



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

FRIDAY, September 15, 2006

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

### ADMINISTRATIVE RULES

#### Assembly Clearinghouse Rule 06-077

Relating to contractual service procurement.  
Submitted by Department of Transportation.  
Report received from Agency, August 31, 2006.  
To committee on **State Affairs**.  
Referred on September 15, 2006.

#### Assembly Clearinghouse Rule 06-088

Relating to the application process and criteria for determining eligibility for payments to local units of government for damages and costs incurred for major catastrophes.

Submitted by Department of Military Affairs.  
Report received from Agency, August 31, 2006.  
To committee on **Criminal Justice and Homeland Security**.

Referred on September 15, 2006.

#### Assembly Clearinghouse Rule 06-091

Relating to the establishment of standards for the adoption of the mutual aid box alarm system, also known as MABAS, that may be used for deploying fire, rescue and emergency medical services personnel and equipment in a multi-jurisdictional or multi-agency emergency response.

Submitted by Department of Military Affairs.  
Report received from Agency, August 31, 2006.  
To committee on **Criminal Justice and Homeland Security**.

Referred on September 15, 2006.

### COMMUNICATIONS

State of Wisconsin  
Revisor of Statutes Bureau  
Madison

**DATE:** August 1, 2006

**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, 2006,  
Wisconsin Administrative [Register, No. 608](#).

The following rules have been published:

Clearinghouse Rule 04-095	effective	01-01-2007
Clearinghouse Rule 05-033	effective	09-01-2006
Clearinghouse Rule 05-081	effective	09-01-2006
Clearinghouse Rule 06-013	effective	09-01-2006
Clearinghouse Rule 06-036	effective	09-01-2006
Clearinghouse Rule 06-041	effective	09-01-2006

### REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Groundwater Coordinating Council  
Madison

August 2006

To the Honorable, the Legislature:

The Groundwater Coordinating Council (GCC) is pleased to release its 2006 Report to the Legislature. The GCC was formed in 1984 to help state agencies coordinate non-regulatory activities and exchange information on groundwater. For the past 22 years, the GCC has served as a model for interagency coordination and cooperation among state agencies, the Governor, local and federal government, and the university. It is one of the few groups in the nation to effectively coordinate groundwater activities in its state from an advisory position.

This report summarizes GCC and agency activities related to groundwater protection and management in FY 06 (July 1, 2005 to June 30, 2006) and provides an overview of the condition of the groundwater resource. See the Executive Summary for highlights and the GCC's recommendations in Future Directions for Groundwater Protection. The full report will be made available online at <http://dnr.wi.gov/org/water/dwg/gcc/rtl/gccreport.htm>.

We hope you will find this report to be a useful reference in protecting Wisconsin's valuable groundwater resource.

Sincerely,  
*TODD AMBS*  
Director

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State of Wisconsin  
University of Wisconsin Systems  
Madison

September 1, 2006

Referred to committee on **Natural Resources**.

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State of Wisconsin  
Investment Board  
Madison

August 30, 2006

To the Honorable, the Legislature:

Pursuant to s. 1.11 (2)(j) Stats., please distribute this notice to members of the Assembly. The State of Wisconsin Investment board did not consider any proposals or major actions in Wisconsin during fiscal year 2006 that would have significantly affected the quality of the human environment. Accordingly, the agency was not required to prepare any environmental assessments or impact statements under s. 1.11, Stats.

Please contact Sandy Drew at 261-0182 if you have any questions concerning this report.

Sincerely,  
*DAVID C. MILLS*  
Executive Director

Referred to committee on **Natural Resources**.

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State of Wisconsin  
Department of Health and Family Services  
Madison

September 1, 2006

To the Honorable, the Legislature:

Section 227.485 (9) of the Wis. Stats. requires the Department to submit a report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. The attached report reflects payments made during SFY 2006.

In addition, under 814.245 (10) of the Wis. Stats., the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2006, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,  
*HELENE NELSON*  
Secretary

Referred to committee on **Health**.

To the Honorable, the Legislature:

Please find enclosed a corrected copy of the report required under s. 36.55, Wisconsin Statutes, for the period of July 1, 2004 to June 30, 2006, which was forwarded to you yesterday by UW System President Reilly. This corrected copy adds a notation in the first footnote relating to "notices of claim." The data presented in the table is unaffected. We apologize for any inconvenience.

Sincerely,  
*CHRISTOPHER L. ASHLEY*  
Senior System Legal Counsel

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

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State of Wisconsin  
Department of Natural Resources  
Madison

September 6, 2006

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 (EISs) completed by the Department in the past fiscal year.

Questions about the report can be directed to me at (608) 266-0426.

Sincerely,  
*JAMES D. PARDEE*  
WEPA Coordinator

Referred to committee on **Natural Resources**.

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State of Wisconsin  
Public Service Commission  
Madison

September 8, 2006

To the Honorable, the Legislature:

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, 2005 and June 30, 2006.

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

Sincerely,  
*DANIEL R. EBERT*  
Chairperson

Referred to committee on **Natural Resources**.

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State of Wisconsin  
University of Wisconsin Systems  
Madison

September 13, 2006

To the Honorable, the Legislature:

The attached document reflects the Wisconsin Environmental Policy Act (WEPA) activities of the University of Wisconsin System for the period of July 1, 2005 through June 30, 2006. This annual report fulfills Section 1.11 (2)(j) of the Wisconsin Statutes in that it provides information on the number of Type I Environmental Impact Statements and Type II Environmental Impact Assessments completed during the past fiscal year.

Should you have any questions regarding this report, they should be directed to Terri Reda, UW System Environmental Affairs Officer. Terri may be reached at 263-4410.

Sincerely,  
*KEVIN P. REILLY*  
President

Referred to committee on **Natural Resources**.

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State of Wisconsin  
Department of Commerce  
Madison

September 13, 2006

To the Honorable, the Legislature:

Pursuant to WI statutory provision s. 560.205(3)(c) Stats., Commerce is reporting the total amount of tax credits claimed under ss. 71.07(5b) and (5d), 72.28 (5b) and 71.47 (5b) per taxable year, the name of each business in which investments qualifying for such tax credits were made, the amount of such tax credits, and the amount of such investments.

Please notify the Department if you need any additional information.

Sincerely,  
*MARY BURKE*  
Secretary

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

State of Wisconsin  
Department of Natural Resources  
Madison

September 13, 2006

To the Honorable, the Legislature:

As required by s. 292.25, Wis. Stats., the Department of Natural Resources is pleased to submit the attached report regarding the status of the Voluntary Party Liability Exemption (VPLE) environmental cleanup process. As required by law, this report is being submitted to the Governor, the Department of Administration, and the Legislature. If you have any questions regarding this report, please contact Darsi Foss from my staff at (608) 267-6713.

Sincerely,  
*SCOTT HASSETT*  
Secretary

Referred to committee on **Natural Resources**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

September 13, 2006

To the Honorable, the Assembly:

We have completed financial audits of Mendota and Winnebago Mental Health Institutes for the period July 1, 2004, through June 30, 2005. The audits were requested by the Department of Health and Family Services to comply with requirements of the Joint Commission on Accreditation of Healthcare Organizations. We were able to express an unqualified opinion on each Institute's financial statements.

Mendota and Winnebago Mental Health Institutes are licensed and accredited hospitals that provide specialized diagnostic, evaluation, and treatment services for mentally ill children and adults. The Institutes also provide services to forensic patients referred to them through the criminal justice system. The Institutes are funded through a mix of general purpose revenue and program revenue.

Each Institute reported a net loss for fiscal year 2004-05. Mendota reported a loss of \$2.6 million, and Winnebago reported a loss of \$1.7 million. In each case, operating revenues did not increase enough to offset increases in operating expenses, such as salary and fringe benefit costs. The Department increased daily patient rates effective October 1, 2005, and it anticipates another rate increase effective October 1, 2006.

As part of our audit, we reviewed the administration of approximately \$405,000 in client funds by the Program of Assertive Community Treatment, an outpatient unit of Mendota. To assist clients in managing their own money, staff receive and disburse funds on their behalf. In accepting client funds, the State is responsible for ensuring proper controls are in place to reduce the risks of error or misappropriation. We identified internal control concerns related to client funds

administered by the Program of Assertive Community Treatment, including a lack of separation of duties and inadequate documentation.

We appreciate the courtesy and cooperation extended to us by

Department of Health and Family Services staff during our audit. A response from the Department follows our report.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor