



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

TUESDAY, August 9, 2005

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

### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 21** offered by Representative Towns.

Assembly substitute amendment 1 to **Assembly Bill 366** offered by committee on **Urban and Local Affairs**.

Assembly amendment 3 to **Assembly Bill 388** offered by Representative Wieckert.

Assembly amendment 2 to **Assembly Bill 482** offered by Representative Kerkman.

Assembly substitute amendment 1 to **Assembly Bill 483** offered by Representative Gottlieb.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 541** offered by Representative Underheim.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 05-042**

Relating to postgraduate education and field experience for licensure as a clinical social worker.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 8, 2005.

To committee on **Health**.

Referred on August 9, 2005.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 595**

Relating to: the approval of collegiate transfer programs in certain technical college districts.

By Representatives Wood, Kreibich, Bies, Ballweg, Fields, Gronemus, Gunderson, Hahn, Hines, Huebsch,

Lothian, McCormick, Moulton, Musser, Nischke, Owens, Pettis, Pridemore, Townsend and Vos; cosponsored by Senators Brown, Stepp, Zien, Darling, Grothman, A. Lasee and Reynolds.

To committee on **Colleges and Universities**.

#### **Assembly Bill 596**

Relating to: the sharing of collection costs by cities, villages, towns, and counties.

By Representatives Nischke, Kleefisch, Nass, Vrakas, Petrowski, Lothian, Krawczyk, LeMahieu, Ott, Vos, Albers, Owens, McCormick and Hundertmark; cosponsored by Senators Kedzie, Roessler and A. Lasee.

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

#### **Assembly Bill 597**

Relating to: remedies in certain actions concerning building code or zoning ordinance violations.

By Representatives Albers, Ainsworth, Townsend, Musser, McCormick, Gronemus and Montgomery; cosponsored by Senators Reynolds and Brown.

To committee on **Property Rights and Land Management**.

#### **Assembly Bill 598**

Relating to: death benefits provided under the Wisconsin Retirement System and making an appropriation.

By Representatives Cullen, Turner, Staskunas and Boyle; cosponsored by Senator Hansen.

To joint survey committee on **Retirement Systems**.

#### **Assembly Bill 599**

Relating to: payment of a 1st class city police officer's salary after discharge.

By Representatives Toles, Colon, Richards, A. Williams, Parisi, Grigsby, Fields, Berceau, Townsend, Wood, Jeskewitz and Wasserman; cosponsored by Senators Coggs, Grothman and Taylor.

To committee on **Corrections and the Courts**.

#### **Assembly Bill 600**

Relating to: creating a sales and use tax exemption for motor vehicles that use gasoline and ethanol mixtures as fuel.

By Representatives Sheridan, Freese, Benedict, Hahn, Hebl, Davis, Turner, Gunderson and Seidel; cosponsored by Senator Harsdorf.

To committee on **Rural Affairs and Renewable Energy**.  
To joint survey committee on **Tax Exemptions**.

**Assembly Bill 601**

Relating to: revoking, modifying, or imposing conditions on certain approvals.

By Representatives Albers and Musser.

To committee on **Property Rights and Land Management**.

If you have any questions regarding the submittal of this report, please contact me directly at 608-266-8087 or [kevin.kennedy@seb.state.wi.us](mailto:kevin.kennedy@seb.state.wi.us).

Referred to committee on **Campaigns and Elections**.

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**COMMUNICATIONS**

State of Wisconsin  
Revisor of Statutes Bureau  
Madison

**DATE:** August 1, 2005

**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 July 31, 2005, Wisconsin Administrative [Register, No. 595](#).

The following rules have been published:

<a href="#">Clearinghouse Rule 04-072</a>	effective	01-01-2006
<a href="#">Clearinghouse Rule 04-104</a>	effective	08-01-2005
<a href="#">Clearinghouse Rule 04-123</a>	effective	08-01-2005
<a href="#">Clearinghouse Rule 04-128</a>	effective	08-01-2005
<a href="#">Clearinghouse Rule 04-136</a>	effective	08-01-2005
<a href="#">Clearinghouse Rule 05-011</a>	effective	08-01-2005
<a href="#">Clearinghouse Rule 05-019</a>	effective	08-01-2005

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State of Wisconsin  
Elections Board  
Madison

**DATE:** July 19, 2005

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

Robert Marchant  
Senate Chief Clerk

**FROM:** Kevin J. Kennedy, Executive Director  
State Elections Board

**SUBJECT:** [2003 Wisconsin Act 98](#), Election Officials.

Pursuant to the requirements of [2003 Wisconsin Act 98](#), enclosed is the State Elections Board report on the compensation, recruitment and training of elections officials. This report is submitted for distribution to the appropriate standing committees in the manner provided under S. [13.172\(3\)](#), Stats.

If you have any questions regarding the submittal of this report, please contact me directly at 608-266-8087 or [kevin.kennedy@seb.state.wi.us](mailto:kevin.kennedy@seb.state.wi.us).

Referred to committee on **Campaigns and Elections**.

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**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Elections Board  
Madison

**DATE:** July 19, 2005

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

Robert Marchant  
Senate Chief Clerk

**FROM:** Kevin J. Kennedy, Executive Director  
State Elections Board

**SUBJECT:** Report on Impediments to Voting Faced by Elderly and Disabled Individuals

Pursuant to the requirements of S. [5.25\(4\)\(d\)](#), Stats., enclosed is the State Elections Board report on impediments to voting faced by elderly and disabled individuals. This report is submitted for distribution to the appropriate standing committees in the manner provided under S. [13.172\(3\)](#), Stats.

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State of Wisconsin  
Department of Administration  
Madison

August 1, 2005

To the Honorable, the Legislature:

In compliance with Wisconsin statute 16.548, please find the Wisconsin Office of Federal/State Relations quarterly report to be submitted to the Legislature for the second quarter of 2005. This report provides information on the activities of the office and the status of federal legislation of concern to the state of Wisconsin.

Please contact me if you have any questions about this material.

Sincerely,  
*MARC MAROTTA*  
Secretary

Referred to committee on **State-Federal Relations**.

## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

August 2, 2005

To the Honorable, the Legislature:

At your request, we are responding to legislative inquiries regarding profitability and salaries for two programs operated by the University of Wisconsin (UW)-Madison's Division of Business Services. The Materials Distribution Services (MDS) program allows UW campuses, state agencies, municipalities, and school districts to order a wide range of products from multiple vendors through a single point of purchase. The Surplus With A Purpose (SWAP) program collects surplus property from UW-Madison and other state-owned facilities in Madison and resells, recycles, or otherwise disposes of it.

MDS had estimated expenses of \$25.8 million in fiscal year (FY) 2004-05 and employed 26.3 fulltime equivalent (FTE) staff, while SWAP had estimated expenses of \$1.3 million and employed 6.2 FTE staff. Both programs have expanded considerably since FY 2000-01. For example, MDS revenues increased 63.5 percent to reach \$26.0 million, primarily because the number of product vendors increased. SWAP revenues increased 35.6 percent, to \$1.4 million, because of increased activity. Both programs' expenses increased at rates similar to their revenues.

Despite relatively constant staffing levels, staffing costs for both programs have increased more than 17 percent since FY 2000-01. The increases occurred primarily because of changes in the types of positions funded. For example, five new information system positions allow both MDS and SWAP to conduct business on the Internet, while some less-costly storekeeper positions were eliminated. We reviewed March payroll data for each year from 2001 through 2005 and found that five permanent staff received salary increases of 10.0 percent or more in a single year, typically to reflect additional duties. However, most salary increases were within expected ranges.

We appreciate the courtesy and cooperation extended to us by UW-Madison staff.

Sincerely,  
*JANICE MUELLER*  
State Auditor

State of Wisconsin  
Legislative Audit Bureau  
Madison

August 2, 2005

To the Honorable, the Legislature:

At your request, we have completed a limited-scope review of the use of outside legal counsel by Wisconsin's 16 technical college districts. The districts spent a total of \$8.2 million for

outside legal services from fiscal year (FY) 1999-2000 through FY 2003-04. Three districts—Milwaukee Area, Lakeshore, and Gateway—accounted for 53.4 percent of that total.

While a few of the districts, including Waukesha County and Lakeshore, used a formal request for proposals process to secure outside legal counsel, others did not. We have included a recommendation that all districts develop annual letters of engagement with their outside legal counsel that describe the services to be provided and the rates to be charged.

Two districts—Milwaukee Area and Gateway—have established retainer agreements, which establish fixed amounts to be paid monthly for legal services, without regard to the level or type of services rendered. Both arrangements appear to result in higher costs than if services had been billed directly on an hourly basis. In addition, we have serious concerns about the Gateway retainer agreement, under which a former employee is now paid \$120,000 annually, but typically provides fewer than 80 hours of legal services per month. In addition, the district is required to provide health, dental, and life insurance benefits to the former employee and his family until January 31, 2008, and to provide these benefits to his spouse in the event of his death. The inclusion of such benefits in a retainer agreement raises serious questions about the propriety of the agreement and may have future tax implications for Gateway. We have recommended that the retainer be terminated immediately.

We appreciate the cooperation of the 16 technical college districts and state board staff in completing this review.

Sincerely,  
*JANICE MUELLER*  
State Auditor

State of Wisconsin  
Legislative Audit Bureau  
Madison

August 5, 2005

To the Honorable, the Legislature:

As required by s. 39.46, Wis. Stats., we have completed a limited-scope review of the dental education contract between the State of Wisconsin and the Marquette University School of Dentistry for fiscal year (FY) 2001-02 through FY 2003-04. In FY 2003-04, the State provided \$8,753 each to a maximum of 145 Wisconsin residents enrolled in the undergraduate dental education program, for a total of nearly \$1.3 million. The overall funding increased to \$1.4 million in FY 2004-05; however, the maximum number of students also increased, effectively keeping the per capita aid payment the same.

Overall, we found that Marquette University was in compliance with its contract with the State and with requirements set forth in s. 39.46, Wis. Stats. During our review, we found the students for whom Marquette University claimed tuition aid were certified by the Higher Educational Aids Board as Wisconsin residents and were eligible to receive this state aid. In addition, we found that Marquette

University expended state funds only for the undergraduate dental school program, gave preference in admissions to Wisconsin residents, and promoted minority enrollment.

We appreciate the courtesy and cooperation extended to us by Marquette University staff during our review.

Sincerely,  
*JANICE MUELLER*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

August 5, 2005

To the Honorable, the Legislature:

As required by s. 13.94(1)(dg), Wis. Stats., we have completed a limited-scope fiscal and compliance review of the dental clinics grant provided by the Department of Health and Family Services to the Marquette University School of Dentistry for fiscal year (FY) 2001-02 through FY 2003-04. Under this grant program, Marquette University received general purpose revenue funding of \$2.8 million in each year to provide dental services to low-income individuals at clinics in various locations throughout Wisconsin.

Overall, we found Marquette University has developed and implemented adequate procedures to ensure compliance with statutory and grant requirements. In addition, we found state funds were expended for services normally considered a part of comprehensive general dental treatments. We note that dental clinic expenses exceeded revenues by nearly \$2.5 million in FY 2001-02, \$1.6 million in FY 2002-03, and \$1.5 million in FY 2003-04. Marquette University staff note that clinic revenue is not intended to cover all costs, and that the clinics also depend upon financial support from other sources, such as tuition. We note that the new dental school facility, which opened in August 2002, is more efficient in delivering dental services to patients.

We appreciate the courtesy and cooperation extended to us by the Marquette University staff during our review.

Sincerely,  
*JANICE MUELLER*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

August 5, 2005

To the Honorable, the Legislature:

As required by s. 39.15, Wis. Stats., we have completed a limited-scope review of the medical education contract between the State of Wisconsin and the Medical College of Wisconsin, Inc., for fiscal year (FY) 2001-02 through FY 2003-04. State funds paid to the Medical College for tuition aid totaled nearly \$10.2 million for this period. In addition, the Medical College received state funds of approximately \$10.1 million for the development and operation of its family practice residency program.

Overall, we found that the Medical College was in compliance with its contract with the State and with requirements set forth in ss. 39.15 and 39.155, Wis. Stats. During our review, we found the students receiving state tuition aid were certified by the Higher Educational Aids Board as Wisconsin residents and were eligible to receive this aid. In addition, we found that the Medical College expended state funds in a manner consistent with legislative intent, gave preference in admissions to Wisconsin residents, and promoted minority enrollment.

We appreciate the courtesy and cooperation extended to us by staff of the Medical College of Wisconsin during this review.

Sincerely,  
*JANICE MUELLER*  
State Auditor