

STATE OF WISCONSIN
Senate Journal
Ninety–Fourth Regular Session

WEDNESDAY, August 2, 2000

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin

July 31, 2000

The Honorable, The Senate:

Pursuant to Senate Rule [20\(1\)\(a\)](#) and s. [15.107\(11\)\(b\)5.](#), I have appointed Senator Gwendolynne Moore to a 2–year term on the Wisconsin Women’s Council, and Senator Kim Plache to a 1–year term on the Wisconsin Women’s Council. The terms of Senators Lazich and Roessler have expired.

Sincerely,

CHUCK CHVALA
Senate Majority Leader

State of Wisconsin
Department of Health and Family Services

July 17, 2000

The Honorable, The Senate:

Pursuant to Section [50.04\(5\)\(fr\)](#), Wis. Stats., effective June 17, 1998, the Department is required to submit an annual report to the Legislature related to Class A violations committed by nursing homes (including facilities for the developmentally disabled) and forfeitures assessed on nursing homes for those violations.

The Department issued 27 Class A violations to nursing homes between June 1, 1999 and May 31, 2000. The attached chart details these Class A violations, including their original forfeiture amount assessed and the status of their payment.

Two Class A violations were not assessed state forfeitures in accordance with Section [50.04](#), but were assessed a federal Civil Money Penalty for a parallel federal deficiency. Southdale Health Care Services and Muskego Nursing Home were assessed and paid Civil Money Penalties totaling \$12,285.

Due to their Medicaid certification status, Section [49.498](#) prohibits the state from levying sanctions to a nursing home for violations under both certification standards (Chapter [49](#)) and state licensure standards (Chapter [50](#)).

As a result of their payment to the Medicaid Civil Money Penalty fund, no state forfeitures were assessed to either of these nursing homes.

Sincerely,

JOE LEEAN
Secretary

State of Wisconsin

Southeast Wisconsin Professional Baseball Park District

July 12, 2000

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of June 2000 for your review and consideration. As the enclosed report indicates, Miller Park continues to develop with the District Board’s objectives of building the premier baseball facility in the country; scheduled for play Opening Day 2001: within budget: and with strong community participation.

Please feel free to contact me if you have any questions or comments regarding the enclosed report.

Sincerely,

MICHAEL R. DUCKETT, P.E., R.L.S.
Executive Director

State of Wisconsin
Legislative Audit Bureau

July 28, 2000

The Honorable, The Legislature:

We have completed a review of Maximus, Inc., as part of our comprehensive audit of the state wide implementation of the Wisconsin Works (W–2) program, which is required by Wisconsin Statutes. To address recent concerns about Maximus’ administration of the W–2 program in Milwaukee, we reviewed time spent by its W–2 staff on projects outside of Wisconsin; Maximus’ use of a temporary employment agency, MaxStaff; its personnel practices; and the appropriateness of its W–2 program expenditures.

We found that improved oversight of time reporting is needed, especially for Maximus staff who travel and work on out-of-state projects. From September 1997 through March 2000, 46 staff in Milwaukee office also worked on other Maximus projects that were unrelated to W–2. In total, 724 hours for these staff were incorrectly billed to the W–2 program, resulting in overcharges of \$51,300.

In addition, we found that 72.7 percent of the selected accounting transactions we reviewed, which had resulted in charges of \$1.6 million to the W–2 program, lacked sufficient supporting documentation for reimbursement. We identified \$138,840 in unallowable costs and questioned an additional \$276,407 in expenditures charged the W–2 program. In total, these costs represent 3.2 percent of all direct costs that were not related to staffing. Unallowable and questioned transactions include entertainment expenditures for Maximus employees; donations to various not-for-profit organizations; and expenditures that appear to be excessive or unreasonable. For example, we found that Maximus spent substantially more on advertising —\$1.1 million from 1997 through 1999— than other W–2 agencies did. At least some of these advertising costs appear to have promoted company interests rather than to

have provided information to assist prospective W-2 program participants.

The Department of Workforce Development has provided inadequate guidance and oversight to Maximus and other W-2 agencies with which it has contracted; we have included recommendations for the Department to improve its efforts in these areas. We have also included recommendations for Maximus to improve its accounting practices by better recording and documenting stated business purposes for W-2 expenditures.

Finally, we found that the creation and use of MaxStaff is an allowable activity and that indirect costs of \$6.6 million that Maximus charged to the W-2 program through 1999 appear to have been allocated based on a reasonable method.

We appreciate the courtesy and cooperation extended to us by Maximus during the course of our review. Maximus cooperated fully and provided access to all of the records we requested.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Legislative Reference Bureau**

July 2000

The Honorable, The Legislature:

I am pleased to report that the Legislative Reference Bureau has enjoyed another successful year. And while we remain committed to our tradition of providing quality service to the Wisconsin Legislature, we are also considering ways to improve our service.

To meet the needs of a dynamic legislature, a legislative service agency must continually evaluate itself. We have started this evaluation by asking which of our products and services are most useful, which can we improve, which should we change, and how we can achieve better results. The answers to these questions, as well as our ongoing analysis, will improve our service to the Legislature. We believe that this service will be further enhanced by our move into the new space at One East Main Street, where we will be able to work in close proximity to the Legislative Council and the Legislative Fiscal Bureau.

We look forward to celebrating the LRB's centennial in the coming year. As the oldest legislative service agency in the nation, we are justly proud of our record of service. With your continued interest and support, we will be ready to embark on our second century of service to the Wisconsin Legislature

Sincerely,

STEPHEN R. MILLER
Chief

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

July 20, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STOLPMAN, KATHLEEN F., of

Brookfield, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2003.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

July 20, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WEDDLE, MCARTHUR, of Milwaukee, as a member of the Psychology Examining Board, to serve for the interim term ending July 1, 2002.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

July 20, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PRECIA, JOYCE I., of Waukesha, as a member of the Board of Nursing, to serve for the interim term ending July 1, 2003.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

July 20, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HAMMES, JON D., of Mequon, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 2006.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

July 20, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KUNDERT, JOHN F. "JACK", of Monroe, as Secretary of the Department of Financial Institutions, to serve for the term ending at the pleasure of the Governor.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

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

**State of Wisconsin
Revisor of Statutes Bureau**

August 1, 2000

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
97- 13 (part)	August 1, 2000
98- 27	August 1, 2000
98-174	August 1, 2000
99- 28	August 1, 2000
99-125	August 1, 2000
99-156	August 1, 2000
99-161	August 1, 2000
99-164	August 1, 2000
99-165	August 1, 2000
99-167	August 1, 2000
99-169	August 1, 2000
00- 3	August 1, 2000
00- 4	August 1, 2000
00- 5	August 1, 2000
00- 6	August 1, 2000
00- 9	September 1, 2000
00- 12	August 1, 2000
00- 13	August 1, 2000
00- 14	August 1, 2000
00- 16	August 1, 2000
00- 24	August 1, 2000
00- 41	August 1, 2000
00- 53 (part)	August 1, 2000
00- 53 (part)	January 1, 2001

Sincerely,
GARY L. POULSON
Deputy Revisor

Senate Clearinghouse Rule 00-011

Relating to distribution to annuitants of the total amount distributed from the transaction amortization account to the annuity reserve under the nonstatutory provisions of 1999 Wisconsin Act 11.

Submitted by Department of Employee Trust Funds.

Report received from Agency, July 28, 2000.

Referred to committee on **Labor**, August 2, 2000.

Senate Clearinghouse Rule 00-058

Relating to the agricultural chemical cleanup program.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, July 27, 2000.

Referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**, August 2, 2000.

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

Senate Clearinghouse Rule 00-050

Relating to registration seals, experience requirements for professional engineers and educational requirements for land surveyors.

No action taken.

Senate Clearinghouse Rule 00-064

Relating to educational and experience requirements prior to sitting for the fundamentals examination.

No action taken.

Robert Wirch
Chairperson

The committee on **Education** reports and recommends:

Senate Clearinghouse Rule 00-044

Relating to grants for students.

No action taken.

Richard Grobschmidt
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

Senate Clearinghouse Rule 00-001

Relating to non-expiring licenses and certification and a required annual or biennial report for certified adult family homes, licensed adult family homes, community-based residential facilities, hospice programs, nursing homes, home health agencies and facilities for the developmentally disabled, and a required annual report for hospitals.

No action taken.

Senate Clearinghouse Rule 00-049

Relating to transfer of prescription orders.

No action taken.

Senate Clearinghouse Rule 00-052

Relating to uniform procedures for checking the backgrounds of persons who apply to provide or are providing care or treatment to people who need that care or treatment, and for barring persons because of specified convictions, charges or findings substantially related to the care of clients from operating a service provider organization, providing care or treatment to the clients of a service provider or otherwise having contact with the clients of a service provider.

No action taken.

Rodney Moen
Chairperson

The committee on **Insurance, Tourism, Transportation and Corrections** reports and recommends:

Senate Clearinghouse Rule 00-015

Relating to the state public transit operating assistance program; to the use of fully allocated costs in the competitive bid process; and to allocation of federal public transit assistance program funds to urbanized areas under 200,000 population.

No action taken.

Senate Clearinghouse Rule 00-040

Relating to the exemption of attorneys seeking licensure for title insurance from certain testing requirements.

No action taken.

Senate Clearinghouse Rule 00-072

Relating to motor carrier safety requirements.

No action taken.

Roger Breske
Chairperson

**MOTIONS UNDER SENATE RULE 98 AND
JOINT RULE 7**

for the Month of July 2000

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Allied – Dunn’s Marsh Neighborhood Center, on the occasion of celebrating its 10th Anniversary.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Risser, for Assumption Greek Orthodox Church, on the occasion of 40 years of Greek Fest.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Shawn Barczak, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Linda Burg, on the occasion of the 15th anniversary of the opening of the Little Read Book bookstore.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Spencer D. Clark, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for William A. Cross, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Farrow, for Matt DeBaun, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Drzewiecki, for Fire Chief Dale Drewery, on the occasion of receiving the Wisconsin Fire Chief of the Year Award from the Wisconsin Fire Inspectors Association.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Huelsman, for the Enigma Musical Ensemble from Bletchley, England and directed by Mr. Brian Dipple, on the occasion of their “Lunch Hour” concert in the Wisconsin State Capitol Rotunda on July 24, 2000.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Mary Freymiller, on the occasion of her retirement from the University of Wisconsin–Platteville after 39 1/2 years of generous contributions to preserving and sharing the history of Southwestern Wisconsin.

A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Marie Lenore Gaines, on the occasion of celebrating her life with them.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Brian Joseph Grochowski, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Drzewiecki, for the Heritage Hill Foundation, on the occasion of its 25th Anniversary and the excellent work they have done to preserve the history of Green Bay.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Jason Kauffold, on the

occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Daniel Terrence Kettler, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Steven Patrick Kettler, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Raymond Laub, on the occasion of his retirement from the Nicolet School Board after 16 years of hard work and dedication.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Minerva B. Martin, on the occasion of celebrating her 90th Birthday shared with family and friends.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Tony McConnell, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for William, Arthur, Louie, Walter, Brian, Craig and Dean Meinholz, on the occasion of along with their families, of the Blue Star Dairy in DeForest, Wisconsin are the Southwest Regional winners of the 2000 Dairy Farm Family Award, presented by the University of Wisconsin–Center for Dairy Profitability.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Dale Meyer, on the occasion of his 30 years of dedication in the law enforcement for the State of Wisconsin.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Wirch, for Adam M. Moe, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Deputy Sheriff Richard P. Schoenfeldt, on the occasion of his retirement after 28 years of dedicated service to the people of Ozaukee County.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Barbara and Robin Schwant, on the occasion of celebrating their 25th wedding anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Sara Sherkow, on the occasion of celebrating her 80th Birthday.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Drzewiecki, for Daniel J. Spielmann, on the occasion of his exceptional service to the University of Wisconsin–Green Bay.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Huelsman, for Kurt Stonger, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Jacob Keith Tulachka, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Gordon Walling, on the occasion of his retirement from law enforcement after 28 dedicated years of service to the citizens of Waunakee and Fitchburg.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Burke, for the Most Reverend Rembert

G. Weakland, on the occasion of his outstanding service to the community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Andy Zach, on the occasion of earning and attaining the rank of the Eagle Scout Award.