

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Ninth Regular Session

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THURSDAY, January 8, 2009

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

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

Read first time and referred:

**Senate Bill 1**

Relating to: a state minimum wage, permitting the enactment of local living wage ordinances, and granting rule-making authority.

By Senators Decker, Kreitlow, Sullivan, Wirch, Taylor, Lehman, Carpenter, Coggs, Plale, Erpenbach, Miller, Hansen and Vinehout; cosponsored by Representatives Mason, Sinicki, Milroy, Turner, Hilgenberg, Colon, Grigsby, Pope–Roberts, Pocan, Berceau, Kessler, Zepnick, Black, A. Williams, Garthwaite, Soletski, Sherman, Shilling, Benedict, Toles, Krusick and Young.

To committee on **Labor, Elections and Urban Affairs**.

**Senate Bill 2**

Relating to: the filing of a wage claim or the bringing of a wage claim action by a collective bargaining representative on behalf of an employee and the priority of a wage claim lien over a prior lien of a commercial lending institution and over the rights of a purchaser of any property of the employer.

By Senators Lehman, Robson, Hansen, Wirch, Carpenter, Decker, Kreitlow, Erpenbach, Coggs, Miller, Plale, Holperin and Taylor; cosponsored by Representatives Garthwaite, Sinicki, Mason, Black, Turner, Jorgensen, Zepnick and Cullen.

To committee on **Labor, Elections and Urban Affairs**.

**Senate Bill 3**

Relating to: health insurance coverage of treatment for autism spectrum disorders.

By Senators Robson, Sullivan, Hansen, Erpenbach, Wirch, Kreitlow, Jauch, Carpenter, Lehman, Lassa, Miller, Decker and Risser; cosponsored by Representatives Hixson, Pasch, Benedict, Berceau, A. Ott, Krusick, Shilling, Turner, Young, Radcliffe, Van Akkeren, Kaufert, Sherman, Pocan, Hraychuck, Schneider, Black, Hubler, Jorgensen, Bernard Schaber, Hilgenberg, Sinicki, Hebl and A. Williams.

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

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**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Legislative Reference Bureau

January 8, 2009

To the Honorable, the Legislature:

The following rules have been published in the December 31, 2008 Wisconsin Administrative [Register No. 636](#):

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
04–023 .....	1–1–2009
07–004 .....	1–1–2009
07–073 .....	(part) 1–1–2009
	(part) 3–1–2008
07–093 .....	1–1–2009
07–102 .....	1–1–2009
07–105 .....	1–1–2009
08–027 .....	1–1–2009
08–030 .....	1–1–2009
08–045 .....	1–1–2009
08–052 .....	1–1–2009
08–053 .....	1–1–2009
08–054 .....	1–1–2009
08–061 .....	1–1–2009
08–064 .....	1–1–2009
08–066 .....	1–1–2009
08–077 .....	1–1–2009

Sincerely,

*BRUCE J. HOESLY*

Senior Legislative Attorney/Code Editor

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**State of Wisconsin  
Department of Corrections**

December 22, 2008

The Honorable, The Legislature:

The 2005–07 biennial budget, [2005 Wisconsin Act 25](#), required the Department to conduct a study regarding the possibility of reducing its costs for the care of inmates, who are not a threat to the community and require extended nursing care. The Department has completed such a study and per the instructions in the non–statutory section 9109 (3q) it is being submitted for distribution under section [13.172\(3\)](#) of the statutes.

Sincerely,

*RICK RAEMISCH*

Secretary

Referred to committee on **Judiciary, Corrections, and Housing**.

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**State of Wisconsin  
Department of Health Services**

December 22, 2008

The Honorable, The Legislature:

In accordance with Section 51.06 (8), Wisconsin Statutes, enclosed is a copy of the report on people relocated and diverted from nursing homes, intermediate care facilities for the mentally retarded (ICFs–MR), and State Centers for the Developmentally Disabled in state fiscal year (SFY) 2008. This report provides information related to four programs, the ICF–MR Restructuring Initiative, Relocations from the State Centers for the Developmentally Disabled, the Community Relocation Initiative, and the Nursing Home Diversion Initiative.

The Department’s relocation and diversion programs have been highly successful, providing the opportunity in SFY08 for 895 elderly individuals and people with physical and developmental disabilities who otherwise would have resided in ICFs–MR and Nursing Facilities to live in community based settings. Since FY 2006, approximately 2,545 elders and people with physical and developmental disabilities have successfully relocated from institutional settings and an additional approximately 492 individuals were diverted from admission to a nursing home through the Department’s programs. The quality of life for these 3,037 individuals has been enhanced through the opportunity to live in the community and be near family and friends and more fully involved in community activities.

Highlights of the relocation and diversion initiatives include:

- 600 people with developmental disabilities, many of whom resided in institutions for decades, moved to the community and participated in community activities that were not available to them when they resided in institutions.
- 1,331 frail elders who resided in nursing facilities chose to live in the community near their families and friends. Prior to this initiative, these people would have been on a waiting list for home and community–based care, and few would have had the opportunity to return to the community.
- 614 people with physical disabilities chose to live in the community where they were able to access community activities, rather than live in nursing facilities.
- People with developmental disabilities have been served in the community at a cost that is within the institutional budget for this population.
- Frail elders and people with physical disabilities are being served in the community at a cost below that of institutional care, resulting in a level of savings under the Medical Assistance Program in SFY 2008 of \$4 million for the people relocated during the year.
- 338 elders and 154 people with physical disabilities, who were determined to be at imminent risk of having to move to a nursing facility, were able to remain in community–based settings because diversion funding was made available.

I trust you will find the enclosed report useful. Please contact Sinikka Santala, Administrator of the Division of Long Term Care at 608–266–0554 if you have any questions.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Secretary

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**State of Wisconsin  
Department of Health Services**

December 22, 2008  
The Honorable, The Legislature:

The Department of Health Services is please to provide you this annual report of the Wisconsin Food Security Consortium’s

plans to address food insecurity, as required under s.46.76(4) and (5).

The Wisconsin Food Security Consortium continues making progress in strategies to end hunger and food insecurity in Wisconsin. Highlights include:

- The Consortium planned and hosted a statewide Hunger Summit on October 4, 2007 in Stevens Point. The purpose of the Summit was to bring partners from around Wisconsin to learn about food insecurity and hunger in the State, network and collaborate, and be inspired with ideas and action. Input was collected to draft a statewide action plan would serve as a blueprint for further action.
- During the first half of 2008, members of the Wisconsin Food Security Consortium processed the input from the Hunger Summit to write the statewide action plan, Ending Hunger in Wisconsin. This plan offers an extensive list of ideas to help eliminate food insecurity and hunger in Wisconsin – to ensure that all households are able to put food on the table. The Executive Summary of the Plan is enclosed. For a copy of the full version of Ending Hunger in Wisconsin, contact the Division of Public Health at [patti.herrick@wisconsin.gov](mailto:patti.herrick@wisconsin.gov).

- The Action Plan was the basis for further discussion at the four regional hunger forums held in 2008 in Racine, Rice Lake, Rhinelander, and Richland Center. The goal of the regional forums was to further engage local partners – from state policymakers to local volunteers – in strategies to reduce hunger. The Forums were very successful, drawing anywhere from 60–100 attendees at the sessions.

- The Wisconsin Food Security Consortium will continue to meet and plan next steps in promotion and implementation of the Action Plan.

The Department, with the assistance of the Food Security Consortium, continues its commitment to fight hunger in Wisconsin.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Secretary

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**Medical College of Wisconsin**

December 29, 2008  
The Honorable, The Legislature:

Enclosed, please find the Medical College of Wisconsin’s annual report for the Breast and Prostate Cancer Research Program funded through the income tax check–off programs created by 2003 Wisconsin ACT 176 and 2005 Wisconsin ACT 460. The document represents the annual report highlighting the fiscal reporting period of July 1, 2007 – June 30, 2008.

If you have any questions or comments regarding the report, please contact me at 414–456–8217.

Sincerely,  
*KATHRYN A. KUHN*  
Associate Vice President of Government Affairs

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**State of Wisconsin  
Department of Transportation**

December 29, 2008

The Honorable, The Legislature:

The department respectfully submits this report on the results of the study of Wisconsin's truck size and weight limit laws required by [2007 Act 20](#).

Consistent with the specific requirements of Act 20, the department contracted for the study and the study did identify changes in these laws that would have a net benefit to Wisconsin's economy. The study included review of items that were found to have net benefit in a similar Minnesota project report. The study was conducted with the assistance of an advisory committee, appointed by the department to meet the requirements of the Act.

Any questions about the study or this report may be directed to Rory Rhinesmith, Statewide Bureaus Operation Director, Division of Transportation Systems Development at 608-266-2392, or by email [Rory.Rhinesmith@dot.wi.gov](mailto:Rory.Rhinesmith@dot.wi.gov).

Sincerely,  
*FRANK J. BUSALACCHI*  
Secretary

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**State of Wisconsin  
Department of Administration**

December 30, 2008

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 November 2008.

On November 1, 2008, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$137.0 million. This negative balance continued through November 30, 2008, when the fund's cash balance closed at a negative \$124.7 million. The Injured Patients and Families Compensation Fund cash balance reached its intra-month low of a negative \$137.4 million on November 14, 2008. 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 November 1, 2008, the Worker's Compensation Fund cash balance closed at a negative \$2.5 million. This negative balance continued through November 30, 2008, when the fund's cash balance closed at a negative \$2.6 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On November 1, 2008, the Mediation Fund cash balance closed at a negative \$3.0 thousand. This negative balance continued through November 14, 2008, when the fund's cash balance closed as a positive \$209 thousand. The Mediation Fund cash balance reached its intra-month low of a negative \$13 thousand on November 13, 2008. The negative balance was due to the difference in the timing of revenues and expenditures.

On November 20, 2008, the Conservation Fund cash balance closed at a negative \$2.7 million (its intra-month low). This negative balance continued through November 21, 2008, when the fund's cash balance closed at a positive \$579 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On November 20, 2008, the Utility Public Benefits Fund cash balance closed at a negative \$1.6 million. This negative balance continued through November 30, 2008, when the fund's cash balance closed at a negative \$4.0 million (its intra-month low). The negative balance was due to a delayed transfer to the fund.

The Injured Patients and Families Compensation Fund, Worker's Compensation Fund, Mediation Fund, Conservation Fund and Utility Public Benefits 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 joint committee on **Finance**.

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**State of Wisconsin  
Department of Health Services**

December 31, 2008

The Honorable, The Legislature:

Section [46.03\(26\)](#) of the statutes requires the Department of Health Services to report annually on information systems projects under development including the implementation schedule, estimate of costs, and methods of determining changes (if applicable).

The Department has two groups of systems now under development; (1) Public Health Information Network, and (2) the Vital Records Reengineering Project. The required information is included in the attached reports.

Sincerely,  
*KAREN E. TIMBERLAKE*  
Secretary

Referred to joint committee on **Finance**.

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

The following Clearinghouse Rules were continued from the 2007-08 session and carried over to the 2009-10 session and referred to the following committees, pursuant to s. [227.19\(4\)\(b\)6](#) of the Wisconsin Statutes.

**Senate Clearinghouse Rule 06–108**

Relating to regulation of fishing tournaments in inland, outlying, and boundary waters of Wisconsin.

Submitted by Department of Natural Resources.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, January 8, 2009.

**Senate Clearinghouse Rule 07–082**

Relating to ambient air quality standards and affecting small business.

Submitted by Department of Natural Resources.

Referred to committee on **Environment**, January 8, 2009.

**Senate Clearinghouse Rule 08–023**

Relating to administration of the forest crop law and managed forest law.

Submitted by Department of Natural Resources.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, January 8, 2009.

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**Senate Clearinghouse Rule 08–067**

Relating to customer access to subscription video services and discriminatory practices by video service providers.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, January 5, 2009.

Referred to committee on **Commerce, Utilities, Energy, and Rail**, January 8, 2009.

**Senate Clearinghouse Rule 08–079**

Relating to continued group health insurance coverage of an insured dependent after the death of the insured employee or annuitant.

Submitted by Department of Employee Trust Funds.

Report received from Agency, January 5, 2009.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, January 8, 2009.

**Senate Clearinghouse Rule 08–080**

Relating to neighborhood electric vehicles.

Submitted by Department of Transportation.

Report received from Agency, January 5, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, January 8, 2009.

**Senate Clearinghouse Rule 08–090**

Relating to pesticide product restrictions.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, January 5, 2009.

Referred to committee on **Agriculture and Higher Education**, January 8, 2009.

**Senate Clearinghouse Rule 08–095**

Relating to making it a dishonest or unethical practice for securities licensees to make use of misleading designations or certifications purporting to demonstrate special expertise in the financial or retirement needs of seniors.

Submitted by Department of Financial Institutions.

Report received from Agency, January 5, 2009.

Referred to committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**, January 8, 2009.

**Senate Clearinghouse Rule 08–101**

Relating to allowing the operation of certain 2–vehicle combinations on certain highways without a permit.

Submitted by Department of Transportation.

Report received from Agency, January 5, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, January 8, 2009.