



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

THURSDAY, December 29, 2005

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

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 327** offered by Representative Ainsworth.

Assembly amendment 2 to **Assembly Bill 327** offered by Representative Ainsworth.

Assembly amendment 2 to **Assembly Bill 818** offered by Representatives Gronemus, Ward and Bies.

Assembly amendment 1 to **Assembly Bill 907** offered by Representative Underheim.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 03-085

Relating to department recoupment of program benefit overpayments from program recipients.

Submitted by Department of Health and Family Services.

Report received from Agency, December 23, 2005.

To committee on **Children and Families**.

Referred on December 29, 2005.

Assembly Clearinghouse Rule 05-079

Relating to rules concerning the establishment of capital cost ratemaking principles for certain rate base electric generating facilities.

Submitted by Public Service Commission.

Report received from Agency, December 22, 2005.

To committee on **Energy and Utilities**.

Referred on December 29, 2005.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 893

Relating to: adding payments to related entities to federal taxable income for state income tax and franchise tax purposes.

By Representative Black.

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

Assembly Bill 894

Relating to: a sales tax and use tax exemption for nonprescription drugs.

By Representatives Black, Boyle, Lehman, Travis, Cullen, Pocan, Berceau, Seidel and Fields; cosponsored by Senators Carpenter and Hansen.

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

Assembly Bill 895

Relating to: the maximum amount of a Wisconsin higher education grant.

By Representatives Ballweg, Kreibich, Boyle, Freese, Grigsby, Gronemus, Hines, Krawczyk, Loeffelholz, Molepske, Nischke, Pettis, Seidel, Sheridan, Shilling, Towns and Townsend; cosponsored by Senators Harsdorf, Darling, Cogg, Hansen, Miller, Risser, Roessler and Taylor.

To committee on **Colleges and Universities**.

Assembly Bill 896

Relating to: expanding the maximum life and expenditure period for environmental remediation tax incremental financing districts.

By Representatives Nelson, Berceau, Zepnick, Sheridan, Staskunas, Fields and Molepske; cosponsored by Senator Roessler.

To committee on **Ways and Means**.

Assembly Bill 897

Relating to: preparing and filing parenting plans, equalizing periods of physical placement to the highest degree possible, using parenting plans to determine periods of physical placement, and modifying physical placement and custody orders.

By Representatives Pridemore, Gronemus, Gunderson, Gundrum, Hahn, Hines, Kestell, Krawczyk, Kreibich, F. Lasee, Musser, Nass, Ott, Van Roy, Wood, Strachota and Vos;

cosponsored by Senators Plale, Reynolds, A. Lasee and Lazich.

To committee on **Family Law**.

Assembly Bill 898

Relating to: transporting buildings on the highways and providing penalties.

By Representatives Petrowski, Ainsworth, Albers, Bies, Hahn, Hines and Kestell; cosponsored by Senators A. Lasee and Kedzie.

To committee on **Highway Safety**.

Assembly Bill 899

Relating to: expanding town authority to create an official map and the status of an official town map.

By Representatives Albers, Musser, Freese, Ainsworth, Hahn, Owens, Friske, Kreibich, Gronemus, Loeffelholz, Vruwink and LeMahieu; cosponsored by Senators Breske, Kedzie and Roessler.

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

Assembly Bill 900

Relating to: community welcoming signs within highway rights-of-way and granting rule-making authority.

By Representatives Albers, Pettis, Musser, Freese, Krawczyk, Hahn, Hines, Owens, Friske, Van Roy, Nass, Gunderson, Lothian, Petrowski and Kerkman; cosponsored by Senators Grothman, Lazich, Breske and Roessler.

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

Assembly Bill 901

Relating to: the use of a flashing red or amber lamp or strobe light on vehicles providing safety radio assistance.

By Representatives Colon, Hahn, Gunderson, Berceau, A. Williams, Turner, Ott and Sinicki, by request of Wisconsin Radio Emergency Associated Communications Team.

To committee on **Highway Safety**.

Assembly Bill 902

Relating to: creating a task force to develop a plan to reduce the number of counties in this state.

By Representatives Wasserman, Staskunas, Wood and Zepnick.

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

Assembly Bill 903

Relating to: creating an individual income tax deduction for certain amounts of mileage reimbursement received by volunteer drivers.

By Representatives Owens, Albers, Bies, Gunderson, Hines, Jensen, Krawczyk, Kreibich, Musser, Ott, Pettis and Vos; cosponsored by Senators Roessler, S. Fitzgerald, A. Lasee and Lassa.

To committee on **Ways and Means**.

Assembly Bill 903

Relating to: creating an individual income tax deduction for certain amounts of mileage reimbursement received by volunteer drivers.

By Representatives Owens, Albers, Bies, Gunderson, Hines, Jensen, Krawczyk, Kreibich, Musser, Ott, Pettis and Vos; cosponsored by Senators Roessler, S. Fitzgerald, A. Lasee and Lassa.

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

Assembly Bill 904

Relating to: changing the method of appointing members to a town plan commission.

By Representatives Owens, Ainsworth, Friske, Gronemus, Hahn, Hines, Kreibich, LeMahieu, Loeffelholz, Lothian, McCormick, Molepske, Mursau, Musser, Petrowski, Pettis, Towns, Townsend, Vos and Vruwink; cosponsored by Senators Grothman, Breske and Olsen.

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

Assembly Bill 905

Relating to: issuing resident fishing licenses, resident small game hunting licenses, and resident deer hunting licenses to certain students attending colleges or universities in this state.

By Representatives Hubler, Gunderson, Friske, Molepske, Jeskewitz, Lehman, Seidel, Montgomery, Hahn, Musser, Vruwink and Petrowski; cosponsored by Senators Jauch, Zien, Miller and Grothman.

To committee on **Natural Resources**.

Assembly Bill 906

Relating to: free access to state parks and state trails by certain disabled veterans and former prisoners of war.

By Representatives Lehman, Musser, Jeskewitz, Hebl, Sinicki, Travis, Kreuser, Hubler, Boyle, Albers, Berceau, Cullen, Seidel, Ainsworth, Petrowski, Owens, M. Williams, Turner, Ott, Gunderson and McCormick; cosponsored by Senators Breske, Kapanke, Roessler, Risser and Kedzie.

To committee on **Tourism**.

Assembly Bill 907

Relating to: requiring a contract with a data organization for the collection, analysis, and dissemination of health care claims information; eliminating the Board on Health Care Information, the Interagency Coordinating Council, and the Independent Review Board; and making appropriations.

By Representatives Underheim, Vos, Petrowski, Owens, Nelson and Hines; cosponsored by Senators Darling, Roessler, Robson and Olsen.

To committee on **Health**.

REFERENCE BUREAU CORRECTIONS

Assembly Bill 872

1. Page 2, line 10: delete “;” and substitute “,”.
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EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

December 28, 2005

To the Honorable Members of the Assembly:

The following bill, originating in the Assembly, has 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 783 | 87 | December 28, 2005 |

Respectfully submitted,
JIM DOYLE
Governor

COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

| <u>Bill Number</u> | <u>Act Number</u> | <u>Publication Date</u> |
|--------------------------|-------------------|-------------------------|
| Assembly Bill 783 | 87 | January 13, 2006 |

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

December 27, 2005

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 208
Madison, WI 53708

Dear Chief Clerk:

Please remove my name as a co-sponsor of Assembly Bill 885.

Thank you and if you have any questions, please call our office at 266-7500.

Sincerely,
TERRI MCCORMICK
State Representative
56th Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health and Family Services
Madison

December 16, 2005

To the Honorable, the Legislature:

Enclosed is the 2004-2005 annual report of the Wisconsin Council on Physical Disabilities. Preparation and distribution of the report is required by section 46.29(1)(f) of the state statutes. As you know, this independent Council is created by statute, attached to the Department of Health and Family Services for limited administrative purposes, to advise all of state government on behalf of people with disabilities.

If you have questions about the report, please contact our office.

Sincerely,
HELENE NELSON
Secretary

Referred to committee on **Aging and Long-Term Care.**

State of Wisconsin
Medical College of Wisconsin
Milwaukee

December 21, 2005

To the Honorable, the Legislature:

Enclosed is the biennial report of the Medical College of Wisconsin, prepared according to the statutory requirement under section 13.106. This report covers the period ending June 30, 2005, and contains information in the following areas:

- Minority student recruitment policies and programs
- Number of minority students enrolled
- Number and percentages of Wisconsin residents enrolled
- Average faculty salaries compared to national averages
- Development of cooperative educational programs with other institutions throughout the state
- Placement of graduates of doctor of medicine and residency training programs.

Please feel free to contact me at (414) 456-8217 if you have any questions or would like additional information.

Sincerely,
DONNA K. GISSEN Vice President
Planning and Governments Affairs

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

State of Wisconsin
Department of Health and Family Services
Madison

December 23, 2005

To the Honorable, the Legislature:

This letter provides a report on the status of hunger prevention strategies in Wisconsin, as required by s.46.76(4) and (5). I

am pleased to report that, under the leadership of the Department and the UW–Extension, in 2005 the Wisconsin Food Security Consortium has been re-activated and once again begun meeting on a monthly basis to develop a coordinated approach to address the problems of hunger and food insecurity in Wisconsin. The Consortium is a partnership of government, business, community and university representatives who serve in an advisory capacity to DHFS. Prior to this year, the Consortium had been inactive since 2002. The Department expects that the expertise of the Consortium will be of great benefit to Wisconsin in devising strategies to deal with the problems of hunger and food insecurity.

The Consortium is guided by the definition of food security proposed by the United States Department of Agriculture (USDA), which defines food security as the ability of an entire population to have physical and economic access to sufficient food to meet its dietary needs for a productive and healthy life. Compared to other states, Wisconsin has a relatively low rate of food insecurity, but the problem is growing. In 1999-2001, 8.4% of the population was food insecure and that number increased to 9% in 2002-04. Food insecurity is clearly linked to income and efforts to improve the income level of Wisconsin citizens will benefit the state in many ways. However, the extent of food insecurity is the result of many factors besides income levels. The reduction of hunger in Wisconsin requires a cooperative partnership of federal, state, community, business, university, and individual resources.

Recognizing that creating food secure communities for people in Wisconsin goes beyond providing access to emergency food through food pantries, the Consortium is seeking to establish ways to increase access to food through normal channels. This undertaking involves the coordination and best use of existing resources, including federal food programs, supplemental food programs, food production and marketing, education and public awareness, community infrastructure, economic and job security, and research and evaluation.

In the coming year the Consortium will focus on developing a state plan to combat hunger and food insecurity in Wisconsin. The Consortium is reviewing plans completed by other states and will be examining programs that have worked in Wisconsin and in other areas of the country. One of the tasks which the Consortium has undertaken is to improve the coordination of services among the different parties that have an interest in reducing food insecurity in Wisconsin.

The Consortium is also working to increase participation by local communities. There are approximately 30 local Hunger Prevention Task Forces. The Consortium needs participation from local communities to be successful and it is pursuing ways that information can be shared between the Consortium and local organizations. Among other activities, the Consortium will be exploring ways to increase outreach regarding hunger prevention programs so that all Wisconsin residents are aware of what is available to them.

The Department, with the assistance of the Food Security Consortium, will continue to work with our partners in the

public and private sector to develop strategies on this critical issue of improving food security in Wisconsin.

Sincerely,
HELENE NELSON
Secretary

Referred to committee on **Children and Families**.

State of Wisconsin
Department of Health and Family Services
Madison

December 28, 2005

To the Honorable, the Legislature:

Section [46.03\(26\)](#) of the statutes requires the Department of Health and Family Services to report annually on information systems projects under development including the implementation schedule, estimate of costs, and methods of determining changes (if applicable).

The Department has two groups of systems now under development: Public Health Information Network (PHIN) and Health Alert Network (HAN) / National Electronic Disease Surveillance System (NEDSS); and the Medicaid Management Information System (MMIS) and related subsystems. The required information is included in the attached reports.

Sincerely,
HELENE NELSON
Secretary

Referred to committee on **Health**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

December 16, 2005

To the Honorable, the Assembly:

We have completed a financial audit of WHA Radio, as requested by the University of Wisconsin-Extension to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

WHA Radio is licensed to the University of Wisconsin System's Board of Regents and is operated by the University of Wisconsin-Extension. WHA Radio earned \$9.1 million in revenues during fiscal year 2004-05, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 2004 through June 30, 2005. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin-Extension staff during the audit.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

December 16, 2005

To the Honorable, the Assembly:

We have completed a financial audit of WHA Television, as requested by the University of Wisconsin-Extension to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

WHA Television is licensed to the University of Wisconsin System's Board of Regents and is operated by the University of Wisconsin-Extension. WHA Television earned \$15.8 million in revenues during fiscal year 2004-05, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 2004, through June 30, 2005. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin-Extension staff during the audit.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

December 16, 2005

To the Honorable, the Assembly:

We have completed a financial audit of the State of Wisconsin Educational Communications Board (ECB) Radio Network to meet our audit requirements under s. 13.94, Wis. Stats., and as requested by ECB to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

ECB, which is an agency of the State of Wisconsin, operates a radio network of 12 FM stations and 1 AM station, as well as a television network of 5 digital stations and 5 analog stations. The Radio Network received \$8.6 million in support and revenue during fiscal year 2004-05, including state

support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the ECB Radio Network's financial statements and related notes for the period July 1, 2004, through June 30, 2005. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by ECB staff during the audit.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

December 16, 2005

To the Honorable, the Assembly:

We have completed a financial audit of the State of Wisconsin Educational Communications Board (ECB) Television Network to meet our audit requirements under s. 13.94, Wis. Stats., and as requested by ECB to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

ECB, which is an agency of the State of Wisconsin, operates a television network of 5 digital stations and 5 analog stations, as well as a radio network of 12 FM stations and 1 AM station. The Television Network received \$11.6 million in support and revenue during fiscal year 2004-05, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains ECB Television Network's financial statements and related notes for the period July 1, 2004, through June 30, 2005. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by ECB staff during the audit.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

December 20, 2005

To the Honorable, the Assembly:

We have completed an evaluation of the Volunteer Fire Fighter and Emergency Medical Technician Service Award Program, a retirement benefit program for local emergency services departments that rely on volunteer staff. The program, which is commonly known as the length-of-service award program, is funded by local governments and general

purpose revenue. On September 1, 2005, when 5,388 eligible volunteers were enrolled by 182 participating emergency services departments, the program had assets of \$10.3 million, including \$6.3 million in contributions by municipalities and \$4.0 million in state matching funds. Through December 2004, 68 participating volunteers or their beneficiaries had received a total of \$255,200 in program benefits.

An eight-member board appointed by the Governor and attached to the Department of Administration (DOA) is responsible for general program oversight, including selecting vendors and reviewing the investment options available to local emergency services departments. It contracts with private vendors for account administration. When vendors were selected in 2001, neither the appropriateness of various investment options nor their costs appear to have been fully understood, and the importance of investment portability was not sufficiently recognized. As a result, three participating departments forfeited a total of \$119,000 in premiums paid for nontransferable life insurance policies when the board did not extend one vendor's contract in 2004. Another vendor charges considerable transfer fees for certain investments, which could be costly for some participating departments and may limit the board's contracting alternatives in the future.

The board is preparing to begin a new vendor-selection process because current contracts expire in 2006. Given the range and complexity of improvements needed, our report includes recommendations for the board to obtain independent financial expertise before it begins its new request-for-proposals process. In addition, we recommend more detailed reporting on the program's status to the Legislature.

We appreciate the courtesy and cooperation extended to us by the board, DOA staff, program administrators, interest groups, and local officials and volunteers with whom we spoke. DOA's response follows the appendix.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

December 22, 2005

To the Honorable, the Assembly:

As requested, we have performed a preliminary review of the Department of Revenue's (DOR's) administration of the sales and use taxes levied by 58 counties and 2 professional sports districts on the same goods and services that are subject to the State's 5.0 percent sales and use tax. In 2005, DOR expects to distribute more than \$306 million to the local units of government that levy these taxes.

The Integrated Tax System (ITS) DOR implemented in December 2002 is used to process sales and use taxes and to calculate the counties' and districts' shares of reported sales and use taxes. DOR has faced many challenges in implementing ITS, including an initial processing backlog, various programming errors, and incorrect calculations. In 2003 and 2005, two major adjustments were made to recoup funds from counties that had been overpaid and to distribute additional funds to those that had been underpaid. In this review, we identified a new concern related to processing certain audit adjustments and other transactions that resulted in additional overpayments.

DOR has negotiated with the vendor that developed ITS for a limited amount of service to be provided at no additional cost to the State, including further system testing that is expected to be completed by March 31, 2006. Later in 2006, after completion of a review of various system assurances that should have been, but were not, included in the original system design, the vendor is also expected to provide additional computer programming services.

To correct for the new error we identified and for other errors that have not yet been corrected, DOR calculates that 33 counties are owed a total of \$1.8 million, which it plans to pay along with sales and use tax distributions for December 2005. DOR also calculates that 25 counties and the two professional sports districts were overpaid a total of \$2.8 million. We believe it would be prudent to proceed cautiously on any overpayment collections until ITS testing is completed and confidence in the system can be assured. We recommend the Joint Legislative Audit Committee monitor efforts in this area and direct DOR to provide monthly status reports.

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

Respectfully submitted,
JANICE MUELLER
State Auditor