



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

10:00 A.M.

THURSDAY, January 27, 2005

The Senate met.

The Senate was called to order by Senator Jon Erpenbach.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Tuesday, January 25, 2005.

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

#### Senate Joint Resolution 1

### INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read first time and referred:

#### Senate Bill 29

Relating to: increasing the amount of the individual income tax personal exemption for certain older taxpayers.

By Senators Kedzie, Lazich, A. Lasee, Roessler, Leibham, Kanavas, Stepp and Lassa; cosponsored by Representatives Kerkman, Gronemus, Lothian, Hines, Nass, Jeskewitz, Davis, Pettis, Nischke, Krawczyk, Freese, Kreibich, Bies, Gunderson, Townsend, Honadel, Albers, Mursau, Loeffelholz, Van Roy, Vrakas, Ott and Towns.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

#### Senate Bill 30

Relating to: exempting from taxation retirement plan income received by an individual.

By Senators Kedzie, Roessler, Lazich, A. Lasee, Leibham, Kanavas, S. Fitzgerald, Stepp and Lassa; cosponsored by Representatives Owens, Nass, Kerkman, Gronemus, Lothian, Hines, Jeskewitz, Davis, Loeffelholz, Pettis, Jensen, LeMahieu, Musser, Nischke, Hahn, Petrowski, Kreibich, Underheim, Bies, Vos, Gunderson, Townsend, Albers, Mursau, Hundertmark, Meyer, Vrakas, Ott and Gundrum.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

#### Senate Bill 31

Relating to: increasing the amount of the individual income tax subtract modification for social security benefits.

By Senators Kedzie, Lazich, Darling, A. Lasee, Roessler, Leibham, Kanavas, Stepp, Harsdorf and Lassa; cosponsored by Representatives Kerkman, Gronemus, Hines, Nass, Jeskewitz, Davis, Pettis, Jensen, Musser, Kreibich, Krawczyk, Freese, Hahn, Gielow, Petrowski, Owens, Bies, Vos, Gunderson, Townsend, Honadel, Mursau, Hundertmark, Meyer, Vrakas and Ott.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

#### Senate Bill 32

Relating to: child safety restraint systems, safety belt use requirements in motor vehicles, creating a Child Safety Restraint System Program, creating a safety restraint enforcement surcharge, granting rule-making authority, making an appropriation, and providing a penalty.

By Senators Roessler, Robson, Risser, Brown, A. Lasee, Lassa, Olsen and Wirch; cosponsored by Representatives Petrowski, Suder, Wasserman, Ainsworth, Bies, Jensen, Kreibich, Lehman, McCormick, Molepske, Musser, Nass, Ott, Pope–Roberts, Shilling, Sinicki, Stone and Van Roy.

To committee on **Health, Children, Families, Aging and Long Term Care**.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

January 20, 2005

The Honorable, The Senate:

This letter is to advise that I am appointing Senator Olsen to serve as my designee on the University of Wisconsin Hospitals and Clinics Authority for the 2005-2006 legislative session.

Please feel free to contact me if you have any further questions.

Sincerely,

SENATOR SCOTT FITZGERALD

Co-Chair, Joint Committee on Finance

#### State of Wisconsin Legislative Audit Bureau

January 27, 2005

The Honorable, The Legislature:

As requested by the Joint Legislative Audit Committee, we have completed an evaluation of the process by which the Department of Health and Family Services (DHFS) determines eligibility for the SeniorCare program, which provides subsidized prescription drug benefits to individuals who are 65 or older. A similar review of eligibility determinations for the Medical Assistance and BadgerCare programs was provided in report 04–11, released in September 2004.

SeniorCare operates under the terms of a federal waiver, which allows states to receive federal Medical Assistance matching funds to provide program services. Only four states operate programs under this waiver, and Wisconsin's is the most comprehensive, both in terms of program eligibility and in benefits provided. In fiscal year (FY) 2004–05, the SeniorCare budget is \$117.4 million, including \$40.1 million in general purpose revenue. In June 2004, a total of 90,211 individuals were enrolled in the program.

Individuals apply for SeniorCare by mail. The application form requests an estimate of their income over the next 12-month period; no income verification is required. To determine the degree to which income is accurately reported, we reviewed a randomly selected sample of 1,000 applications approved in 2003. Participants were placed in the correct benefit level in 82.5 percent of the cases we reviewed. However, underestimated or under-reported income led to cost-sharing requirements that were lower than appropriate in 11.9 percent of cases. The opposite was true in 2.3 percent of cases. We were unable to determine actual income in 3.3 percent of the cases. Had placements been made in accordance with participants' actual income, we estimate annual net program savings of \$6.9 million, which includes \$3.0 million in general purpose revenue.

Given the under-reporting of income in our sample, we recommend DHFS increase its efforts to prevent, identify, and correct participant errors in income reporting. In addition, we recommend DHFS establish procedures for recovering SeniorCare benefits paid in error, as it is required to do under administrative rule.

We appreciate the courtesy and cooperation extended to us by DHFS staff in conducting this review.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

January 27, 2005

The Honorable, The Legislature:

We have completed a financial audit of WHA Radio, as requested by the University of Wisconsin–Extension to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

WHA Radio is licensed to the Board of Regents of the University of Wisconsin System and is operated by the University of Wisconsin–Extension. WHA Radio earned \$8.7 million in revenues during fiscal year 2003–04, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 2003 through June 30, 2004. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin–Extension staff during the audit.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

January 27, 2005

The Honorable, The Legislature:

We have completed a financial audit of WHA Television, as requested by the University of Wisconsin–Extension to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

WHA Television is licensed to the Board of Regents of the University of Wisconsin System and is operated by the University of Wisconsin–Extension. WHA Television earned \$15.9 million in revenues during fiscal year 2003–04, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 2003 through June 30, 2004. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin–Extension staff during the audit.

Sincerely,

JANICE MUELLER  
State Auditor

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

January 21, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EVERSON, DIANE, of Edgerton, as a member of the Educational Communications Board, to serve for the term ending May 1, 2009.

Sincerely,

JIM DOYLE  
Governor

Read and referred to committee on **Education**.

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

**Senate Clearinghouse Rule 04–110**

Relating to the licensure and regulation of athlete agents. Submitted by Department of Regulation and Licensing. Report received from Agency, January 26, 2005. Referred to committee on **Job Creation, Economic Development and Consumer Affairs**, January 27, 2005.

**Senate Clearinghouse Rule 04–120**

Relating to the 2005 edition of the uniform standards of professional appraisal practice (USPAP). Submitted by Department of Regulation and Licensing. Report received from Agency, January 26, 2005. Referred to committee on **Job Creation, Economic Development and Consumer Affairs**, January 27, 2005.

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**ADJOURNMENT**

Senator Erpenbach, with unanimous consent, asked that the Senate adjourn pursuant to Senate Joint Resolution 1.

Adjourned.

10:01 A.M.

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 28** offered by Senators Kanavas and S. Fitzgerald.