



STATE OF WISCONSIN

Assembly Journal

One-Hundredth Regular Session

WEDNESDAY, January 5, 2011

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

COMMITTEE APPOINTMENTS

Each committee is followed by the number of Republicans, Democrats and Independent serving on the committee, meeting day and meeting week. The ranking minority party member of each committee is designated by an asterisk. The Independent member is designated by (I).

Aging and Long-Term Care (4, 2) Thursday (Even)

Knodl, Dan (Chair)
Petryk, Warren (Vice-chair)
Van Roy, Karl
Bernier, Kathy
Krusick, Peggy *
Coggs, Elizabeth

Agriculture (9, 6) Thursday (Even)

Nerison, Lee (Chair)
Tranel, Travis (Vice-chair)
Ott, Alvin
Mursau, Jeffrey
Murtha, John
Tauchen, Gary
Brooks, Ed
Ripp, Keith
Marklein, Howard
Vruwink, Amy Sue *
Molepske Jr., Louis
Jorgensen, Andy
Radcliffe, Mark
Danou, Chris
Steinbrink, John

Assembly Organization (5, 3)

Fitzgerald, Jeff (Chair)
Suder, Scott (Vice-chair)
Knodl, Dan
Kramer, Bill
Gunderson, Scott (resigned 1-4-11)
Barca, Peter *
Seidel, Donna
Roys, Kelda

Children and Families (5, 3) Wednesday (Even)

Pridemore, Don (Chair)
Krug, Scott (Vice-chair)

Kestell, Steve
Williams, Mary
Thiesfeldt, Jeremy
Berceau, Terese *
Seidel, Donna
Pope-Roberts, Sondy

Colleges and Universities (7, 4) Thursday (Odd)

Nass, Stephen (Chair)
Knudson, Dean (Vice-chair)
Ballweg, Joan
Pridemore, Don
Knodl, Dan
Farrow, Paul
Wynn, Evan
Toles, Barbara *
Berceau, Terese
Molepske Jr., Louis
Hintz, Gordon

Consumer Protection and Personal Privacy (5, 3) Tuesday (Even)

Ripp, Keith (Chair)
August, Tyler (Vice-chair)
Huebsch, Mike (resigned 1-3-11)
Spanbauer, Richard
Kooyenga, Dale
Roys, Kelda *
Hebl, Gary
Coggs, Elizabeth

Criminal Justice and Corrections (6, 3) Thursday (Even)

Bies, Garey (switched from Member to Chair effective 1-5-11)
Kleefisch, Joel (resigned from Chair 1-5-11)
Jacque, Andre (Vice-chair)
Kestell, Steve
Brooks, Edward
Krug, Scott
Kessler, Fred *
Parisi, Joe
Turner, Robert

Education (7, 4) Tuesday (Even)

Kestell, Steve (Chair)
Marklein, Howard (Vice-chair)
Nass, Stephen
Pridemore, Don
Knudson, Dean
Thiesfeldt, Jeremy
Wynn, Evan

Pope-Roberts, Sony *
Sinicki, Christine
Hintz, Gordon
Clark, Fred

Elections and Campaign Reform (5, 3) Tuesday (Odd)

Tauchen, Gary (Chair)
Bernier, Kathy (Vice-chair)
Stone, Jeff
Pridemore, Don
Weininger, Chad
Parisi, Joe *
Roys, Kelda
Kessler, Fred

Energy and Utilities (7, 4) Tuesday (Even)

Honadel, Mark (Chair)
Klenke, John (Vice-chair)
Petersen, Kevin
Tauchen, Gary
Larson, Tom
Severson, Erik
Weininger, Chad
Zepnick, Josh *
Steinbrink, John
Staskunas, Tony
Hulsey, Brett

Financial Institutions (8, 5) Wednesday (Odd)

Kramer, Bill (Chair)
Kooyenga, Dale (Vice-chair)
Kaufert, Dean
Huebsch, Mike (resigned 1-3-11)
Kerkman, Samantha
Gottlieb, Mark (resigned 1-3-11)
Marklein, Howard
Tranel, Travis
Fields, Jason *
Zepnick, Josh
Young, Leon
Hintz, Gordon
Richards, Jon

Forestry (4, 2) Tuesday (Odd)

Mursau, Jeffrey (Chair)
Tiffany, Tom (Vice-chair)
Williams, Mary
Murtha, John
Milroy, Nick *
Bewley, Janet

Health (7, 4) Wednesday (Even)

Stone, Jeff (Chair)
Severson, Erik (Vice-chair)
Kaufert, Dean
Van Roy, Karl
Strachota, Pat
Petersen, Kevin
Litjens, Michelle
Richards, Jon *
Pasch, Sandy
Pocan, Mark
Seidel, Donna

Homeland Security and State Affairs (6, 3) Thursday (Odd)

Van Roy, Karl (Chair)
Kuglitsch, Mike (Vice-chair)
Ballweg, Joan
Kleefisch, Joel
August, Tyler
Kooyenga, Dale
Danou, Chris *
Zamarripa, JoCasta
Bewley, Janet

Housing (5, 3) Wednesday (Odd)

Murtha, John (Chair)
Litjens, Michelle (Vice-chair)
Farrow, Paul
Rivard, Roger
Steineke, Jim
Young, Leon *
Pope-Roberts, Sony
Bewley, Janet

Insurance (8, 5) Thursday (Odd)

Petersen, Kevin (Chair)
Weininger, Chad (Vice-chair)
Kestell, Steve
Nygren, John
August, Tyler
Kapenga, Chris
Tranel, Travis
Ziegelbauer, Bob (I)
Cullen, David *
Berceau, Terese
Molepske Jr., Louis
Fields, Jason
Young, Leon

Jobs, Economy and Small Business (9, 6) Tuesday (Even)

Williams, Mary (Chair)
Endsley, Mike (Vice-chair)
Stone, Jeff
Kapenga, Chris
Klenke, John
Knilians, Joe
Kuglitsch, Mike
Loudenbeck, Amy
Petryk, Warren
Molepske Jr., Louis *
Bernard Schaber, Penny
Fields, Jason
Toles, Barbara
Krusick, Peggy
Mason, Cory

Judiciary and Ethics (5, 3) Thursday (Odd)

Ott, Jim (Chair)
Larson, Tom (Vice-chair)
Kerkman, Samantha
Kleefisch, Joel
Jacque, Andre
Hebl, Gary *
Staskunas, Tony
Cullen, David

Labor and Workforce Development (6, 3) Wednesday (Odd)

Ballweg, Joan (Chair)
Kapenga, Chris (Vice-chair)
Nass, Stephen
Honadel, Mark
Kuglitsch, Mike
Litjens, Michelle
Sinicki, Christine *
Toles, Barbara
Parisi, Joe

Natural Resources (10, 6) Wednesday (Odd)

Gunderson, Scott (Chair) (resigned 1-4-11)
Mursau, Jeffrey (switched from Member to Chair effective 1-5-11)
Rivard, Roger (Vice-chair)
Williams, Mary
Kleefisch, Joel
Nerison, Lee
Ott, Jim
Severson, Erik
Steineke, Jim
Tiffany, Tom
Mason, Cory *
Molepske Jr., Louis
Danou, Chris
Clark, Fred
Milroy, Nick
Hulsey, Brett

Public Health and Public Safety (5, 3) Tuesday (Even)

Bies, Garey (Chair)
Knilians, Joe (Vice-chair)
Petrowski, Jerry
Loudenbeck, Amy
Ziegelbauer, Bob (I)
Bernard Schaber, Penny *
Pasch, Sandy
Zamarripa, JoCasta

Rules (7, 5)

Suder, Scott (Chair)
Fitzgerald, Jeff (Vice-chair)
Kramer, Bill
Knodl, Dan
Gunderson, Scott (resigned 1-4-11)
Murtha, John
Williams, Mary
Barca, Peter *
Seidel, Donna
Roys, Kelda
Clark, Fred
Turner, Robert

Rural Economic Development and Rural Affairs (9, 6)

Wednesday (Even)

Ott, Alvin (Chair)
Steineke, Jim (Vice-chair)
Petrowski, Jerry
Murtha, John
Tauchen, Gary
Ripp, Keith

Krug, Scott
Larson, Tom
Rivard, Roger
Danou, Chris *
Jorgensen, Andy
Ringhand, Janis
Vruwink, Amy Sue
Radcliffe, Mark
Roys, Kelda

Tourism, Recreation and State Properties (8, 5) Wednesday (Even)

Kaufert, Dean (Chair)
Loudenbeck, Amy (Vice-chair)
Gunderson, Scott (resigned 1-4-11)
Bies, Garey
Meyer, Dan
Bernier, Kathy
Klenke, John
Tiffany, Tom
Clark, Fred *
Steinbrink, John
Mason, Cory
Young, Leon
Zepnick, Josh

Transportation (9, 6) Tuesday (Odd)

Petrowski, Jerry (Chair)
Farrow, Paul (Vice-chair)
Ott, Alvin
Stone, Jeff
Van Roy, Karl
Honadel, Mark
Ripp, Keith
Endsley, Mike
Knilians, Joe
Steinbrink, John *
Vruwink, Amy Sue
Bernard Schaber, Peggy
Jorgensen, Andy
Bewley, Janet
Hulsey, Brett

Urban and Local Affairs (6, 3) Tuesday (Odd)

Brooks, Edward (Chair)
Thiesfeldt, Jeremy (Vice-chair)
Spanbauer, Richard
Jacque, Andre
Knudson, Dean
Ziegelbauer, Bob (I)
Hintz, Gordon *
Ringhand, Janis
Coggs, Elizabeth

Veterans and Military Affairs (6, 4) Thursday (Odd)

Spanbauer, Richard (Chair)
Wynn, Evan (Vice-chair)
Petrowski, Jerry
Bies, Garey
Nerison, Lee
Petryk, Warren
Milroy, Nick *
Radcliffe, Mark
Sinicki, Christine
Ringhand, Janis

Ways and Means (7, 4) Thursday (Even)

Huebsch, Mike (Chair) (resigned 1-3-11)
Kerkman, Samantha (switched from Vice-chair to Chair effective 1-5-11)
Nass, Stephen
Petersen, Kevin
Knodl, Dan
Endsley, Mike
Ziegelbauer, Bob
Staskunas, Tony *
Toles, Barbara
Steinbrink, John
Zamarripa, JoCasta

Joint Committee for Review of Administrative Rules (3, 2)

Ott, Jim (Co-chair)
Meyer, Dan
LeMahieu, Daniel
Hebl, Gary *
Kessler, Fred

Joint Committee on Audit (3, 2)

Kerkman, Samantha (Co-chair)
Vos, Robin
Petersen, Kevin
Jorgensen, Andy *
Richards, Jon

Joint Committee on Employment Relations (3, 1)

Fitzgerald, Jeff (Co-chair)
Suder, Scott
Vos, Robin
Barca, Peter *

Joint Committee on Finance (6, 2)

Vos, Robin (Co-chair)
Meyer, Dan (Vice-chair)
Strachota, Pat
LeMahieu, Daniel
Nygren, John
Kleefisch, Joel
Grigsby, Tamara *
Shilling, Jennifer

Joint Committee on Legislative Organization (3, 2)

Fitzgerald, Jeff (Co-chair)
Suder, Scott
Knodl, Dan
Barca, Peter *
Seidel, Donna

Joint Survey Committee on Retirement Systems (2)

Kramer, Bill (Co-chair)
Ziegelbauer, Bob (I)

Joint Survey Committee on Tax Exemptions (2, 1)

Knodl, Dan (Co-chair)
Van Roy, Karl
Turner, Robert *

Joint Review Committee on Criminal Penalties (1, 1)

Kleefisch, Joel (Co-chair)
Turner, Robert *

EXECUTIVE COMMUNICATIONS

January 3, 2011

The Honorable Jeff Fitzgerald
Speaker of the Assembly
Room 211 West, State Capitol
Madison, WI 53708

The Honorable Michael Ellis
President of the Senate
Room 220 South, State Capitol
Madison, WI 53707

Dear Speaker Fitzgerald and President Ellis:

I respectfully request your approval pursuant to sec. 16.45, Stats. of February 22, 2011 as the date that I will deliver my budget address to the Legislature.

Sincerely,
SCOTT WALKER
Governor

State of Wisconsin
Office of the Governor
Madison

Executive Order Number 2

**Relating to the Creation of the Governor's
Commission on Waste, Fraud and Abuse**

WHEREAS, Wisconsin's biennial budget has increased 33 percent to \$62 billion during Governor Doyle's two terms in office;

WHEREAS, a Pew Center for the States study found that Wisconsin is currently one of the nation's 10 states in the most perilous fiscal condition;

WHEREAS, waste, fraud and abuse in state government has gone largely unchecked during the last 8 years as evidenced by the following:

1. According to figures released by the Wisconsin Department of Workforce Development, fraudulent unemployment insurance claims rose from \$4.7 million in 2007 to \$17.7 million in 2009 while overpayments that did not result from fraud rose from \$13.4 million to \$33.4 million.

2. According to a report by the Wisconsin Legislative Audit Bureau, fraud in the Wisconsin Shares child care program cost the state \$20 million in 2008 due to problems like illegal immigrants receiving compensation and false child care logs.

3. According to federal data, while enrollment in Wisconsin's food stamp program, FoodShare, doubled to 700,000 between 2003 and 2008, fraud investigations fell from 5,400 to 3,200. Minnesota and Michigan performed at least 85% more fraud investigations and while Wisconsin prosecuted 20 fraud cases in 2007, Minnesota prosecuted over 1,000 and Michigan, 2,400.

4. According to a report by the Wisconsin Legislative Audit Bureau, the state paid \$66.5 million in overtime wages in

2008, with 25 state employees earning more than \$50,000 in overtime.

5. According to a 2007 Wisconsin Legislative Audit Bureau report, the Doyle Administration officials halted an incomplete IT overhaul at the Department of Workforce Development after five years of work and \$23.6 million. Another \$28.2 million was spent on the Department of Revenue's Integrated Tax System and \$26 million on the University of Wisconsin payroll system before the state abandoned both projects.

6. The Wisconsin voter database required by the federal Help American Vote Act (HAVA) suffered delays and cost overruns, ultimately costing \$14.1 million. Once completed, the Government Accountability Board request \$1 million annually to maintain it.

7. In 2007, the Department of Health Services announced that an upgrade of the state's computer system that processes claims for BadgerCare, SeniorCare and other Medicaid programs was 39,000 worker hours behind schedule and at least \$9.3 million over budget – 28.8% more than the original projections.

8. According to a 2009 Wisconsin Legislative Audit Bureau Report, the Doyle Administration was off by nearly \$100 million when it estimated in 2005 that consolidating state computer servers would cost \$12.8 million. With costs exceeding \$100 million, the administration announced plans to stop tracking expenditures in June, 2010;

WHEREAS, Wisconsin has the nation's 10th worst tax climate for business according to the Washington, D.C.-based Tax Foundation and Wisconsin's total tax burden ranks 14th, with taxpayers paying 5 percent more than the national average, according to U.S. Census Bureau Data;

WHEREAS, reducing Wisconsin's unsustainable tax burden requires reining in runaway government spending by making government smaller and ending the practice of deficit spending;

Now therefore, I, Scott Walker, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and laws of this State, and specifically by Wis. Stat. s. 14.019., do hereby:

Establish the Governor's Commission on Waste, Fraud and Abuse; and

1. Provide that the Commission shall consist of seven members consisting of the following:

a. One member serving at the pleasure of the Governor who shall represent private employers in Wisconsin, and who shall also be the Chairperson of the Commission;

b. A second member serving at the pleasure of the Governor;

c. The Secretary of the Department of Administration or his or her designee;

d. One member of the majority party and one member of the minority party in each house of the Legislature, appointed in the same manner as members of standing committees are appointed; and

2. Provide that the Commission shall have the following mission:

a. To identify waste, fraud and abuse in state government programs and state appropriations and recommend solutions.

b. To obtain and review all budget documentation for each state agency, including detailed information regarding the appropriations and programs administered and the related personnel costs.

c. To advise the governor about the long and short-term impact of the Commission's recommendations on state appropriations, efforts to make government smaller and more efficient, and ongoing economic development initiatives; and

3. Require the Commission to meet no later than seven days after this Executive Order has been deposited with the Secretary of State; and

4. Require the Commission to submit a report to the Governor with its findings and recommendations on July 1, 2011 and on January 1, 2012, and provide that the Commission shall dissolve when its final report is accepted by the Governor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this third day of January in the year two thousand eleven.

SCOTT WALKER
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State

COMMUNICATIONS

State of Wisconsin
Legislative Reference Bureau
Madison

DATE: December 29, 2010

TO: Patrick E. Fuller
Assembly Chief Clerk

Robert Marchant
Senate Chief Clerk

FROM: Bruce J. Hoesly
Code Editor

SUBJECT: Rules published in the December 31, 2010
Wisconsin Administrative [Register, No. 660](#).

The following rules have been published:

- Clearinghouse Rule [08-022](#) effective 1-1-2011
- Clearinghouse Rule [08-034](#) effective 1-1-2011
- Clearinghouse Rule [09-054](#) effective 1-1-2011
- Clearinghouse Rule [09-096](#) effective 1-1-2011
- Clearinghouse Rule [09-102](#) effective 1-1-2011
- Clearinghouse Rule [09-104](#) effective 1-1-2011
- Clearinghouse Rule [09-105](#) effective 1-1-2011
- Clearinghouse Rule [09-112](#) effective 1-1-2011
- Clearinghouse Rule [10-006](#) effective 1-1-2011
- Clearinghouse Rule [10-013](#) effective 1-1-2011
- Clearinghouse Rule [10-038](#) effective 1-1-2011
- Clearinghouse Rule [10-042](#) effective 1-1-2011
- Clearinghouse Rule [10-045](#) effective 1-1-2011
- Clearinghouse Rule [10-046](#) effective 1-1-2011
- Clearinghouse Rule [10-047](#) effective 1-1-2011
- Clearinghouse Rule [10-051](#) effective 1-1-2011
- Clearinghouse Rule [10-053](#) effective 1-1-2011
- Clearinghouse Rule [10-058](#) effective 1-1-2011
- Clearinghouse Rule [10-059](#) effective 1-1-2011
- Clearinghouse Rule [10-060](#) effective 1-1-2011
- Clearinghouse Rule [10-061](#) effective 1-1-2011
- Clearinghouse Rule [10-063](#) effective 1-1-2011
- Clearinghouse Rule [10-064](#) effective 1-1-2011
- Clearinghouse Rule [10-066](#) effective 1-1-2011
- Clearinghouse Rule [10-068](#) effective 1-1-2011
- Clearinghouse Rule [10-069](#) effective 1-1-2011
- Clearinghouse Rule [10-077](#) effective 1-1-2011
- Clearinghouse Rule [10-079](#) effective 1-1-2011
- Clearinghouse Rule [10-080](#) effective 1-1-2011
- Clearinghouse Rule [10-081](#) effective 1-1-2011
- Clearinghouse Rule [10-082](#) effective 1-1-2011
- Clearinghouse Rule [10-088](#) effective 1-1-2011
- Clearinghouse Rule [10-084](#) effective 1-1-2011
- Clearinghouse Rule [10-085](#) effective 1-1-2011
- Clearinghouse Rule [10-086](#) effective 1-1-2011
- Clearinghouse Rule [10-091](#) effective 1-1-2011
- Clearinghouse Rule [10-092](#) effective 1-1-2011
- Clearinghouse Rule [10-097](#) effective 1-1-2011

January 3, 2011

The Honorable Jeff Fitzgerald
Speaker, Wisconsin State Assembly
Room 211 West
State Capitol
Madison, WI 53708

Dear Speaker Fitzgerald:

I submit my resignation as the State Representative of the 94th Assembly District and any committees on which I serve as a result of that position, effective at 4:30 P.M. on Monday, January 3, 2011.

I am leaving the Legislature with tremendous gratitude toward the people of western Wisconsin who allowed me to represent them for sixteen years. I am honored to have been their State Representative.

It has been my pleasure to work with so many committed public servants over the years and I look forward to continuing our work in my new capacity as the Secretary of the Department of Administration.

Sincerely,
MIKE HUEBSCH
State Representative
94th Assembly District

January 3, 2011

The Honorable Jeff Fitzgerald
Speaker, Wisconsin State Assembly
Room 211 West
State Capitol
Madison, WI 53708

Dear Speaker Fitzgerald:

I hereby resign the office of representative to the Assembly (60th district), effective at 4:30 P.M. today.

Sincerely,
MARK GOTTLIEB
State Representative
60th Assembly District

January 4, 2011

The Honorable Jeff Fitzgerald
Speaker, Wisconsin State Assembly
Room 211 West
State Capitol
Madison, WI 53708

Dear Speaker Fitzgerald:

Pursuant to Wisconsin State Statutes, this letter is to inform you that I am officially submitting my resignation as a State Representative for the Eighty-Third Assembly District, effective at 11:59 P.M. on January 4, 2011.

Sincerely,
SCOTT GUNDERSON
State Representative
83rd Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

December 14, 2010

To the Honorable, the Legislature:

As required by §16.75 (3m)(c) 4, Wis. Stats., enclosed is the State of Wisconsin Minority Business Report for Fiscal Year 2010 (FY10). The report provides data on state agency and University of Wisconsin purchasing with certified minority business enterprises (MBE) during the period of July 1, 2009 through June 30, 2010.

I am pleased to report that for the first time since the program's inception in 1983, state government expended over \$100 million with MBE firms. In FY10, MBE purchasing totaled \$107,722,387, or a 5.76 percent participation rate. In addition, the FY10 rate was the second highest in program history.

After decades of failed attempts to reach the statutory MBE purchasing goal, state government exceeded the five percent goal twice during your administration. Moreover, we are seeing signs of consistent performance as state government had an overall 5.06 percent MBE participate rate during the past four years.

Through your leadership, we have achieved ongoing growth and reached significant milestones in the MBE program. State agencies will continue to build on this success, looking for better and more effective ways to open access to minority-owned businesses interested in doing business with the State.

Sincerely,
DANIEL J. SCHOOFF
Secretary

Referred to committee on **Jobs, Economy and Small Business**.

State of Wisconsin
Department of Children and Families
Madison

December 22, 2010

To the Honorable, the Legislature:

Enclosed is a copy of the Child Abuse and Neglect Report, 2009 Data, pursuant to s. 48.981. The report includes a statistical analysis of suspected child abuse and neglect reports received and investigated by county child protective services (CPS) agencies and the State Bureau of Milwaukee Child Welfare in calendar year 2009. The report also contains information on child fatalities due to child abuse or neglect and data regarding children who are identified as victims of abusive head trauma.

Sincerely,
REGGIE BICHA
Secretary

Referred to committee on **Children and Families**.

State of Wisconsin
Department of Administration
Madison

December 27, 2010

To the Honorable, the Legislature:

Please find enclosed the Service Award Program 2010 Annual Report. The Service Award Board approved the report at its meeting on November 16, 2010. The report provides an overview of the program and outlines the accomplishments for the program year.

Wisconsin State Statute 16.25 (6) requires the Department to submit the report to the Chief Clerk of each house annually describing the activities of the board.

If you have any questions regarding the report, please contact Dawn Vick at the Department of Administration, Division of Intergovernmental Relations at (608) 266-7043.

Sincerely,
BRIAN VIGUE
Secretary, Service Award Board

Referred to committee on **Urban and Local Affairs**.

State of Wisconsin
Department of Health Services
Madison

December 27, 2010

To the Honorable, the Legislature:

The Wisconsin State Legislature is to be commended for taking steps to address a dangerous and costly threat to Wisconsin's children. In spring 2010, the Wisconsin State Legislature approved Senate Joint Resolution 65 (SJR65) calling for the Wisconsin Childhood Lead Poisoning Elimination Implementation and Oversight Committee (IOC) within the Department of Health Services, to report on three lead poisoning elimination components: 1) ways to evaluate the costs borne by Wisconsin's educational and criminal justice systems attributable to childhood lead poisoning; 2) alternative methods to prevent lead poisoning and abating lead paint hazards in housing; and 3) various sources of funds to achieve those goals.

Senate Joint Resolution 65 requires the IOC to submit its report to the legislature's standing committees dealing with the public health and welfare of Wisconsin citizens. Due to the prevalence and severe impact of lead poisoning in Wisconsin, this report also is being shared with all Wisconsin legislators. For Wisconsin, the cost benefit of ending lead poisoning amounts to billions of dollars.

Each year, more than 1,500 children across Wisconsin are identified with lead poisoning. Lead-poisoned children are found in all 72 counties and 11 Tribal communities in the state. There are undoubtedly more lead-poisoned children who have not been identified because they have not been tested. Wisconsin can prevent the lead poisoning of children by controlling lead-based paint hazards in Wisconsin homes built before 1950, which are the primary source of poisoning. Over time, chipping and peeling lead-based paint creates dust, especially on windows, floors and porches that gets on children's hands and into their mouths.

Lead poisoning causes permanent brain damage that research has linked to reduced school performance, juvenile delinquency, adult criminality and life-long physical health problems. As a result, society is faced with increased costs in special education services, criminal justice, medical services, and other harder to measure outcomes like teen pregnancy due to lack of behavioral control.

The IOC, including public and private partners, is committed to eliminating childhood lead poisoning. On behalf of the Implementation and Oversight Committee, we thank you for your interest in creating a solution that eliminates lead poisoning among our children.

Sincerely,
CHARLES WARZECHA, DIRECTOR
Environmental and Occupational Health
Bureau
Public Health
Co-chair, IOC
*KAREN ORDINANS, EXECUTIVE
DIRECTOR*
Children's Health Alliance of WI DHS
Division of
Co-chair, IOC

Referred to committee on **Public Health and Public Safety.**

State of Wisconsin
Department of Corrections
Madison

December 28, 2010

To the Honorable, the Legislature:

Attached in compliance with s. 301.03 (6t) is the Department's information on the use of overtime in each state adult correctional institutions for fiscal year 2010, with the stated reasons for the overtime. Should you have any questions related to this information please contact Roland Couey at 608-240-5405.

Sincerely,
RICK RAEMISCH
Secretary

Referred to committee on **Corrections and the Courts.**

State of Wisconsin
Department of Health Services
Madison

December 29, 2010

To 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) 2010. 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 SFY10 for 898 elderly individuals and people with physical and developmental disabilities to live in community based settings, who otherwise would have resided in ICFs-MR and nursing facilities. Since FY 2006, approximately 3,940 elders and people with physical and developmental disabilities have successfully relocated from institutional settings and an additional 812 individuals were diverted from admission to a nursing home through the Department's programs. The quality of life for these 4,752 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:

- 735 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.
- 2,187 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.

Protecting and promoting the health and safety of the people of Wisconsin

- 1,018 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 2010 of \$5.9 million for the people relocated during the year.
- 567 elders and 245 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 Fredi-Ellen Bove, Deputy Administrator of the Division of Long Term Care at 608-261-5987 if you have any questions.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

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

State of Wisconsin
Department of Health Services
Madison

December 29, 2010

To the Honorable, the Legislature:

I am writing to report that, after six months in operation, BadgerCare Plus Basic is financially solvent and successfully meeting the health care needs of 5,066 Wisconsin residents.

This letter and the attached statistics fulfill the Department's legislative reporting requirements for Basic under section 49.67 of the Wisconsin Statutes.

With the successful launch of BadgerCare Plus Basic on July 1, 2010, uninsured Wisconsin residents gained another option for health care access. Basic was created to provide an affordable coverage choice to those on the waitlist for the BadgerCare Plus Core Plan. Core enrollment was capped in October 2009 due to limited federal funding. The Core wait list was established at that time.

For \$130 per month, Basic provides access to ten doctor's visits per year, a comprehensive generic drug benefit, one inpatient hospital stay and five outpatient hospital procedures before a hospital deductible is applied. Other professional medical services are also covered. Though the plan's benefits are very limited, Basic provides protection and peace of mind for those who have no other access to health insurance. Basic is self-funded, and state taxpayers pay nothing to support the program.

Per the specific reporting requirements identified in s. 49.67 (9g), claims payments for Basic totaled \$3,203,769 through December 13, 2010. Premium revenue totaling \$3,451,680 had been collected as of the same date. Additional reserve revenue of \$1 million remains available to support Basic through the federal State Health Access Program (SHAP) grant administered by the Health Resource Services Administration (HRSA). In short, BadgerCare Plus Basic is solvent after its first six months of operation.

In August, DHS notified members already enrolled in Basic of opportunities to pay premiums in advance at a discounted rate. Advance payments reduce adverse selection by increasing member longevity in the plan. Beginning with the October 2010 benefit month, Basic members have options to pay a \$360 quarterly premium, a \$660 semi-annual premium or a \$1,200 annual premium. More than 1,200 existing members have opted to make an advance premium payment.

No changes to premiums or provider payment rates have been implemented since the program began on July 1, 2010. Effective January 1, 2011, Basic benefits and cost-sharing are being adjusted as follows:

- Co-payments for brand name prescriptions are increasing from \$5 to \$10.
- Radiology co-payments, tiered at \$5 and \$20, will be implemented.
- Vaccination co-payments of \$10 will be implemented.
- Covered emergency room visits will be reduced from five to two per enrollment year.

As of December 14, 5,066 people were enrolled in BadgerCare Plus Basic. Member demographic information, including age, gender and county of residence, is attached. Enrolling in Basic requires beginning an application for the BadgerCare Plus Core Plan online at access.wi.gov or by phone. That process involves reporting income and insurance information to determine if the applicant is eligible to be added to the Core waitlist. Since enrollment for Basic began, 876 Basic applicants were determined ineligible at the point of applying for the Core waitlist.

Once individuals have enrolled, the Basic verification process uses a variety of wage, income and insurance databases to verify the information members have reported. Disparities trigger DHS follow-up and potential disenrollment. As of September 15, DHS had determined 91 individuals ineligible for Basic due to other insurance.

In July, the Centers for Medicare and Medicaid Services (CMS) approved the Department's amendment to the Core Plan waiver to create a waitlist bypass into Core for Basic members based on medical severity. This policy allows Basic members to be tracked into a benefit more appropriate to their health care needs. The initial medical criterion for this policy was a cancer diagnosis. This month, the Department expanded the criteria to include severe cardiac conditions. More than 100 Basic members have transitioned to Core as a result of these policies. Other Basic members are being transitioned to Well Woman Medicaid and SSI Medicaid, as appropriate.

In its second quarter of operation, BadgerCare Plus Basic continues to be an important and successful link to health care for thousands of Wisconsin residents.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

Referred to committee on **Health**.

State of Wisconsin
Department of Children and Families
Department of Health Services
Madison

December 29, 2010

To the Honorable, the Assembly:

In [1997 Act 27](#), the 1997-99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. Effective July 1, 2008, the Department of Health and Family Services (DHFS) became the Department of Health Services (DHS) and the DHFS Division of Children and Family Services became the Department of Children and Families (DCF) as a result of [2007 Act 20](#) (the 2007-09 biennial budget bill). DHS, DCF and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a

license or other credential. Individuals who have committed prohibited crimes or acts may apply to DHS and/or DCF, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections 48.685 (5g) and 50.065 (5g) of the Wisconsin Statutes direct DHS and DCF to submit an annual report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. DHS has continued to utilize the skills, support and knowledge of its personnel to process all rehabilitation review applications and we are, therefore, submitting a joint report. Attached is the report for 2010.

Questions about this report should be referred to the Department of Health Services, Diane Welsh, Chief Legal Counsel, at 608-266-9622.

Sincerely,
KAREN E. TIMBERLAKE
Secretary, DHS

Sincerely,
REGGIE BICHA
Secretary, DCF

Referred to committee on **Health**.

State of Wisconsin
Department of Administration
Madison

December 30, 2010

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 November 2010.

On November 1, 2010, the Worker's Compensation Fund cash balance closed at a negative \$1.6 million (its intra-month low). This negative balance continued through November 16, 2010, when the fund's cash balance closed at a positive \$45 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On November 1, 2010, the Mediation Fund cash balance closed at a negative \$35 thousand. This negative balance continued through November 19, 2010, when the fund's cash balance closed at a positive \$300 thousand. The Mediation Fund cash balance reached its intra-month low of a negative \$52 thousand on November 18, 2010. The negative balance was due to the difference in the timing of revenues and expenditures.

On November 22, 2010, the Police and Fire Protection Fund cash balance closed at a negative \$47.6 million (its intra-month low). This negative balance continued through November 30, 2010, when the fund's cash balance closed at a negative \$43.3 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The Worker's Compensation Fund, Mediation Fund, and Police and Fire Protection 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,
DANIEL J. SCHOOFF
Secretary

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