



STATE OF WISCONSIN Assembly Journal

Ninety-Fifth Regular Session

FRIDAY, August 2, 2002

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

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 02-008

Relating to defining failing to cooperate in a timely manner in an investigation as unprofessional conduct.

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 19, 2002.

To committee on **Health**.

Referred on July 30, 2002.

Assembly Clearinghouse Rule 02-024

Relating to the procedure and practice of conducting administrative hearings before the division.

Submitted by Division of Hearings and Appeals.

Report received from Agency, July 24, 2002.

To committee on **Government Operations**.

Referred on August 2, 2002.

Assembly Clearinghouse Rule 02-027

Relating to customer satisfaction surveys for municipal utilities and technical corrections.

Submitted by Public Service Commission.

Report received from Agency, July 26, 2002.

To committee on **Energy and Utilities**.

Referred on August 2, 2002.

Assembly Clearinghouse Rule 02-033

Relating to corporation returns, claims for refund and other amended returns and petitions for redetermination.

Submitted by Department of Revenue.

Report received from Agency, July 10, 2002.

To committee on **Ways and Means**.

Referred on July 17, 2002.

Assembly Clearinghouse Rule 02-036

Relating to telephone solicitations and a no-call list.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, July 24, 2002.

To committee on **Financial Institutions**.

Referred on August 2, 2002.

Assembly Clearinghouse Rule 02-043

Relating to publication of health insurance rates for small employer health insurance.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, July 19, 2002.

To committee on **Small Business and Consumer Affairs**.

Referred on July 30, 2002.

Assembly Clearinghouse Rule 02-055

Relating to defining sexual contact with a patient as unprofessional conduct.

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 19, 2002.

To committee on **Health**.

Referred on July 30, 2002.

Assembly Clearinghouse Rule 02-079

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, July 16, 2002.

To committee on **Transportation**.

Referred on July 18, 2002.

SPEAKER'S APPOINTMENTS

July 24, 2002

Mr. Patrick E. Fuller
Assembly Assistant Chief Clerk
401 Main Street
Madison, WI 53703

Dear Patrick:

Pursuant to Assembly Rules 3 and 9, I have created the Speaker's Task Force on State Budget Review. I have appointed the following members to serve on this task force: Representatives Scott Gunderson, chair, Dean Kaufert, Sue Jeskewitz, Jean Hundertmark, Kitty Rhoades, Scott Fitzgerald, Don Friske, Samantha Starzyk, Barbara Gronemus, Robert Ziegelbauer and John Steinbrink.

Please provide the task force and members all courtesies customary and properly due a committee of the Assembly. The task force shall dissolve on the final submission of its findings.

If you have any questions, please contact Ellen Nowak in my office.

Sincerely,
SCOTT R. JENSEN
 Speaker
 Wisconsin State Assembly

COMMUNICATIONS

July 12, 2002

Assembly Assistant Chief Clerk Fuller
 1 E. Main Street, Suite 402
 Madison, WI 53708

Dear Assistant Chief Clerk Fuller:

Now that the legislature has completed its work on the budget repair bill, the timing is right for me to concentrate on my future in the private sector. Therefore, after a great deal of consideration, I have decided to retire from the Wisconsin State Assembly effective August 1, 2002.

It has been a great honor to serve as a member of the Assembly, and I have truly enjoyed working with you and my legislative colleagues to improve the great state of Wisconsin. It has been a wonderful experience, one that I will always remember fondly.

Thank you for your leadership in the Chief Clerk's Office!

Sincerely,
TIMOTHY T. HOVEN
 State Representative
 60th Assembly District

State of Wisconsin
 Revisor of Statutes Bureau
 Madison

DATE: August 1, 2002

TO: Patrick E. Fuller
 Assembly Assistant Chief Clerk

Donald J. Schneider
 Senate Chief Clerk

FROM: Gary L. Poulson
 Deputy Revisor of Statutes

SUBJECT: Rules published in the July 31, 2002, Wisconsin Administrative [Register, No. 559](#).

The following rules have been published:

Clearinghouse Rule 00-154	part eff.	8-1-2002
Clearinghouse Rule 01-087	effective	8-1-2002
Clearinghouse Rule 01-108	part eff.	8-1-2002
Clearinghouse Rule 01-127	effective	8-1-2002
Clearinghouse Rule 01-129	effective	8-1-2002
Clearinghouse Rule 01-134	effective	8-1-2002

Clearinghouse Rule 01-137	effective	8-1-2002
Clearinghouse Rule 01-143	effective	8-1-2002
Clearinghouse Rule 01-145	effective	8-1-2002
Clearinghouse Rule 01-151	effective	8-1-2002
Clearinghouse Rule 01-153	effective	8-1-2002
Clearinghouse Rule 01-154	effective	8-1-2002
Clearinghouse Rule 02-010	effective	8-1-2002
Clearinghouse Rule 02-028	effective	8-1-2002
Clearinghouse Rule 02-029	effective	8-1-2002
Clearinghouse Rule 02-031	effective	8-1-2002

REFERRAL OF AGENCY REPORTS

State of Wisconsin
 Department of Health and Family Services
 Madison

July 1, 2002

To the Honorable, the Assembly:

As required by s. [252.04 \(11\)](#), Wis. Stats., enclosed is the Annual Statewide Immunization Program Report. Please distribute this report to the appropriate standing committees.

Sincerely,
PHYLLIS J. DUBE
 Secretary

Referred to committee on **Public Health**.

State of Wisconsin
 Department of Health and Family Services
 Madison

July 10, 2002

To the Honorable, the Assembly:

Section [46.972 \(4\)](#), Wis. Stats., requires the Department of Health and Family Services to submit to the chief clerk of each house of the Legislature a report on June 30 annually on the allocation and expenditure of funds for services for homeless individuals. Attached is the Department's annual report.

Sincerely,
PHYLLIS J. DUBE
 Secretary

Referred to committee on **Health**.

State of Wisconsin
 Department of Commerce
 Madison

July 12, 2002

To the Honorable, the Assembly:

The enclosed report has been sent to you pursuant to s. [1.11 \(2\)\(j\)](#), Stats. This section requires agencies to submit a report to the chief clerk of each house of the legislature, including the number of proposed actions for which the agency conducted an assessment of whether an impact statement was required and the number of impact statements prepared.

This report encompasses the activities of the Wisconsin Department of Commerce for the period from July 1, 2001 to July 1, 2002.

Any questions concerning this report may be directed to Dennis W. Kozich, General Counsel, at 608-266-3203.

Sincerely,
PHILIP EDW. ALBERT
Secretary

Referred to committee on **Natural Resources**.

State of Wisconsin
Department of Health and Family Services
Madison

July 22, 2002

To the Honorable, the Assembly:

On behalf of the Governor's Birth to 3 Program Interagency Coordinating Council, I am pleased to submit the Birth to 3 Annual Report for 2001. Descriptions of results related to key early intervention outcomes and highlights of the activities of the Department of Health and Family Services Birth to 3 Program in Wisconsin are included in this Annual Report. Also described are the activities of the Birth to 3 Interagency Coordinating Council. Activities of the Department include comprehensive program review to assure quality early intervention services and special projects to identify children who will benefit from early intervention as soon as possible.

The Birth to 3 Program Annual Report fulfills the mandate under s. [51.44 \(5\)\(c\)](#) to annually submit to the Legislature a report on the department's progress toward full implementation of the program, including the progress of counties in implementing goals for participation in 5th year requirements under [20 USC 1476](#).

The Birth to 3 Program is a truly collaborative effort between counties, parents, local providers, the Interagency Coordinating Council and state agencies. Working together, we are assuring that Wisconsin infants and toddlers who have disabilities and their families have the best possible start.

Sincerely,
PHYLLIS J. DUBE
Secretary

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

State of Wisconsin
Department of Natural Resources
Madison

July 24, 2002

To the Honorable, the Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section [1.11 \(2\)\(j\)](#) of the state statutes, this document provides

information on the numbers of environmental assessments (EAs) and environmental impacts statements (EISs) completed by the Department in the past fiscal year.

Questions about the report can be directed to James Pardee, of the Environmental Analysis and Liaison Section, Bureau of Integrated Science Services, telephone 266-0426.

Sincerely,
GEORGE H. ALBRIGHT
Chief
Environmental Analysis
and Liaison Section
Bureau of Integrated Science Services

Referred to committee on **Natural Resources**.

State of Wisconsin
Department of Transportation
Madison

July 26, 2002

To the Honorable, the Legislature:

Enclosed is the report required under [1997 Wisconsin Act 119](#), regarding the release of photos from the Department of Transportation driver record files to Wisconsin and adjacent state law enforcement agencies.

This report is provided annually and contains the agencies and the purpose for which copies of the photographs were provided.

If you have questions regarding the release of photographs please contact Debbie Kraemer, Supervisor in the Records and Licensing Information Section, Bureau of Driver Services, Division of Motor Vehicles by phone at (608) 264-7060, or e-mail at debbie.kraemer@dot.state.wi.us.

Sincerely,
THOMAS E. CARLSON
Secretary

Referred to committee on **Criminal Justice**.

State of Wisconsin
Department of Administration
Madison

July 31, 2002

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 balances during the month of June 2002.

On June 17, 2002, the **General Fund** balance was -\$727.4 million. This shortfall continued through June 30, 2002,

when the cash balance closed at -\$421.9 million. The shortfall was due to the difference in the timing of revenues and expenditures, in combination with the overall budget shortfall.

On June 1, 2002, the **Wisconsin Health Education Loan Repayment Fund** balance was -\$1,000. This shortfall continued until June 24, 2002, when the balance reached a positive \$6,000. During this period, the **Wisconsin Health Education Loan Repayment Fund** balance reached a low of -\$2,000 on June 3, 2002. The shortfall was due to the difference in the timing of revenues and expenditures.

The General Fund and the Wisconsin Health Education Loan Repayment Fund shortfalls were not in excess of the statutory interfund borrowing limitation 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.

Sincerely,
GEORGE LIGHTBOURN
Secretary

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

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

July 18, 2002

To the Honorable, the Legislature:

We have completed a financial audit of the Division of

Gaming within the Department of Administration, as required by s. 13.94(1)(eg), Wis. Stats. The Division regulates the State's racing, Indian gaming, and charitable gaming activities. We have issued an unqualified opinion on the Division's budgetary-based financial statements for fiscal years (FYs) 2000-01 and 1999-2000. Later this year, we will issue an evaluation of the Division's oversight and regulatory authority.

In both FY 2000-01 and FY 1999-2000, the Division's revenues from gaming activities and its transfers to other state programs were significantly affected by two events: the tribal-state compacts were renegotiated, and a constitutional amendment relating to the use and distribution of gaming proceeds was approved.

The State renegotiated gaming compacts with each of 11 Native American tribes in Wisconsin in 1998 and 1999. Under the previously negotiated tribal-state compacts, the State received a total of \$350,000 annually in tribal regulation revenue. Under the new compacts, the tribes have agreed to pay the State an additional \$21.7 million in FY 1999-2000 and \$24.0 million in FY 2000-01. The Division received \$21.8 million in FY 1999-2000 and \$24.4 million in FY 2000-01.

A constitutional amendment passed by Wisconsin voters and implemented with [1999 Wisconsin Act 5](#) requires that state revenues from pari-mutuel racing and charitable bingo be used for property tax relief. Consequently, any unencumbered balances remaining in the general program operation appropriations for racing and bingo are transferred to the Lottery Fund at the end of the fiscal year. The Division transferred a total of approximately \$6.5 million to the Lottery Fund in FYs 2000-01 and 1999-2000.

We appreciate the courtesy and cooperation extended to us by the Department of Administration during the audit.

Respectfully submitted,
JANICE MUELLER
State Auditor