



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

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FRIDAY, September 10, 2004

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

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 03-098**

Relating to supervised pre-certification and pre-licensure social work.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, August 31, 2004.

To committee on **Health**.

Referred on September 10, 2004.

#### **Assembly Clearinghouse Rule 04-010**

Relating to child labor.

Submitted by Department of Workforce Development.  
Report received from Agency, August 31, 2004.

To committee on **Labor**.

Referred on September 10, 2004.

#### **Assembly Clearinghouse Rule 04-018**

Relating to admission time for national examinations and post graduate training permits.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, August 31, 2004.

To committee on **Agriculture**.

Referred on September 10, 2004.

#### **Assembly Clearinghouse Rule 04-039**

Relating to the agricultural chemical and household hazardous waste collection ("clean sweep") grant program.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 31, 2004.

To committee on **Agriculture**.

Referred on September 10, 2004.

#### **Assembly Clearinghouse Rule 04-044**

Relating to alcohol and drug counseling.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, August 31, 2004.

To committee on **Health**.

Referred on September 10, 2004.

#### **Assembly Clearinghouse Rule 04-057**

Relating to the Wisconsin scenic byways program.

Submitted by Department of Transportation.

Report received from Agency, August 31, 2004.

To committee on **Transportation**.

Referred on September 10, 2004.

#### **Assembly Clearinghouse Rule 04-079**

Relating to annual adjustment to the minimum necessary cost or payment to access independent review.

Submitted by Insurance Commissioner.

Report received from Agency, August 31, 2004.

To committee on **Insurance**.

Referred on September 10, 2004.

#### **Assembly Clearinghouse Rule 04-081**

Relating to prevailing wage rates on public works projects and affecting small business.

Submitted by Department of Workforce Development.

Report received from Agency, August 31, 2004.

To committee on **Labor**.

Referred on September 10, 2004.

#### **Assembly Clearinghouse Rule 04-082**

Relating to the grievance procedure for resolving complaints of employment displacement under the Wisconsin works program and affecting small business.

Submitted by Department of Workforce Development.

Report received from Agency, August 31, 2004.

To committee on **Children and Families**.

Referred on September 10, 2004.

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### COMMUNICATIONS

September 8, 2004

Speaker John Gard  
State Capitol, 211 West  
Madison, WI 53708

Dear Speaker Gard:

I respectfully request the appointment of Representative Mark Pocan to the Joint Committee on Finance to fill the vacancy left by former Representative Dan Schooff.

Thank you for your consideration of this request. Please feel free to contact me if you have any concerns or questions.

Sincerely,  
*JIM KREUSER*  
Assembly Democratic Leader

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State of Wisconsin  
Revisor of Statutes Bureau  
Madison

**DATE:** September 1, 2004  
**TO:** Patrick E. Fuller  
Assembly Chief Clerk  
Robert Marchant  
Senate Chief Clerk  
**FROM:** Gary L. Poulson  
Assistant Revisor of Statutes  
**SUBJECT:** Rules published in the August 31, 2004,  
Wisconsin Administrative Register, No. 584.

The following rules have been published:

Clearinghouse Rule 03-091 effective 9-1-2004  
Clearinghouse Rule 03-120 effective 9-1-2004  
Clearinghouse Rule 04-007 effective 9-1-2004  
Clearinghouse Rule 04-009 effective 9-1-2004  
Clearinghouse Rule 04-020 effective 9-1-2004

State of Wisconsin  
Joint Legislative Council  
Madison

September 7, 2004

Mr. Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 208  
Madison, WI 53703

Dear Patrick:

Enclosed is a copy of the General Report of the Joint Legislative Council to the 2003-04 Legislature, prepared and submitted pursuant to s. 13.81 (3), Stats.

I would appreciate your noting in the Assembly Journal, pursuant to s. 13.172, Stats., that this report has been delivered to your office.

Thank you.

Sincerely,  
*TERRY C. ANDERSON*  
Director

## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Administration  
Madison

August 30, 2004

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002 (11)(f), Wisconsin Statutes, (for distribution to the appropriate

standing committees under s. 13.172 (3), Wisconsin Statutes), and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of July 2004.

On July 1, 2004, the **General Fund** cash balance closed at a negative \$102.2 million. The fund’s negative cash balance continued intermittently through July 31, 2004, when the fund’s cash balance closed at an intramonth low of a negative \$431.4 million. The negative balance was due to a difference in the timing of revenues and expenditures.

On July 1, 2004, the **Medical Assistance Trust Fund** cash balance closed at a negative \$199.1 million. The fund’s negative cash balance continued through July 31, 2004, when the fund’s cash balance closed at a negative \$199.4 million. The fund closed at its intramonth low of a negative \$206.1 million on July 14, 2004. The negative balance was due to a difference in the timing of revenues and expenditures.

On July 8, 2004, the **Mediation Fund** cash balance closed at a negative \$1.0 thousand. The Mediation Fund closed at an intramonth low of a negative 8.0 thousand on July 15, 2004. The fund’s negative cash balance continued until July 22, 2004, when its cash balance closed at a positive \$60.0 thousand. The negative balance was due to a difference in the timing of revenues and expenditures.

The General Fund, Medical Assistance Trust Fund, and the Mediation Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
*MARC J. MARROTTA*  
Secretary

Referred to committee on **Ways and Means**.

State of Wisconsin  
Public Service Commission  
Madison

August 30, 2004

To the Honorable, the Assembly:

Enclosed is a copy of the annual report the Public Service Commission (Commission) shall submit to the legislature as provided for in Wis. Stat. § 1.11 (2)(j). It reports on the number and type of proposed actions requiring the preparation of an environmental assessment or an environmental impact statement by the Commission between July 1, 2003 and June 30, 2004.

If you have any questions on this report, please contact our Environmental Analysis and Review Coordinator, Kathleen Zuelsdorff, at (608) 266-2730.

Sincerely,  
*BURNEATTA BRIDGE*  
Chairperson

Referred to committee on **Natural Resources**.

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State of Wisconsin  
Department of Administration  
Madison

August 31, 2004

To the Honorable, the Legislature:

The Wisconsin Land Council (WLC) and the Wisconsin Land Information Board (WLIB) submit the attached Report to the Governor and Legislature in compliance with the provisions of § 16.023 (2), Wis. Stats., and 2003 Act 33, Section 2809.

Our report strongly supports continuation of the Wisconsin Land Information Program. Every Wisconsin citizen has benefited from this program through more modern and accessible land records. The digitization of land information enables the public and all levels of government to make informed decisions using standardized, reliable data.

The report also recommends support for the Comprehensive Planning Grant Program. About 645 local governments – or one-third of all counties and municipalities – are using this state resource to support local planning decisions. This will continue to be a critical resource as additional communities prepare for growth and future service needs.

We also recognize the Governor's and Legislature's desire to reduce the size of State government. To that end, the report calls for the sunset of the WLC and the WLIB. Instead, we recommend using existing structures to support the land information and comprehensive planning grant programs.

The WLC and the WLIB appreciate this opportunity to report on activities and recommend future directions. We ask that you consider our comments as you develop land information and planning policies.

Sincerely,  
*MAYOR TIMOTHY M. HANNA, CHAIR*  
Wisconsin Land Council

*TED W. KOCH, CHAIR*  
Wisconsin Land Information Board

Referred to committee on **Property Rights and Land Management**.

State of Wisconsin  
Department of Natural Resources  
Madison

August 31, 2004

To the Honorable, the Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11 (2)(j) of the state statutes, this document provides information on the numbers of environmental assessments (EAs) and environmental impact statements (EIS) completed by the department in the past fiscal year.

Questions about the report can be directed to James Pardee, of the Environmental Analysis and Liaison Section Bureau of Integrated Science Services, telephone 6-0426.

Sincerely,  
*GEORGE ALBRIGHT*  
Chief Environmental Analysis and Liaison  
Section, Bureau of Integrated Science  
Services

Referred to committee on **Natural Resources**.

**DATE:** August 31, 2004

**TO:** Patrick E. Fuller  
Chief Clerk, Wisconsin Assembly

Robert Marchant  
Chief Clerk, Wisconsin Senate

**FROM:** Katharine C. Lyall  
President, UW System

**RE:** Report under s. 36.55, Wisconsin Statutes

Enclosed please find the report required under s. 36.55, Wisconsin Statutes for the period July 1, 2002 to June 30, 2004.

Referred to committee on **Colleges and Universities**.

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State of Wisconsin  
Public Service Commission  
Madison

September 2, 2004

To the Honorable, the Legislature:

The enclosed audit report on Alliant Energy Corporation and its impact on the operations of Wisconsin Power and Light Company was prepared as required by Wis. Stat. § 196.795 (7)(ar) for distribution to the Legislature under Wis. Stat. § 13.172 (2).

If you have any questions or comments about the report please contact Ms. Diane Braun of the Commission staff at (608) 267-1200.

Sincerely,  
*LYNDA L. DORR*  
Secretary of the Commission

Referred to committee on **Energy and Utilities**.

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**AGENCY REPORTS**

State of Wisconsin  
Legislative Audit Bureau  
Madison

September 9, 2004

To the Honorable, the Legislature:

As requested by the Public Service Commission (PSC), we have completed a financial audit of the Universal Service Fund, which was established to ensure that all state residents receive essential telecommunications services and have access to advanced telecommunications capabilities. Our audit report contains our unqualified opinion on the Fund's financial statements and related notes for the fiscal years ending June 30, 2003 and 2002.

The Universal Service Fund is funded through assessments on telecommunications providers, which totaled \$23.1 million in fiscal year (FY) 2002-03. The largest program supported by the Fund is the Educational Telecommunications Access Program, which is administered by the Department of Administration and subsidizes new and existing data lines and video links to public and private K-12 schools, colleges, public libraries, and others. In FY 2002-03, expenditures for these activities were \$18.0 million, or 61.4 percent of the Universal Service Fund's total expenditures and transfers.

Eight of the 12 programs supported by the Fund are operated by the PSC. As we reported in past audits, expenditures for PSC-operated programs historically had been significantly less than the amounts budgeted. In response, the Legislature in [2001 Wisconsin Act 16](#) limited the amount of assessments to support the PSC-operated programs to \$5.0 million in FY 2003-04 and \$6.0 million in FY 2004-05. The level of expenditures for the PSC-operated programs has been increasing, and in FY 2002-03 it was close to the limit on assessment levels.

As a result of legislative action, the Universal Service Fund was required to lapse nearly \$4.0 million to the General Fund during the 2001-03 biennium. It had an accounting balance of \$4.2 million as of June 30, 2003, which is a 58.8 percent decrease from the \$10.2 million accounting balance as of June 30, 2002.

We appreciate the courtesy and cooperation extended to us by the staff at the PSC, the Department of Administration, and the Fund's administrator, Wipfli Young, during the audit.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

September 10, 2004

To the Honorable, the Legislature:

We have completed a review of the Environmental Cooperation Pilot Program (ECPP), which was established in [1997 Wisconsin Act 27](#). The pilot program is administered by the Department of Natural Resources (DNR) and is intended to test and evaluate innovative environmental regulations for maintaining the protection of public health and the environment. The Legislative Audit Bureau is required by statutes to monitor and report annually on this pilot program.

While DNR has successfully executed seven five-year agreements with six different companies, it has not yet established a methodology to collect and evaluate information about the innovative environmental regulatory methods implemented under the program. As a result, it does not have the information necessary to determine the applicability of innovations to other companies, the feasibility of extending this program's reduced reporting and monitoring requirements to more businesses, and the effect of innovative environmental regulations on its own administrative duties.

[2003 Wisconsin Act 276](#) created the Environmental Results Program, commonly referred to as "Green Tier." This program aims to encourage enhanced compliance with environmental regulations and provides incentives to businesses that meet higher environmental standards while at the same time implementing environmental programs. DNR officials indicate that ECPP participants are eligible to transfer to the Environmental Results Program before the agreements are completed, however, four of the six companies indicate they plan to remain in ECPP. We include a recommendation for DNR to seek legislative approval should it attempt to terminate any existing ECPP agreements.

I hope you find this information useful. Please contact me if you have additional questions.

Sincerely,  
*JANICE MUELLER*  
State Auditor