute with a former racetrack promoter, the outcome of which may affect State Fair Park's financial condition in the future.

We again report a weakness in State Fair Park's internal controls related to financial reporting, which we discuss in the Report on Internal Control and Compliance included in this report. Although State Fair Park has made some improvements to the financial reporting process, we identified material errors in the FY 2010-11 financial statements. State Fair Park corrected the financial statements and agreed to take steps to continue to improve its financial reporting.

We appreciate the courtesy and cooperation extended to us by staff of State Fair Park. A response from the Chief Executive Officer follows the appendix.

Respectfully submitted,
JOE CHRISMAN
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

June 12, 2012

To the Honorable, the Assembly:

We have completed a review of the State's economic development programs, as required by s. 13.94 (1)(mm), Wis. Stats. The Department of Commerce and seven other state agencies administered 196 economic development programs at some point during the 2007-09 and 2009-11 biennia. These programs provided grants, loans, bonding authorization, tax credits, and direct services to businesses, local governments, and others. In the 2009-11 biennium, state spending on economic development was an estimated \$226.5 million.

[2007 Wisconsin Act 125](#) required the eight state agencies to evaluate the effectiveness of each economic development program and to annually report publicly on program results. We evaluated agency compliance with these requirements and identified a number of concerns with the completeness of information tracked and reported. For example, Commerce provided us with information on results for less than 75.0 percent of the programs it administered during the 2009-11 biennium as the State's lead economic development agency.

In July 2011, Commerce was abolished and the Wisconsin Economic Development Corporation (WEDC) became the State's lead economic development organization. Although

insufficient time has passed since WEDC's creation for us to assess its administration of economic development programs, we include recommendations it could use to improve program effectiveness and accountability. As required by statutes, we will conduct an audit in 2013 to assess WEDC's financial management and evaluate its programs.

We appreciate the courtesy and cooperation extended to us by WEDC and the eight agencies we reviewed. WEDC's response follows the appendices.

Respectfully submitted,
JOE CHRISMAN
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

June 15, 2012

To the Honorable, the Assembly:

As required by s. 13.94 (1)(em), Wis. Stats., we have completed our annual financial audit of the Wisconsin Lottery, which is administered by the Department of Revenue. We have issued an unqualified opinion on the Wisconsin Lottery's fiscal year (FY) 2010-11 and FY 2009-10 financial statements. We also found that the Wisconsin Lottery was in compliance with statutory spending limitations related to prizes, product information, administrative expenses, and retailer compensation.

During FY 2010-11, the Wisconsin Lottery generated total ticket sales of \$502.7 million, which was 4.5 percent more than FY 2009-10. Instant ticket sales increased \$29.4 million as a result of an increase in sales of \$20 instant scratch-off tickets and an increase in the number and timing of new scratch-off games offered during FY 2010-11. Sales of lotto tickets, which are sold through terminals at lottery retail locations, declined \$7.6 million during FY 2010-11 primarily because there were fewer large Powerball jackpots. As ticket sales increased during FY 2010-11, so did the Wisconsin Lottery's operating expenses.

In FY 2010-11, lottery proceeds used for property tax relief totaled \$144.9 million, which included \$129.1 million for the Lottery and Gaming Tax Credit. On November 1, 2011, the Department of Administration and the Legislature's Joint Committee on Finance authorized the use of \$137.6 million in Wisconsin Lottery proceeds for the Lottery and Gaming Tax Credit for property tax relief in FY 2011-12.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue.

Respectfully submitted,
JOE CHRISMAN
State Auditor