



STATE OF WISCONSIN Assembly Journal

Ninety-Fifth Regular Session

MONDAY, February 19, 2001

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

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 18** offered by committee on **Campaigns and Elections**.

Assembly amendment 2 to **Assembly Bill 18** offered by committee on **Campaigns and Elections**.

Assembly amendment 3 to **Assembly Bill 18** offered by committee on **Campaigns and Elections**.

Assembly amendment 4 to **Assembly Bill 18** offered by committee on **Campaigns and Elections**.

Assembly amendment 5 to **Assembly Bill 18** offered by committee on **Campaigns and Elections**.

Assembly amendment 6 to **Assembly Bill 18** offered by committee on **Campaigns and Elections**.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 00-122

Relating to placement of Wisconsin-issued motor vehicle identification numbers (VINs).

Submitted by Department of Transportation.

Report received from Agency, February 15, 2001.

To committee on **Transportation**.

Referred on February 19, 2001.

Assembly Clearinghouse Rule 00-143

Relating to a system of remediation for applicants who have failed the clinical and laboratory examinations more than three times.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 13, 2001.

To committee on **Health**.

Referred on February 19, 2001.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 10

Relating to: veto review procedure.

By Representatives Carpenter and Turner.

To committee on **Rules**.

Assembly Resolution 11

Relating to: limitation on campaign depository account balances.

By Representatives Carpenter, J. Lehman, Miller and Berceau.

To committee on **Rules**.

Assembly Resolution 12

Relating to: the ending time of the daily sessions of the assembly.

By Representatives Carpenter, La Fave, Staskunas, Morris-Tatum, J. Lehman, Berceau and Williams.

To committee on **Rules**.

Assembly Resolution 13

Relating to: requiring public hearings on proposals.

By Representatives Carpenter, Staskunas, Morris-Tatum, Cullen, Miller, Berceau and Williams.

To committee on **Rules**.

Assembly Resolution 14

Relating to: special-interest fiscal estimates.

By Representatives Carpenter and Turner.

To committee on **Rules**.

Assembly Resolution 15

Relating to: the veto review process.

By Representatives Carpenter, Staskunas, Morris-Tatum, Kreuser, Cullen, Miller, Berceau and Williams.

To committee on **Rules**.

Assembly Resolution 16

Relating to: unanimous consent requests.

By Representatives Carpenter and Turner.

To committee on **Rules**.

Assembly Resolution 17

Relating to: reporting of campaign contributions before the executive budget bill is passed.

By Representatives Carpenter, Turner and J. Lehman.
To committee on **Rules**.

Assembly Resolution 18

Relating to: requiring the legislative reference bureau to include delayed effective dates in certain drafts.

By Representatives Carpenter, Turner, La Fave and Plouff.

To committee on **Rules**.

Assembly Resolution 19

Relating to: limiting the number of assembly employees assigned to each member.

By Representatives Carpenter, Turner and Plouff.

To committee on **Rules**.

Assembly Resolution 20

Relating to: prohibiting the assignment of duties and responsibilities of press spokesperson to an assembly employee.

By Representatives Carpenter and Turner.

To committee on **Rules**.

Assembly Resolution 21

Relating to: preparation of additional local fiscal estimates by the legislative fiscal bureau.

By Representatives Carpenter, Turner and La Fave.

To committee on **Rules**.

Assembly Resolution 22

Relating to: prohibitions on campaign contributions before the executive budget bill is passed.

By Representatives Carpenter, J. Lehman, Miller, Berceau and Williams.

To committee on **Rules**.

Assembly Resolution 23

Relating to: prohibiting campaign contributions between January 1 of each odd-numbered year and June 1 of the next even-numbered year.

By Representatives Carpenter, J. Lehman, Berceau and Williams.

To committee on **Rules**.

Assembly Joint Resolution 33

Relating to: preparation of additional local fiscal estimates by the legislative fiscal bureau.

By Representatives Carpenter, Turner and La Fave.

To committee on **Rules**.

Assembly Joint Resolution 34

Relating to: requiring the legislative reference bureau to include delayed effective dates in certain drafts.

By Representative Carpenter.

To committee on **Rules**.

Assembly Bill 132

Relating to: expanding medical assistance income eligibility requirements for individuals who are elderly, blind, or disabled; requiring pharmacies and pharmacists, as a

condition of medical assistance participation, to charge elderly persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers; requiring an annual report on the sale and pricing of certain drugs and programs that offer discounts on drugs to consumers; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

By Representatives Krusick, Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris-Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Williams, Wood and Young; cosponsored by Senators Robson, Breske, Burke, Decker, Erpenbach, George, Grobschmidt, A. Lasee, Plache and Risser, by request of Coalition of Wisconsin Aging Groups, American Association of Retired Persons, Wisconsin Citizen Action, Franklin Senior Citizens, Medical College of Wisconsin, Milwaukee Police Association, Oilgear Retirees, Wisconsin Alzheimers Association Chapter Network, Wisconsin Council of Senior Citizens, Wisconsin Federation of Nurses and Health Professionals, Wisconsin Homecare Organization and Wisconsin Retired Educators Association.

To committee on **Health**.

Assembly Bill 133

Relating to: the terms of address that pupils use with school employees.

By Representatives Owens, Krawczyk, Ainsworth, Albers, Gronemus, Sykora and Williams.

To committee on **Education Reform**.

Assembly Bill 134

Relating to: the amount of the exemption from income tax withholding requirements for employees of a county fair association.

By Representatives Gunderson, Ladwig, Freese, Nass, Musser, Olsen, Wade, Lassa, Starzyk, Ainsworth, Albers, J. Fitzgerald, Grothman, Hahn, Huber, Kedzie, Krawczyk, J. Lehman, M. Lehman, Vrakas, Townsend, Kestell, Jeskewitz, Lippert, Ott, Owens, Powers, Plouff, Seratti, Stone, Sykora and Williams; cosponsored by Senators M. Meyer, Decker, Farrow, Huelsman, Robson, Breske, Baumgart, Wirsch, Schultz, Plache, Shibilski, Roessler and S. Fitzgerald.

To committee on **Ways and Means**.

To joint survey committee on **Tax Exemptions**.

Assembly Bill 135

Relating to: the requirement to obtain a public warehouse keeper's license.

By Representatives Gunderson, Ladwig, Krawczyk, Nass, Musser, Vrakas, Starzyk, Ward, Wade, Huber, Ainsworth, Freese, Gronemus, Grothman, Kedzie, Kestell, Albers, M. Lehman, Lippert, Plouff, Powers, Owens, Stone, Ott, J. Fitzgerald, Williams and Seratti; cosponsored by Senators M. Meyer, Breske, Farrow, Huelsman, Robson, Baumgart, Wirsch, Schultz, Plache, Shibilski, Roessler and S. Fitzgerald.

To committee on **Urban and Local Affairs**.

Assembly Bill 136

Relating to: shared revenue payments for former utility property.

By Representatives Hahn, F. Lasee, Gronemus, Hoven, Huebsch, Schooff, Wade, Kestell, Leibham, Ott, Sykora, Johnsrud, Seratti, Montgomery, Skindrud, Owens, Huber and Plouff; cosponsored by Senators M. Meyer, Wirch, Breske, A. Lasee, Baumgart, Schultz and Moen.

To committee on **Ways and Means**.

Assembly Bill 137

Relating to: transferring money from the general fund to the budget stabilization fund.

By Representatives Owens, Starzyk, Huebsch, Suder, Krawczyk, Skindrud, Albers, Nass, F. Lasee and Ott.

To committee on **Government Operations**.

Assembly Bill 138

Relating to: the married persons individual income tax credit.

By Representatives Powers, Miller, Pettis, Jeskewitz, Hoven, Albers, Gunderson, Townsend, McCormick and Berceau; cosponsored by Senators Darling and Schultz.

To committee on **Ways and Means**.

Assembly Bill 139

Relating to: increasing the working families tax credit.

By Representatives Powers, Black, Miller, Gronemus, Musser, Pettis, Jeskewitz, M. Lehman, Albers, Leibham, Williams, McCormick, Berceau and La Fave; cosponsored by Senators Darling and Schultz.

To committee on **Ways and Means**.

Assembly Bill 140

Relating to: modifying the definition of "income" under the homestead tax credit.

By Representatives Powers, Gronemus, Balow, Pettis, Kreuser, Hoven, Albers, Townsend, Sykora and Seratti; cosponsored by Senators Darling, Huelsman and Roessler.

To committee on **Ways and Means**.

COMMITTEE REPORTS

The committee on **Campaigns and Elections** reports and recommends:

Assembly Bill 18

Relating to: the scope of regulation and reporting of information by nonresident registrants under the campaign finance law.

Assembly amendment 1 adoption:

Ayes: 6 – Representatives Freese, Ladwig, Stone, J. Fitzgerald, Travis and Pocan.

Noes: 0.

Assembly amendment 2 adoption:

Ayes: 6 – Representatives Freese, Ladwig, Stone, J. Fitzgerald, Travis and Pocan.

Noes: 0.

Assembly amendment 3 adoption:

Ayes: 6 – Representatives Freese, Ladwig, Stone, J. Fitzgerald, Travis and Pocan.

Noes: 0.

Assembly amendment 4 adoption:

Ayes: 6 – Representatives Freese, Ladwig, Stone, J. Fitzgerald, Travis and Pocan.

Noes: 0.

Assembly amendment 5 adoption:

Ayes: 4 – Representatives Freese, Ladwig, Stone, J. and Fitzgerald.

Noes: 2 – Representatives Travis and Pocan.

Passage as amended:

Ayes: 2 – Representatives Freese and Travis.

Noes: 4 – Representatives Ladwig, Stone, J. Fitzgerald and Pocan.

To committee on **Judiciary**.

STEPHEN FREESE

Chairperson

Committee on Campaigns and Elections

MESSAGE FROM THE SENATE

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 4

Senate Joint Resolution 7

Passed and asks concurrence in:

Senate Bill 1

Senate Bill 3

Senate Bill 7

Senate Bill 37

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 4

Relating to: proclaiming May 18, 19, and 20, 2001, Syttende Mai Weekend.

By Senators Moen, Chvala, Erpenbach, Burke, S. Fitzgerald, George, Roessler, Schultz, Risser, Baumgart, Darling and Harsdorf; cosponsored by Representatives Skindrud, Hebl, Richards, Musser, Huebsch, Bock, Gunderson, Petrowski, Boyle, Rhoades, Underheim, Olsen, Albers, Pocan, Walker, Sykora, Miller, Ward, Pettis, Urban, Gronemus, Krug and Townsend.

To committee on **Rules**.

Senate Joint Resolution 7

Relating to: proclaiming Prostate Cancer Awareness Month.

By Senators Grobschmidt, Wirch, Darling, Burke, Moore, Risser, Schultz, Baumgart, Roessler, Cowles, Hansen, Plache, Farrow and Lazich; cosponsored by Representatives Urban, Richards, Ryba, Starzyk, Bock, J. Lehman, Carpenter, Hundertmark, Stone, Walker, Jeskewitz, Young, Pocan, Berceau, Miller, Krawczyk, Vrakas, Lippert, Ladwig, Turner, Williams, Ainsworth, Townsend, Plouff, Hahn, Olsen, Riley, Johnsrud, Lassa, Ott, Sykora, Kreuser and Coggs.

To committee on **Rules**.

Senate Bill 1

Relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge elderly persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers; requiring the department of health and family services to seek a waiver to provide medical assistance eligibility to certain persons for purposes of a prescription drug benefit; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

By Senators Robson, Plache, Roessler, Shibilski, Erpenbach, Chvala, Baumgart, George, Grobschmidt, Hansen, Jauch, Risser, Wirch, Moen and M. Meyer; cosponsored by Representatives Plouff, Krusick, Schooff, Krug, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Plale, Pocan, Reynolds, Richards, Riley, Ryba, Sherman, Shilling, Sinicki, Turner, Young, Wood, Schneider, Wasserman, Balow, Morris-Tatum, Huber and Staskunas.

To committee on **Health**.

Senate Bill 3

Relating to: the appointment of the secretary of natural resources.

By Senators Shibilski, Risser, Burke, Decker, Hansen, Robson, Breske, Grobschmidt, Moen, Erpenbach, Jauch, Wirch, Plache, M. Meyer, Baumgart, Moore and George; cosponsored by Representatives Black, Hubler, Hebl, Boyle, Sherman, Carpenter, La Fave, J. Lehman, Wasserman, Berceau, Bock, Krug, Pocan, Reynolds, Plouff, Huber, Lassa, Shilling, Sinicki, Travis, Schooff, Balow, Staskunas, Richards, Meyerhofer and Miller.

To committee on **Natural Resources**.

Senate Bill 7

Relating to: the filing of certain forms related to a tax incremental financing district.

By Senator Moen; cosponsored by Representative Musser.

To committee on **Ways and Means**.

Senate Bill 37

Relating to: water quality certification for wetlands.

By committee on Environmental Resources.

To committee on **Environment**.

SPEAKER'S COMMUNICATIONS

February 15, 2001

John A. Scocos
Assembly Chief Clerk
1 East Main Street, Suite 402

Dear Mr. Scocos:

On February 12, 2001, **Clearinghouse Rule 00-138** relating to extended area telephone service was referred to the Assembly Committee on Information Policy and Technology. Pursuant to Assembly Rule 13 (2)(b), I hereby withdraw **Clearinghouse Rule 00-138** from the Assembly Committee on Information Policy and Technology and re-refer that Clearinghouse Rule to the Assembly Committee on Small Business and Consumer Affairs.

Representative Pettis has been notified of this change and approves.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health and Family Services
Madison

January 29, 2001

To the Honorable, the Assembly:

In **1997 Act 27**, the 97-99 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. DHFS 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 the Department, 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 the Department to submit a 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. Attached is the report for 2000.

Questions about this report should be referred to Linda Dawson, Deputy Chief Legal Counsel, at 608-266-0355.

Thank you for distributing this report to members of the Assembly.

Sincerely,
JOE LEEAN
Secretary

Referred to committee on **Health**.

State of Wisconsin
Department of Administration
Madison

February 5, 2001

To the Honorable, the Legislature:

Re: Division of Gaming Quarterly Report

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the second quarter of fiscal year 2001 (October 1, 2000 through December 31, 2000). As required by s. 562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming and Indian Gaming. Please note that Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart from the rest of Charitable Gaming.

If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,
F. SCOTT SCEPANIAK
Administrator

Referred to committee on **State Affairs**.

State of Wisconsin
Department of Transportation
Madison

February 8, 2001

To the Honorable, the Assembly:

With great pleasure I present to you this report on the Pretrial Intoxicated Driver Intervention Grant Program. The program, created by section 85.53 Wis. Stats., was established by the legislature in 1997 with the requirement that the Department study its impact and report on its findings every even numbered year. This report covers the period from 1995, two years prior to the enactment of the program, through the year 1999.

The Pretrial Intoxicated Driver Intervention Program is designed for drivers who are arrested for their second or subsequent offense. It is an intervention program designed to get the offender into counseling, treatment and monitoring as soon as possible after the arrest in the belief that intervention

is most effective if it happens very soon after the incident. Previously, intervention waited until the completion of court action, typically 90 to 120 days. This program brings offenders to intervention almost immediately, usually as part of the bail release process. It was hoped this early intervention would help reduce recidivism rates.

As you will see in the full report, early indications are good. It appears that offenders who successfully completed the program were less likely than non participants to be rearrested for subsequent operating while intoxicated violations and that those who were rearrested went significantly longer between arrests than non participants.

This report describes the program in each of the ten participating counties and provides a detailed explanation of its results. I commend those people who have dedicated themselves to making this innovative program a success.

Sincerely,
TERRENCE S. MULCAHY, P.E.
Secretary

Referred to committee on **Highway Safety**.

State of Wisconsin
Department of Employment Relations
Madison

February 2001

To the Honorable, the Legislature:

Pursuant to s. 230.04(9)(em), Wis. Stats., I am pleased to submit the Veterans Employment Report for 2000. The report summarizes veteran new hires and on-board statistics for the time period and includes information for each state agency and each institution of the University of Wisconsin System.

Veterans comprise an important segment of the Wisconsin workforce in both the private and public sectors. State government – and any other employer – can benefit greatly by recruiting and retaining our nation's trained and motivated veterans.

Sincerely,
PETER D. FOX
Secretary

Referred to committee on **Veterans and Military Affairs**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

February 1, 2001

To the Honorable, the Legislature:

This biennial report on the operations and performance of the Legislative Audit Bureau covers the period January 1, 1999 through December 31, 2000. It summarizes the Bureau's

statutory responsibilities, significant developments affecting the Bureau, and reports released during the past two years and is required under s. 13.94(1)(j), Wis. Stats.

The Bureau conducts financial and program evaluation audits to assist the Legislature in its oversight of executive branch agencies. The Bureau's reports are received and reviewed by the Joint Legislative Audit Committee, whose 1999-2000 members were:

<i>Rep. Carol Kelso</i>	<i>Sen. Gary George</i>
<i>Rep. Stephen Nass</i>	<i>Sen. Judy Robson</i>
<i>Rep. John Gard</i>	<i>Sen. Brian Burke</i>
<i>Rep. Robert Ziegelbauer</i>	<i>Sen. Mary Lazich</i>
<i>Rep. David Cullen</i>	<i>Sen. Peggy Rosenzweig</i>

In total, we released 42 numbered reports during the biennium, as well as several dozen other documents of a narrow scope or intended for a limited audience. We make every effort to deliver accurate, timely, and useful analyses that enhance the accountability of state government, and we look forward to serving the Legislature, the Governor, and the people of Wisconsin in the coming years.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

February 16, 2001

To the Honorable, the Legislature:

We have completed a review of Employment Solutions, Inc. (ESI) and 15 other Wisconsin Works (W-2) agencies as part of a comprehensive audit of the statewide implementation of the W-2 program. We have identified charges for out-of-state

work and other unallowable and questioned expenditures by ESI that are similar to those we identified for Maximus, Inc., an agency that also administers the W-2 program in Milwaukee County.

We identified \$270,268 in unallowable costs that were related to ESI's activities outside of Wisconsin but charged to the W-2 program. Most were related to unsuccessful efforts to acquire a contract for administration of Arizona's welfare-to-work program. Our findings suggest the extent of ESI's out-of-state activities was greater than the agency had indicated.

Among \$3.6 million in additional transactions for ESI, we identified \$35,899 in unallowable costs and questioned another \$61,234 in expenditures charged to the W-2 program. Unallowable and questioned transactions include expenditures for entertaining ESI employees, advertising, legal services, local hotel charges, and a variety of restaurant and other food charges.

We also reviewed staff performance incentives that were charged to the W-2 program by three agencies in 1999. ESI provided substantially higher incentives than the other agencies, partly because ESI has chosen to make a portion of employees' compensation contingent upon performance. ESI's incentives averaged \$9,635 each for the 84 employees receiving them. ESI's chief executive officer received a total of \$61,645 in 1999; that amount reflects incentive payments for performance in 1998 and 1999.

Finally, we identified \$12,604 in unallowable costs and \$114,487 in questioned costs made by six other W-2 agencies.

We appreciate the courtesy and cooperation extended to us by the W-2 agencies and the Department of Workforce Development during the course of our review.

Respectfully submitted,
JANICE MUELLER
State Auditor