



STATE OF WISCONSIN

Assembly Journal

Ninety–Third Regular Session

THURSDAY, October 15, 1998

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

Clearinghouse Rule 98–35 effective 9–1–98
Clearinghouse Rule 98–36 effective 9–1–98
Clearinghouse Rule 98–48 effective 9–1–98
Clearinghouse Rule 98–51 effective 9–1–98

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 98–031

Relating to accommodating utility facilities on state–owned railroad corridors.

Submitted by Department of Transportation.

Report received from Agency, October 7, 1998.

To joint committee on **Information Policy**.

Referred on October 15, 1998.

Assembly Clearinghouse Rule 98–105

Relating to motor carrier safety regulations, motor carrier safety requirements for transportation of hazardous materials and motor carrier safety requirements for intrastate transportation of hazardous materials.

Submitted by Department of Transportation.

Report received from Agency, October 7, 1998.

To committee on **Highways and Transportation**.

Referred on October 15, 1998.

COMMUNICATIONS

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: September 1, 1998

TO: Charles Sanders
Assembly Chief Clerk

Donald J. Schneider
Senate Chief Clerk

FROM: Gary L. Poulson
Deputy Revisor of Statutes

SUBJECT: Rules published in the August 31, 1998,
Wisconsin Administrative Register, No. 512.

The following rules have been published:

Clearinghouse Rule 97–149 effective 9–1–98
Clearinghouse Rule 98–13 effective 9–1–98
Clearinghouse Rule 98–32 effective 9–1–98

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Commerce
Madison

September 29, 1998

To the Honorable, the Assembly:

The enclosed report has been sent to you pursuant to sec. 1.11, 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 Department of Commerce for the period from July 1, 1997, to July 1, 1998.

Any questions concerning this report may be directed to Richard Meyer, WEPA Coordinator, at 608-266-3080.

Sincerely,
PHILIP EDW. ALBERT
Acting Secretary, DOC

Referred to committee on **Natural Resources**.

State of Wisconsin
Department of Health and Family Services
Madison

October 1, 1998

To the Honorable, the Assembly:

As required in Sections 227.485(9) and 814.245(10) of the Wis. Stats., I am submitting the report concerning decisions and resulting payments of Attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. Payments for SFY 1998 are shown on the attached schedule.

In addition, the Department is required to report any awards granted to the Department regarding frivolous motions

brought against this Department. If the hearing examiner determines that the motion of the opposing party in any Chapter 227 contested case is frivolous, the examiner may award the state agency all reasonable costs in responding to the motion. In SFY 1998, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,
JOE LEEAN
Secretary, DHFS

Referred to committee on **Health**.

State of Wisconsin
Department of Revenue
Madison

October 9, 1998

To the Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending September 30, 1998. As required by ss. 565.37(3), Wis. Stats., the attached materials contain Wisconsin Lottery year to date sales and financial information.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,
CATE ZEUSKE
Secretary of Revenue

Referred to committee on **State Affairs**.

AGENCY REPORTS

State of Wisconsin
University of Wisconsin
Madison

June 22, 1998

To the Honorable, the Legislature:

I am pleased to present you with the comprehensive annual financial report (CAFR) of the Wisconsin Department of Employee Trust Funds (ETF) for the year ended December 31, 1997. The management of the Department is responsible for both the accuracy of the data, and the completeness and fairness of the presentation.

This report is intended to provide comprehensive and reliable information about the Department of Employee Trust Funds, the Wisconsin Retirement system, and the other benefit plans and trust funds administered by ETF. I would like to express my appreciation to the Governor, members of the Legislature, members of the boards, staff, employers, participants and all

the people whose efforts and interest combine to assure the successful operation of the trust funds.

Sincerely,
ERIC O. STANCHFIELD
ETF Secretary

State of Wisconsin
Department of Employment Relations
Madison

September 16, 1998

To the Honorable, the Assembly:

The Department of Workforce Development and Employment Relations are pleased to send you a copy of the Wisconsin Works (W-2) Mentoring Guidelines. The Guidelines were developed to assist your agency to successfully employ and retain W-2 customers in training or permanent positions.

We have included two State agency mentoring plans, and workforce information and resources that may be used by supervisors to ensure that W-2 customers make the transition from welfare to work. All State agencies who train or employ W-2 customers are encouraged to establish a mentoring program.

We appreciate your participation in this program and look forward to your continued support.

If you have questions about this program, please contact Kathryn A. Moore, at (608) 266-9472, at the Department of Employment Relations.

Sincerely,
JON E. LITSCHER, Secretary
Department of Employment Relations

Sincerely,
LINDA STEWART, Secretary
Department of Workforce Development

State of Wisconsin
University of Wisconsin
Hospital and Clinics
Madison

September 30, 1998

To the Honorable, the Assembly:

Attached is the Annual Report to the Legislature of the UW Hospitals and Clinics Authority. The document outlines our major accomplishments, including our financial performance, for the 1997-98 fiscal year. UWHC continued its growth in admissions and clinics visits during the year, and we plan, in 1998-99, to add additional space to help us meet the increased demand for our services.

UWHC was again rated among the best hospitals in the nation in several specialties according to *U.S. News and World*; we have the best Organ Procurement Organization in the country; and our programs regularly receive national attention. While

the challenges facing academic medical institutions will grow in the future, we are confident that UWHC will remain a source of pride to the State of Wisconsin and its people.

If you have questions or need further information, please don't hesitate to contact me.

Sincerely,
GORDON M. DERZON
Chief Executive Officer, UWHC

State of Wisconsin
Legislative Audit Bureau
Madison

October 8, 1998

We have completed an evaluation of the Petroleum Environmental Cleanup Fund Award (PECFA) program, which is jointly administered by the Department of Commerce and the Department of Natural Resources (DNR). PECFA was established in 1988 to reimburse property owners for costs associated with required cleanup of discharges from eligible petroleum product storage systems. As of June 30, 1998, PECFA had reimbursed owners \$541.3 million and had a backlog of \$95.4 million in claims approved for payment; an additional \$185.4 million in claims had been submitted to Commerce but not yet reviewed. The program is funded by a \$0.03 per gallon fee on petroleum products at the wholesale level.

Wisconsin's cleanup costs are among the highest in the nation. The State ranks third nationally in total cleanup expenditures; it has stringent cleanup standards, applies them to all sites, and expects all contamination to be cleaned as soon as practicable

following discovery. In contrast, some other states, including states with similarly stringent numeric enforcement standards, have adopted a risk-based approach to assessing petroleum-contaminated sites and prioritizing cleanup, so that sites posing the greatest risk to human health, sensitive environments, development, or other policy priorities are addressed first.

The Legislature, Commerce, and DNR have all taken steps to expedite the closure of sites and to control costs at new and existing sites. However, both continued cooperation between the agencies and a more coordinated approach to cleanup efforts are needed. We have made a number of recommendations to improve the efficiency and cost-effectiveness of the site cleanup process, including that DNR move aggressively to monitor sites for which it is responsible. We also recommend Commerce issue a schedule of usual and customary costs, as required by administrative rule, to eliminate unwarranted variations in costs for similar services.

However, it is unlikely that recently adopted cost-control efforts and better program management alone will be sufficient to bring the demand for reimbursements into balance with existing program revenues. We identify a series of questions that warrant consideration by the Legislature as it deliberates the future of the PECFA program.

We appreciate the courtesy and cooperation extended to us by Commerce and DNR staff. Responses from the two agencies are included as Appendices IX and X.

Respectfully submitted,
JANICE MUELLER
State Auditor