



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

THURSDAY, November 20, 2003

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

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 366** offered by Representative Bies.

Assembly amendment 1 to **Assembly Bill 496** offered by committee on **Transportation**.

Assembly amendment 1 to **Assembly Bill 573** offered by committee on **Transportation**.

Assembly substitute amendment 1 to **Assembly Bill 584** offered by Representative Schneider.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 03-083

Relating to exception to limits on disclosure of nonpublic personal financial information for brand name licensees.

Submitted by Insurance Commissioner.

Report received from Agency, November 12, 2003.

To committee on **Insurance**.

Referred on November 20, 2003.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 676

Relating to: bills increasing structural deficits in the general fund.

By Representatives Pocan, Albers, Berceau, Black, F. Lasee and Miller; cosponsored by Senators Carpenter and Lassa.

To joint committee on **Finance**.

Assembly Bill 677

Relating to: photographs for motor vehicle operators' licenses and identification cards.

By Representatives Gronemus, Montgomery, Shilling, Hahn, Albers, Suder, Berceau and Grothman; cosponsored by Senator A. Lasee.

To committee on **Transportation**.

Assembly Bill 678

Relating to: the reorganization, modernization, and modification of chapters 80 and 81.

By Joint Legislative Council.

To committee on **Transportation**.

Assembly Bill 679

Relating to: designating the cranberry as the Wisconsin state fruit.

By Representatives Kerkman, M. Williams, Vruwink, Albers, Freese, Hines, Kreibich, Ladwig, J. Lehman, Lothian, McCormick, D. Meyer, Molepske, Musser, Owens, Pettis, Schneider and Seratti; cosponsored by Senators Brown, Breske, Lassa, Schultz and Zien.

To committee on **Government Operations and Spending Limitations**.

Assembly Bill 680

Relating to: discontinuance of the use of electronic voting machines at elections in this state.

By Representatives Pocan, Albers, Black, Gronemus, J. Lehman, Musser, Plouff and Taylor; cosponsored by Senators Plale and A. Lasee.

To committee on **Campaigns and Elections**.

Assembly Bill 681

Relating to: requirements for recommendations made by insurers and insurance intermediaries to senior consumers in annuity transactions; committees of the board of directors of domestic stock and mutual corporations; annuity minimum nonforfeiture amount; merger of town mutual and domestic mutual insurance corporation into a town mutual; the insurance security fund; other miscellaneous changes to the insurance provisions; and granting rule-making authority.

By Representative Ladwig; cosponsored by Senator Schultz, by request of Office of the Commissioner of Insurance.

To committee on **Insurance**.

Assembly Bill 682

Relating to: drug and alcohol testing of employees who are required to be paid the prevailing wage rate for work performed on projects of public works.

By Representatives Stone, Miller, Lothian, Musser, Hines, Zepnick, Albers, M. Lehman, Ott, Vrakas and Nass; cosponsored by Senators Darling and Plale.

To committee on **Labor**.

Assembly Bill 683

Relating to: the selection of one or more financial institutions to serve as vendors of the college savings program and granting rule-making authority.

By Representatives Montgomery, Stone, Ainsworth, Ladwig, Olsen, Schooff, Musser, Bies, Jensen, Hines, F. Lasee, Vrakas, Gottlieb, Weber, Petrowski, Ott, Seratti, Lothian, Suder, Krawczyk, Loeffelholz, Zepnick and Taylor; cosponsored by Senators Reynolds, Robson, Stepp and Schultz.

To committee on **Colleges and Universities**.

COMMITTEE REPORTS

The committee on **Criminal Justice** reports and recommends:

Assembly Bill 444

Relating to: carrying or going armed with a concealed weapon, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Petrowski, Vukmir and Schneider.

Noes: 5 – Representatives Gundrum, Colon, Staskunas, Pocan and Taylor.

Passage as amended:

Ayes: 9 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Petrowski, Vukmir and Schneider.

Noes: 4 – Representatives Colon, Staskunas, Pocan and Taylor.

To committee on **Rules**.

SCOTT SUDER
Chairperson
Committee on Criminal Justice

MESSAGE FROM THE SENATE

By Donna J. Doyle, Assistant Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 48

Passed and asks concurrence in:

Senate Bill 155

Senate Bill 223

Senate Bill 230

Senate Bill 250

Senate Bill 252

Senate Bill 272

Senate Bill 305

Senate Bill 306

Amended and concurred in as amended:

Assembly Bill 409 (Senate amendment 1 adopted)

Assembly Bill 519 (Senate amendments 1, 2 and 3 adopted)

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 48

Relating to: the life of Green Lake County Police Officer Bruce A. Williams.

By Senators Welch, Kanavas, Schultz, S. Fitzgerald, Zien, Darling, Roessler, Brown, A. Lasee, Lazich, Hansen, Chvala, Lassa and Carpenter; cosponsored by Representatives Olsen, Nass, Owens, F. Lasee, Gunderson, Montgomery, LeMahieu, McCormick, Musser, Albers, Ott, Ladwig, Freese, Hahn, Friske, Huebsch, Jeskewitz, Weber, Kestell, Krawczyk, M. Lehman, Lothian, Taylor, Vruwink, Gronemus, J. Lehman, Miller, Plouff, Boyle, Berceau and Bies.

To committee on **Rules**.

Senate Bill 155

Relating to: use of hybrid-electric vehicles by state officers and employees and residents of this state.

By Senators Cowles, Schultz, Panzer and Risser; cosponsored by Representatives Weber, Van Roy, Richards, Gunderson, Albers, J. Lehman, Plouff, Owens, Miller and Black.

To committee on **Government Operations and Spending Limitations**.

Senate Bill 223

Relating to: the reduction and recovery of damages and admissibility of evidence in civil actions related to use or nonuse of protective headgear by operators and passengers of motorcycles, all-terrain vehicles, and snowmobiles.

By Senators Zien, A. Lasee, Welch, Stepp, Decker, Kanavas and Lazich; cosponsored by Representatives Vrakas, Gard, Suder, Kreibich, M. Lehman, Hines, Gronemus, Musser, Weber, Albers, Pettis, Kerkman, Kestell, Ott, Petrowski, Vruwink and Gunderson.

To committee on **Judiciary**.

Senate Bill 230

Relating to: authorizing an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the Blind and Visually Impaired, or a social worker to subject an individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome.

By Senators Roessler, Lassa and Plale; cosponsored by Representatives Olsen, Gunderson, Hines, Jeskewitz, Kestell,

Lothian, Musser, Ott, Owens, Seratti, Stone, Van Roy and Bies.

To committee on **Health**.

Senate Bill 250

Relating to: construction and operation of a Hmong cultural center, granting bonding authority, and making appropriations.

By Senators Welch, George, Kanavas and Schultz; cosponsored by Representatives Freese, Kestell, Musser and Coggs.

To committee on **Government Operations and Spending Limitations**.

Senate Bill 252

Relating to: Joint Committee on Finance review of stewardship acquisitions.

By Senators Darling, S. Fitzgerald, Kanavas, Schultz, Harsdorf, Lazich, Welch, Zien, Roessler and Stepp; cosponsored by Representatives Kaufert, Gard, Albers, Ainsworth, Hahn, Huebsch, Hundertmark, M. Lehman, LeMahieu, McCormick, D. Meyer, Musser, Nass, Olsen, Owens, Rhoades, Seratti, Suder, Towns, Ward, Hines, Stone, F. Lasee, Lothian, Vrakas and M. Williams.

To committee on **Rules**.

Senate Bill 272

Relating to: local government telecommunications utilities and public hearings for ordinances and resolutions authorizing local government cable television, telecommunications, and Internet access facilities.

By Senators Kanavas, Kedzie, Plale, Stepp, Reynolds, M. Meyer, S. Fitzgerald, Wirch, Leibham, A. Lasee, Breske, Brown, Carpenter and Welch; cosponsored by Representatives Montgomery, Vrakas, Suder, J. Fitzgerald, F. Lasee, Owens, Gundrum, Schneider, Shilling, D. Meyer, Hundertmark, Stone, Huebsch, Gronemus, Pettis, Grothman, Nass, Seratti, LeMahieu, Hines, Friske, Van Roy, J. Wood, Musser and Jeskewitz.

To committee on **Energy and Utilities**.

Senate Bill 305

Relating to: making technical and policy changes in the tax incremental financing program based in part on the recommendations of the governor's December 2000 working group on tax incremental finance, authorizing certain counties to create tax incremental financing districts, and making a modification to the environmental remediation tax incremental financing program.

By Senators Stepp, Kanavas, Leibham, Darling, Jauch, Brown, Roessler, A. Lasee, Schultz, Kedzie, S. Fitzgerald, Wirch, Hansen, Zien and M. Meyer; cosponsored by Representatives M. Lehman, Wieckert, Albers, Nischke, Balow, Olsen, Freese, Boyle, Krawczyk, Huber, Kreibich, Hebl, Musser, Loeffelholz, Steinbrink, Gunderson, Hahn, Van Akkeren, F. Lasee, Van Roy, Ladwig, Petrowski, Townsend, Ott, Hundertmark, Stone, Lothian, Vrakas, McCormick, Underheim, Weber, Hines, Gottlieb, J. Wood, Jeskewitz and Gielow.

To committee on **Ways and Means**.

Senate Bill 306

Relating to: making changes to the Tax Incremental Financing program, authorizing the Department of Revenue to impose a fee to determine or redetermine the tax incremental base of a tax incremental financing district, and requiring the department to prepare a tax incremental financing manual.

By Senators Stepp, Kanavas, Leibham, Darling, Jauch, Brown, Roessler, A. Lasee, Schultz, Kedzie, S. Fitzgerald, Wirch, Hansen, Zien and M. Meyer; cosponsored by Representatives M. Lehman, Wieckert, Albers, Nischke, Balow, Olsen, Freese, Boyle, Krawczyk, Huber, Kreibich, Hebl, Musser, Loeffelholz, Steinbrink, Gunderson, Hahn, Van Akkeren, F. Lasee, Van Roy, Ladwig, Petrowski, Townsend, Ott, Hundertmark, Stone, Lothian, Vrakas, McCormick, Underheim, Weber, Hines, Gottlieb, J. Wood, Jeskewitz and Gielow.

To committee on **Ways and Means**.

Assembly Bill 409

Relating to: the duties of county veterans' service officers.

By Representatives Musser, Boyle, Bies, Schneider, Pettis, Gronemus, Kreibich, Travis, Suder, Freese, McCormick, Morris, Gunderson, Turner, Kestell, Hines, Vrakas, Krawczyk, Van Roy, Ott, M. Lehman, Albers, Berceau, Nass, Black, Ainsworth, Miller and Hahn; cosponsored by Senators S. Fitzgerald, Roessler, Hansen, Wirch, Schultz and Carpenter.

To committee on **Rules**.

Assembly Bill 519

Relating to: the feeding of deer and elk.

By Representatives Gunderson, M. Williams, Albers, Bies, Gronemus, Grothman, Krawczyk, Musser, Nass, Olsen, Pettis, Seratti, Sherman and J. Wood; cosponsored by Senators Welch, Brown, Decker and Lazich.

To committee on **Rules**.

CHIEF CLERK REPORTS

The Chief Clerk records:

- Assembly Bill 62**
- Assembly Bill 141**
- Assembly Bill 232**
- Assembly Bill 252**

Presented to the Governor on Wednesday, November 19.

PATRICK E. FULLER
Assembly Chief Clerk

REFERENCE BUREAU CORRECTIONS

Senate Joint Resolution 48

1. Page 1, line 1: delete "Office" and substitute "Officer".

SPEAKER'S COMMUNICATIONS

November 19, 2003

Mr. Patrick Fuller
Chief Clerk
Wisconsin State Assembly
Room 208, Risser Justice Center
17 West Main Street
Madison, Wisconsin 53708

Dear Patrick:

Pursuant to Assembly Rule 10, I am creating the Assembly Select Committee on Job Creation. The committee will dissolve upon the end of the 2003-2005 session. This committee shall enjoy all privileges and courtesies customary and properly due a standing committee of the Assembly.

I have appointed the following members to serve on this committee: Representatives Jean Hundertmark, Chair, DuWayne Johnsrud, Glenn Grothman, Dan Meyer and Judy Krawczyk. Representatives Jon Richards, Dan Schooff and Bob Ziegelbauer have been appointed by Representative Jim Kreuser.

Sincerely,
JOHN G. GARD
Speaker

November 20, 2003

Mr. Patrick Fuller
Chief Clerk
Wisconsin State Assembly
Room 208, Risser Justice Center
17 West Main Street
Madison, Wisconsin 53708

Dear Patrick:

Pursuant to Assembly Rule 42 (3)(c), I am withdrawing **Assembly Bill 655** from the Joint Committee on Finance and re-referring it to the Assembly Select Committee on Job Creation. I have the consent of Representative Dean Kaufert and Senator Alberta Darling, co-chairs of the Joint Committee on Finance, to take this action.

Sincerely,
JOHN G. GARD
Speaker

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

November 20, 2003

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Assembly Bill 141	79	November 20, 2003
Assembly Bill 232	80	November 20, 2003
Assembly Bill 252	81	November 20, 2003
Assembly Bill 62	82	November 20, 2003

Respectfully submitted,
JAMES DOYLE
Governor

COMMUNICATIONS

November 20, 2003

Patrick Fuller
Assembly Chief Clerk
Risser Justice Center, Room 208
Madison, WI 53708

Dear Chief Clerk Fuller:

I respectfully request that my name be removed as a cosponsor of **Assembly Bill 510**. In addition, please add my name as a cosponsor to **Assembly Bill 635**.

Thank you very much. If you have any questions or need further clarification, please do not hesitate to contact my office.

Sincerely,
GLENN GROTHMAN
State Representative
58th Assembly District

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

November 19, 2003

To the Honorable, the Legislature:

At the request of the Department of Health and Family Services (DHFS), we have completed a financial audit of the Health Insurance Risk-Sharing Plan (HIRSP) for fiscal year (FY) 2001-02. HIRSP provides medical and prescription drug insurance for approximately 17,000 policyholders who

are unable to obtain coverage in the private market. We have provided an unqualified opinion on HIRSP's financial statements and have followed up on issues raised in prior audits.

One of these issues relates to HIRSP's financial stability. Actions taken to implement an accrual-based funding approach in response to prior audit recommendations have helped to reduce the accounting deficit from \$8.2 million as of June 30, 2001, to \$5.5 million as of June 30, 2002. Further, based on preliminary unaudited financial statements, the deficit was less than \$1.0 million as of June 30, 2003. However, the elimination of general-purpose revenue (GPR) support beginning in FY 2003-04, together with increasing enrollment and claims costs, presents continuing challenges to the management and funding of HIRSP. Enrollment increased 16.9 percent, and claims costs increased 27.8 percent, during FY 2002-03. The loss of GPR, which totaled \$10.2 million in FY 2002-03, is now covered by policyholders, insurers, and health care providers.

DHFS has taken steps to address prior concerns with its loss estimates and administrative billings. Current procedures call for increased review of actuarial loss estimates. DHFS also has streamlined its fee structure for the services of the HIRSP administrator, which has simplified billing and monitoring of administrative invoices.

Finally, DHFS has improved the system for pharmacy claims by using a pharmacy benefit management company beginning in FY 2001-02. However, oversight of pharmacy claims, which totaled \$23.1 million in FY 2001-02 and \$32.4 million in FY 2002-03, could be further improved through independent reviews of the company's controls.

We appreciate the courtesy and cooperation extended to us by DHFS and the plan administrator for HIRSP. A response from DHFS follows the appendix.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

November 20, 2003

To the Honorable, the Legislature:

On September 24, 2003, you requested that we conduct an audit of the Legislative Technology Services Bureau (LTSB). As requested, we have completed our review of LTSB, which manages information systems for the Legislature and its service agencies. In fiscal year (FY) 2002-03, LTSB spent \$4.8 million from two appropriations and had an authorized staffing level of 25.0 full-time equivalent positions. Currently, it also employs 19.0 non-state workers through an arrangement with a private vendor.

We found significant deficiencies in LTSB's financial management, procurement, time management, network security, and strategic planning. For example, we found numerous inaccuracies in the financial information recorded on the State's accounting system, inadequate documentation for major maintenance agreements, and inadequate security controls. We also found significant problems in a staffing arrangement LTSB made with a private vendor, which was initiated without a request for proposals or a written contract. Since FY 1998-99, this vendor has been paid \$5.9 million.

We have made 17 specific recommendations to improve financial and program management, including a recommendation that LTSB's new director assess whether administrative efficiencies can be achieved or staffing levels reduced. We are available to assist LTSB's new director in developing improved policies, procedures, and management reports, if requested.

We appreciate the courtesy and cooperation extended to us by Interim Director Terry Anderson and LTSB staff during the course of this review.

Sincerely,
JANICE MUELLER
State Auditor