



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

FRIDAY, February 10, 2006

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 353** offered by Representative Berceau.

Assembly substitute amendment 1 to **Assembly Bill 519** offered by Representative McCormick.

Assembly amendment 1 to **Assembly Bill 602** offered by committee on **Rural Affairs and Renewable Energy**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 644** offered by committee on **Ways and Means**.

Assembly substitute amendment 1 to **Assembly Bill 686** offered by Representative Mursau.

Assembly substitute amendment 1 to **Assembly Bill 735** offered by committee on **Ways and Means**.

Assembly amendment 1 to **Assembly Bill 785** offered by committee on **Aging and Long-Term Care**.

Assembly amendment 2 to **Assembly Bill 785** offered by committee on **Aging and Long-Term Care**.

Assembly amendment 1 to **Assembly Bill 839** offered by Representative Kerkman.

Assembly substitute amendment 1 to **Assembly Bill 913** offered by committee on **Ways and Means**.

Assembly amendment 2 to **Assembly Bill 929** offered by Representative Musser.

Assembly amendment 1 to **Assembly Bill 980** offered by Representative Suder.

Assembly amendment 2 to **Assembly Bill 980** offered by Representative Suder.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 05-093

Relating to the training and certification of election inspectors.

Submitted by Elections Board.

Report received from Agency, January 31, 2006.

To committee on **Campaigns and Elections**.

Referred on February 8, 2006.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 1002

Relating to: the enrollment of the University of Wisconsin Medical School.

By Representative Suder; cosponsored by Senator Grothman.

To committee on **Colleges and Universities**.

Assembly Bill 1003

Relating to: eligibility for the farm assets reinvestment management loan guarantee program administered by the Wisconsin Housing and Economic Development Authority.

By Representatives Suder, Gronemus, M. Williams, Musser, Hahn, Loeffelholz, Petrowski, Davis, Towns, Ott, Van Roy, Hines, Lamb, Wood, Albers, Ainsworth, Lothian, Freese, Kreibich, Townsend, Vruwink, McCormick, Gunderson and Molepske; cosponsored by Senators Zien, A. Lasee, Roessler and Erpenbach.

To committee on **Rural Development**.

Assembly Bill 1004

Relating to: a trial jobs plus project under Wisconsin Works.

By Representatives Grigsby, Berceau, Fields, Kessler, Pocan, Seidel, Sheridan, Sinicki, A. Williams and Young; cosponsored by Senators Taylor, Roessler and Miller.

To committee on **Children and Families**.

Assembly Bill 1005

Relating to: prohibition of certain solicitations by state or local elective officials.

By Representatives Travis, Townsend, Turner, Albers, Hebl, Musser, Lehman, Boyle, Cullen, Pope–Roberts and Berceau; cosponsored by Senators Ellis and Risser.

To committee on **Campaigns and Elections**.

Assembly Bill 1006

Relating to: fees charged to qualified lake associations for certain permits to control aquatic plants.

By Representatives Friske, Montgomery, Gielow, Towns, Lothian, Musser, Ainsworth, Albers, Bies, Petrowski, F. Lasee and LeMahieu; cosponsored by Senators Grothman, A. Lasee and Breske.

To committee on **Natural Resources**.

Assembly Bill 1007

Relating to: the provision of taste samples of fermented malt beverages on certain retail premises.

By Representatives Pettis, Jensen, Albers, Bies, Gunderson, Hahn, Jeskewitz, Pridemore, Shilling, Townsend, Vos and Vruwink; cosponsored by Senators Kanavas, Grothman and Jauch.

To committee on **State Affairs**.

Assembly Bill 1008

Relating to: authorizing the city of Monroe to allocate positive tax increments from one or more of its tax incremental financing districts to another such district created by the city.

By Representatives Davis and Freese; cosponsored by Senators Erpenbach and Schultz.

To committee on **Ways and Means**.

Assembly Bill 1009

Relating to: regulation of bank branches, mergers and acquisitions of banks, providing an exemption from rule–making procedures, and granting rule–making authority.

By Representatives Vos, Molepske, Albers, Gunderson, Fields, Hahn, Jensen, Jeskewitz, Kreibich, Krawczyk, F. Lasee, Moulton, Musser, Nischke, Petrowski and J. Fitzgerald; cosponsored by Senators Stepp, Grothman, Brown and Erpenbach.

To committee on **Financial Institutions**.

Assembly Bill 1010

Relating to: seizure of a computer used in committing a child sex offense, the disposition of certain forfeited property, the use of a computer by a person convicted of a child sex offense, and providing a penalty.

By Representatives Vukmir, Staskunas, Cullen, Kaufert, Gronemus, Montgomery, Jeskewitz, Strachota, Albers, Gunderson, Suder, Turner, Ainsworth, Fields, Musser, Sinicki and Lehman; cosponsored by Senators Roessler, Grothman, Lazich, Olsen, Kanavas and Lassa.

To committee on **Criminal Justice and Homeland Security**.

Assembly Bill 1011

Relating to: the determination of the value of timber for purposes of assessing a yield tax.

By Representatives Wieckert, Mursau, Musser, Albers, Owens, Gunderson, Bies, Townsend, Petrowski, Ott and Pettis; cosponsored by Senators Roessler and Lassa.

To committee on **Forestry**.

Assembly Bill 1012

Relating to: sale of public lands and investment of proceeds from the sale of public lands and requiring the Department of Natural Resources to obligate moneys under the Warren Knowles–Gaylord Nelson Stewardship 2000 Program to acquire certain public lands from the Board of Commissioners of Public Lands.

By Representatives Jensen, Sherman, Kaufert, Rhoades, Ward, Albers, Boyle, Montgomery, Nass, Bies, Musser, Ainsworth, Vos, Pocan, Seidel, Hahn, Petrowski, Hubler and Travis; cosponsored by Senators Cowles, Decker, Lassa, Jauch, Harsdorf, Olsen, Darling and Breske.

To committee on **Forestry**.

Assembly Bill 1013

Relating to: the wholesale distribution of prescription drugs, granting rule–making authority, and providing a penalty.

By Representatives Montgomery, Underheim, Krawczyk, Hines, Bies, Mursau, Musser, Ott, Hundertmark, Vos, Moulton, Towns and Albers; cosponsored by Senators Roessler, Harsdorf and Kanavas.

To committee on **Health**.

Assembly Bill 1014

Relating to: obtaining, selling, or soliciting a telephone record that pertains to another person without the person’s consent and providing a penalty.

By Representatives Montgomery, Davis, Travis, Nischke, Zepnick, Loeffelholz, J. Fitzgerald, Ziegelbauer, Krawczyk, Gundrum, Freese, Musser, F. Lasee, Pocan, Gunderson, Nass, Ott, Albers, Stone, Gronemus and Colon; cosponsored by Senators Kanavas, Plale, Erpenbach, A. Lasee, Cowles, Olsen, Roessler, Decker, Hansen and Wirch.

To committee on **Energy and Utilities**.

Assembly Bill 1015

Relating to: authorizing a city or village to simultaneously create a new tax incremental financing district and subtract territory from an existing tax incremental district.

By Representatives Gottlieb, Petrowski, Black, Gielow, Gunderson, Loeffelholz, Musser, Nischke and Pope–Roberts; cosponsored by Senators Stepp, Roessler and Erpenbach.

To committee on **Ways and Means**.

COMMITTEE REPORTS

The committee on **Education** reports and recommends:

Assembly Bill 891

Relating to: the calculation of a school district’s special adjustment aid and revenue limit when territory is detached from one or more school districts to create a new school district.

Passage:

Ayes: 9 – Representatives Towns, Kestell, Nass, Townsend, Hines, Davis, Lehman, A. Williams and Ziegelbauer.

Noes: 0.

To committee on **Rules**.

Assembly Bill 938

Relating to: reporting the number of hours of pupil instruction provided in public schools.

Passage:

Ayes: 8 – Representatives Towns, Kestell, Nass, Townsend, Hines, Davis, A. Williams and Ziegelbauer.

Noes: 1 – Representative Lehman.

To committee on **Rules**.

Senate Bill 259

Relating to: eliminating various school district and Department of Public Instruction requirements, authorizing a city or village to abolish its police department and contract for law enforcement services with a county, authorizing a county to participate in a municipal revenue sharing agreement, standards for information technology integration, and city health departments.

Concurrence:

Ayes: 9 – Representatives Towns, Kestell, Nass, Townsend, Hines, Davis, Lehman, A. Williams and Ziegelbauer.

Noes: 0.

To committee on **Rules**.

Senate Bill 384

Relating to: counting pupils who attend the Youth Challenge Academy for school district revenue limit purposes.

Concurrence:

Ayes: 9 – Representatives Towns, Kestell, Nass, Townsend, Hines, Davis, Lehman, A. Williams and Ziegelbauer.

Noes: 0.

To committee on **Rules**.

DEBRA TOWNS
Chairperson
Committee on Education

The committee on **Small Business** reports and recommends:

Assembly Bill 951

Relating to: an income and franchise credit for property taxes paid on restaurant kitchen machinery and equipment.

Assembly Substitute Amendment 1 adoption:

Ayes: 6 – Representatives Van Roy, Honadel, Ballweg, Mursau, Fields and Hebl.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Van Roy, Honadel, Ballweg, Mursau, Fields and Hebl.

Noes: 0.

To joint committee on **Finance**.

KARL VAN ROY
Chairperson
Committee on Small Business

The committee on **Tourism** reports and recommends:

Assembly Bill 906

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

Passage:

Ayes: 10 – Representatives Pettis, Mursau, Gunderson, Hines, Moulton, Nerison, Ziegelbauer, Young, Seidel and Grigsby.

Noes: 0.

To joint committee on **Finance**.

MARK PETTIS
Chairperson
Committee on Tourism

The committee on **Ways and Means** reports and recommends:

Assembly Bill 910

Relating to: creating a procedure for certain taxpayers to defer taxation on certain reinvested capital gains.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota, Pridemore and Ziegelbauer.

Noes: 4 – Representatives Berceau, Toles, Hebl and Fields.

Passage as amended:

Ayes: 9 – Representatives Wood, Nass, Hahn, Jeskewitz, Kerkman, Lothian, Strachota, Pridemore and Ziegelbauer.

Noes: 4 – Representatives Berceau, Toles, Hebl and Fields.

To joint committee on **Finance**.

JEFFREY WOOD
Chairperson
Committee on Ways and Means

ENROLLED BILLS

The following Assembly proposal, which has been approved by both the Assembly and Senate, has been enrolled by the Legislative Reference Bureau:

Assembly Bill 521

PATRICK E. FULLER
Assembly Chief Clerk

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 698

Presented to the Governor on Thursday, February 9.

PATRICK E. FULLER
Assembly Chief Clerk

COMMUNICATIONS

January 30, 2006

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

Dear Mr. Fuller:

Please add Senator Grothman as a co-sponsor of Assembly Bill 923, relating to ice holes.

Thank you for your assistance.

Sincerely yours,
SHERYL K. ALBERS
State Representative
50th Assembly District

February 3, 2006

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

Dear Mr. Fuller:

Please add my name as a co-sponsor of Assembly Bill 972, relating to increasing the Medical Assistance reimbursement rate for nursing homes, supplementing the Medical Assistance reimbursement for nursing homes, and making appropriations.

Thank you for your assistance.

Sincerely yours,
SHERYL K. ALBERS
State Representative
50th Assembly District

February 3, 2006

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

Dear Mr. Fuller:

Please remove my name as a co-sponsor of Assembly Bill 869 relating to nursing school faculties.

Thank you for your assistance.

Sincerely yours,
SHERYL K. ALBERS
State Representative
50th Assembly District

February 3, 2006

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

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 626. Thank you.

Sincerely,
JOSH ZEPNICK
State Representative
9th Assembly District

February 9, 2006

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

Dear Chief Clerk Fuller:

Please add my name as a co-sponsor of Assembly Bill 1007. Thank you.

Sincerely,
JON ERPENBACH
State Senator
27th Senate District

REFERRAL OF AGENCY REPORTS

February 9, 2006

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

Dear Mr. Fuller:

Please remove my name as a co-author of Assembly Bill 853, administering anesthesia in an office-based setting.

Sincerely,
AL OTT
State Representative
3rd Assembly District

State of Wisconsin
Joint Legislative Council
Madison

February 9, 2006

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

Dear Patrick:

I am pleased to transmit to you the following report to the 2005 Legislature on legislation introduced by the Joint Legislative Council:

RL 2005-8 Special Committee on Sexually Violent Person Commitments (2005 Senate Bill 318)

RL 2005-13 Special Committee on Municipal Annexation (2005 Senate Bill 460 and 461)

RL 2005-17 Special Committee on Recodification of Ch. 55, Stats., Placement and Services for Persons with Disabilities (2005 Assembly Bill 785)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available in the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at www.legis.state.wi.us/lc

Sincerely,
TERRY C. ANDERSON
Director

State of Wisconsin
Sentencing Commission
Madison

January 30, 2006

To the Honorable, the Legislature:

Please accept the enclosed annual report from the Wisconsin Sentencing Commission. The document details the Commission's activities for 2005 as well as its membership and functions. The report is also online at <http://wsc.wi.gov> for additional reference. If you have any questions or concerns, please contact us at your convenience. We will be glad to supply more hard copies if needed.

Sincerely,
MICHAEL CONNELLY
Executive Director

Referred to committee on **Criminal Justice and Homeland Security**.

State of Wisconsin
Department of Administration
Madison

February 2, 2006

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 fourth 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,
STEPHEN E. BABLITCH
Secretary

Referred to committee on **State Affairs**.

State of Wisconsin
Department of Transportation
Madison

February 3, 2006

To the Honorable, the Legislature:

Enclosed is the report required under Act 280, to study the costs and benefits of integrating the computer linkup between the Department of Justice (DOJ), the Department of Health and Family Services (DHFS), the Department of Public Instruction (DPI), and the Department of Transportation (DOT) to automate the searches of sex offender and caregiver abuse registry databases prior to issuing a school bus license.

This report contains the options available for integration of the databases and estimated costs associated with each

option. Please forward this report, as you feel appropriate to any interested parties.

If you have any questions regarding this report, please contact Karen Schwartz, Chief of the Qualifications and Issuance Section, Bureau of Driver Services, at (608) 266-0054, or Jill Reeve, Supervisor of the Medical Review Unit at (608) 264-7393.

Sincerely,
FRANK J. BUSALACCHI
Secretary

Referred to committee on **Transportation**.

State of Wisconsin
Department of Revenue
Madison

February 6, 2006

To the Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31, 2005. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Revenue and Expenditure information.

This past quarter had the second highest quarterly sales ever for the Wisconsin Lottery and puts us on track to exceed last year's contributions toward property tax relief.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,
MICHAEL L. MORGAN
Secretary of Revenue

Referred to committee on **State Affairs**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

February 8, 2006

To the Honorable, the Assembly:

We have completed an evaluation of the Milwaukee County child welfare program, as requested by the Joint Legislative Audit Committee. The program, which protects children from abuse and neglect, is administered by the Bureau of Milwaukee Child Welfare in the Department of Health and Family Services (DHFS), which contracts for most services. In June 2005, the program served 3,188 children who had been removed from their homes to ensure

their safety. An additional 266 families received services without having a child removed from the home. From January 2001 through June 2005, program expenditures totaled \$493.7 million. Our review of program expenditure and staffing issues is report 06-2.

DHFS has taken important steps in recent years to improve the welfare of children in Milwaukee County, including significantly reducing the number of children in out-of-home care. However, we identified concerns with the timeliness of investigations of child abuse and neglect, as well as the timeliness with which court-ordered services are provided. Collaboration and coordination among child welfare staff is limited, and problems related to establishing permanent placements were documented in 25 of 48 cases we reviewed. We make a number of recommendations for the Bureau to improve program management.

To assess whether the Bureau adequately ensured the safety of children, we reviewed 73 high-risk cases that were most likely to involve child abuse or neglect. The Bureau and its contractors took reasonable and appropriate action in 69 of these cases, but we believe more could have been done to protect children in the remaining 4 cases.

We appreciate the courtesy and cooperation extended to us by DHFS and the child welfare contractors. A response from DHFS follows the appendices.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

February 8, 2006

To the Honorable, the Assembly:

We have completed an evaluation of the Milwaukee County child welfare program, as requested by the Joint Legislative Audit Committee. The program, which protects children from abuse and neglect, is administered by the Bureau of Milwaukee Child Welfare in the Department of Health and Family Services (DHFS). This review is part of a comprehensive evaluation that also addresses program management and performance (report 06-1).

Program expenditures totaled \$493.7 million from January 2001 through June 2005, when the Bureau had 153 full-time equivalent employees, including 90 certified social workers. The Bureau provides some program services, but most services are provided through contractors with an estimated 500 full-time equivalent employees in 2004.

We identified concerns with the Bureau's oversight of these contractors. For example, contractors have not reported on the services they provided to families, as required by their contracts. We also reviewed the appropriateness and reasonableness of costs that contractors charged to the program in 2004. We found \$677,694 in unallowable and questioned costs charged by six contractors, including

payment of a \$541,604 duplicate reimbursement request submitted by one contractor.

A significant problem hampering effective program management is staff turnover. In 2004, turnover was 10.9 percent among the Bureau's social workers. Among contract staff, turnover was significantly higher and ranged from 25.5 percent for those serving families whose children remained in the home to 38.6 percent for those serving families whose children were removed from the home. We include a number

of recommendations related to improving oversight of contractors and program funds, staff retention, and staff training.

We appreciate the courtesy and cooperation extended to us by DHFS and the child welfare contractors. DHFS's response follows the appendices.

Respectfully submitted,
JANICE MUELLER
State Auditor