

STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

MONDAY, January 4, 2010

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

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Referred to the joint committee on **Finance**, pursuant to Senate Rule **41 (1)(e)**:

Senate Bill 409

Ayes: 5 – Senators Decker, Risser, Hansen, Fitzgerald and Grothman.

Noes: 0 – None.

RUSS DECKER
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin **Office of the Senate President**

January 4, 2010

The Honorable, the Senate:

Pursuant to Senate Rule **46 (2)(c)**, I am writing to inform you that I have directed the following proposal(s) to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on Senate Organization.

Senate Bill 439, relating to adopting Internal Revenue Code provisions related to individual retirement accounts and adopting provisions of the Heroes Earnings Assistance and Relief Tax Act of 2008 for state income and franchise tax purposes, withdrawn from committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue and rereferred to committee on Veterans and Military Affairs, Biotechnology, and Financial Institutions.

Sincerely,
FRED A. RISSER
Senate President

State of Wisconsin **Department of Veterans Affairs**

December 18, 2009

The Honorable, The Senate:

The Wisconsin Board of Veterans Affairs and I have heard your concerns regarding the pending rate increases at the Wisconsin Veterans Home at Union Grove. To this effect we are

acting decisively to implement short–term and long–term plans that will insure your continued stay at our Home.

Specifically, the short–term plan entails the department enrolling all eligible members in the Aid–to–Indigent Veterans (AIV) program before the rate increases take effect on January 1, 2010. Once members are admitted to the AIV program, it will cover member AIV program under the current policy (i.e. Individuals with assets, income or individuals who do not meet eligibility requirements for the program such as spouses) I will “forebear (suspend) collections” until the department and the Board are successful in developing alternate solutions to assist these individuals.

Long–term plans are currently under development, and the department will propose several options to the Wisconsin Board of Veterans Affairs at its next board meeting on January 15, 2009. This board meeting will be held at the Wisconsin Veterans Home in Union Grove.

Please rest assured that our long term goal is to provide members with the viable options needed to secure their continued stay at our Home well into the future. Thank you for your trust and understanding in this matter.

Sincerely,
KENNETH B. BLACK
Secretary

State of Wisconsin **Department of Justice**

December 18, 2009

The Honorable, The Legislature:

Section **165.90** of the Wisconsin Statutes requires the Department of Justice to report on the performance of cooperative county–tribal law enforcement programs receiving aid under this section. This letter constitutes our report.

This marks the twenty–second year that the Department has awarded grants for cooperative county–tribal enforcement programs. The statutes require counties and tribes to develop joint program plans. The Department requires plans to include resolutions of support for the plan adopted by county boards and tribal governing bodies, to signify cooperation and mutual commitment.

This program pays for a variety of law enforcement services to Native American communities across Wisconsin. Grants have been used for the costs of personnel, patrol, investigation, crime prevention, K–9 units, information technology, law enforcement training, alternatives to drug abuse and gang involvement, diversity training, cultural awareness education, and emergency/rescue equipment. An increasing number of

grants are awarded to programs that include tribal police departments, generally helping to pay for tribal liaison personnel and patrol services provided to Native American reservations and communities.

The amount appropriated for this program in State Fiscal Year 2009 was \$701,300. Grant funds comes from Indian gaming receipts as appropriated in the biennial budget. For Calendar Year 2009, the Department issues 19 awards totaling \$701, 300. These awards were in the following amounts:

<u>County</u>	<u>Tribe</u>	<u>CY2009 Award</u>
Ashland	Bad River	
	Chippewa	\$54,007
Barron	St. Croix	
	Chippewa	\$14,252
Bayfield	Red Cliff	
	Chippewa	\$55,729
Brown	Oneida Nation	\$39,763
Burnett	St. Croix	
	Chippewa	\$12,928
Forest	Potawatomi	\$42,212
Forest	Sokaogon Chippewa	\$34,236
Jackson	Ho Chunk Nation	\$30,976
Juneau	Ho Chunk Nation	\$35,401
Menominee	Menominee	\$75,138
Monroe	Ho Chunk Nation	\$23,666
Outagamie	Oneida Nation	\$35,302
Polk	St. Croix Chippewa	\$11,775
Sauk	Ho Chunk Nation	\$27,408
Sawyer	Lac Courte Oreilles	
	Chippewa	\$69,437
Shawano	Ho Chunk Nation	\$17,040
Shawano	Stockbridge–Munsee	
	Mochican	\$45,251
Vilas	Lac de Flambeau	
	Chippewa	\$57,726
Wood	Ho Chunk Nation	\$20,053
TOTAL		\$701,300

The Department of Justice’s County Tribal Law Enforcement Grant Program continues to help local law enforcement provide needed services in Native American communities. In addition, this program helps build a cooperative atmosphere and positive relationship between law enforcement and tribal governments and communities. I am pleased to share information regarding this important program with you.

Sincerely,
J.B. VAN HOLLEN
 Attorney General

**State of Wisconsin
 Department of Corrections**

December 22, 2009

The Honorable, The Legislature:

As required by s. 301.03(10)(g), Wis. Stats., I am sending you a report on youth waived into adult court in Wisconsin. The statutory provision is as follows:

Keep statistics, by race, age and gender, of the number of juveniles over whom the court assigned to exercise jurisdiction under chs. 49 and 938 waives its jurisdiction under s.938.18 as well as the nature of the waiver that was ordered and annually report those statistics to the governor, and to the appropriate standing committees under s. 13.172(3).

The Department of Corrections (DOC) is grateful for the assistance of the Office of State Court in compiling the requested statistics. Since Wisconsin courts do not report any information directly to DOC on juvenile adjudications or adult convictions, the Department cannot fulfill the statutory mandate without the help of the Office of State Courts. The Wisconsin Consolidated Court Automation Programs staff and CIO Jean Bousquet produced the data on individual waiver cases that we used to compile the statistics on the following pages.

Please note several considerations in reviewing the waiver data:

•**Race:** The Office of State Courts did not supply DOC with data on race of waived youth. Unfortunately, local clerks of court do not submit race data in the majority of cases they post in the CCAP database. Thus, the Office of State Courts did not provide DOC with race information because of the significant amount of missing data.

•**Age:** The Office of State Courts supplied DOC with each waived youth’s birth date and the date on which her/his case was waived to adult court. We calculated each youth’s age on the date of waiver, rounding it to the nearest whole number, for the report. You will note that some persons are waived at older ages, generally as the result of absconding during a juvenile prosecution, being apprehended months or years later, and being waived to adult court due to their age and circumstances.

•**Sex:** The data on gender was reported by local courts in over 95% of cases entered into CCAP.

The Office of State Courts has provided the Department with annual data for years 2000–2008 inclusive. Data Tables for each year are attached. We are working with the Office to determine the method and schedule by which future reports will be reduced.

Sincerely,
RICK RAEMISCH
 Secretary

Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

**State of Wisconsin
 Department of Revenue**

December 22, 2009

The Honorable, The Legislature:

Section 565.45, Wisconsin Statutes, requires the Department of Revenue to submit a biennial report to the legislature regarding the “effect on the operation of the lottery not exceed 10% of gross lottery revenues unless approved by the Joint Committee on Finance under s. 13.10.

As indicated in the enclosed chart, total administrative expenditures remain well below the 10% limitation imposed by Section 25.75(3)(b).

Sincerely,
ROGER M. ERVIN
 Secretary

**National Multiple Sclerosis Society
Wisconsin Chapter**

December 23, 2009

The Honorable, The Legislature:

The National Multiple Sclerosis Society – Wisconsin Chapter is pleased to submit the attached report to the Governor and State Legislature, pursuant to Wisconsin Act 71.10(5m), “Multiple Sclerosis Programs Check-off.” The report reflects the disbursements made from January 1, 2009–December 31, 2009. Disbursements made in 2010, will be reported prior to January, 2011, and thereafter annually, as promulgated in Wisconsin Act 71.

In December 2005, Governor Jim Doyle and members of the State Legislature created Wisconsin ACT 71 to assist those who live with Multiple Sclerosis (MS) in Wisconsin. This law established a voluntary income tax check-off on Wisconsin State income tax forms for 2006 and beyond to fund health-related programs and services for people with MS in Wisconsin. Under Wisconsin Act 71, Provision 71.10(5m)(L), the National Multiple Sclerosis Society – Wisconsin Chapter was directed to file a report prior to January 1, 2010, that “details the entities to which the society distributed funds under paragraph (k), the amount of money each entity received, and the health-related multiple sclerosis programs on which the money was spent.”

The National Multiple Sclerosis Society – Wisconsin Chapter is proud to partner with the Governor, State Legislature, Wisconsin taxpayers, and entities in moving forward to provide vital programs and services to people living with MS in Wisconsin.

Please contact me if you have any questions.

Sincerely,
KIM KINNER, M.A.
Senior Director, Community Outreach & Education

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

Medical College of Wisconsin

December 28, 2009

The Honorable, The Legislature:

Enclosed, please find the Medical College of Wisconsin’s (MCW) annual report for the Breast Cancer Research Program funded through the income tax check-off created by [2003 Wisconsin Act 176](#). The document represents the annual report highlighting the fiscal reporting period of July 1, 2008 – June 30, 2009.

If you have any questions or comments regarding this report, please contact me at 955-456-8217.

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

**State of Wisconsin
Department of Health Services**

December 28, 2009

The Honorable, The Legislature:

Enclosed is the Department of Health Services’ (DHS) 2008 Annual Report on Substance Abuse Programs. This report was prepared in accordance with s. [51.45\(4\)\(p\)](#), Wis. Stats., which requires the Department to submit to you an annual report on the treatment of substance abuse.

The report describes substance abuse prevention, intervention, and treatment programs administered by the Department’s Division of Mental Health and Substance Abuse Services. Substance abuse is a significant challenge for individuals, families, and communities across Wisconsin and the Department is making great strides in addressing substance abuse problems. Following are a few highlights of the successes in 2008:

- Wisconsin Epidemiological Profile on Alcohol and Other Drug Use
- DHS Health Integration Initiative Joint Statement
- The Department’s continued receipt of federal grants to enhance the state’s service capacity and improved the quality of services.

We are proud of our achievements, but more work is needed. We will continue to explore ways to build partnerships and support effective substance abuse programs to reach our goal of Wisconsin becoming the nation’s healthiest state, and a place where our citizens can grow up safe, healthy, and successful.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

**State of Wisconsin
Department of Health Services**

December 28, 2009

The Honorable, The Legislature:

I am pleased to submit to the Legislature the enclosed report as required by Chapter 256.08 (1), Wisconsin Statutes. The report describes “priorities for changes in the state emergency medical services system.” This report was produced in cooperation with the emergency medical services board and many Emergency Medical Services (EMS) stakeholders.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

**State of Wisconsin
Department of Administration**

December 30, 2009

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 2009.

On November 1, 2009, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$28.2 million. This negative balance continued through November 30, 2009, when the fund’s cash balance closed at a negative \$20.6 million. The Injured Patients and Families Compensation

Fund cash balance reached its intra-month low of a negative \$28.4 million on November 13, 2009. 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, 2009, the Utility Public Benefits Fund cash balance closed at a negative \$8.2 million. This negative balance continued through November 30, 2009, when the fund's cash balance closed at a negative \$22.6 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On November 1, 2009, the Permanent Endowment Fund cash balance closed at a negative \$2.0 million. This negative balance continued through November 30, 2009, when the fund's cash balance closed at a negative \$2.0 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On November 1, 2009, the Workers Compensation Fund cash balance closed at a negative \$2.3 million. This negative balance continued through November 30, 2009, when the fund's cash balance closed at a negative \$2.4 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On November 24, 2009, the Medical Assistance Trust Fund cash balance closed at a negative \$6.6 million (its intra-month low). This negative balance continued through November 30, 2009, when the fund's cash balance closed at a negative \$5.2 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On November 1, 2009, the Petroleum Inspection Fund cash balance closed at a negative \$2.7 million. This negative balance continued through November 20, 2009, when the fund's cash balance closed at a positive \$2.0 million. The Petroleum Inspection Fund cash balance reached its intra-month low of a negative \$3.7 million on November 19, 2009. The negative balance was due to the difference in the timing of revenues and expenditures.

The Injured Patients and Families Compensation Fund, Utility Public Benefits Fund, Permanent Endowment Fund, Workers Compensation Fund, Medical Assistance Trust Fund, and Petroleum Inspection 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**.

ADVICE AND CONSENT OF THE SENATE
State of Wisconsin
Office of the Governor

January 4, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GLASER, ROBERT, of Johnson Creek, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 2015.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Labor, Elections and Urban Affairs**.

REFERRALS AND RECEIPT OF COMMITTEE
REPORTS CONCERNING PROPOSED
ADMINISTRATIVE RULES

The committee on **Commerce, Utilities, Energy, and Rail** reports and recommends:

Senate Clearinghouse Rule 09-072

Relating to the approved version of REScheck software used to show compliance with uniform dwelling code thermal envelope requirements.

No action taken.

JEFFREY PLALE
Chairperson