



STATE OF WISCONSIN

Assembly Journal

Ninety-Seventh Regular Session

MONDAY, December 4, 2006

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

COMMUNICATIONS

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: December 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 November 30, 2006, Wisconsin Administrative Register, No. 611.

The following rules have been published:

Clearinghouse Rule 02-095	effective	12-01-2006
Clearinghouse Rule 05-105	effective	12-01-2006
Clearinghouse Rule 05-116	effective	12-01-2006
Clearinghouse Rule 05-118	effective	12-01-2006
Clearinghouse Rule 06-024	effective	12-01-2006
Clearinghouse Rule 06-028	effective	12-01-2006
Clearinghouse Rule 06-033	effective	12-01-2006
Clearinghouse Rule 06-035	effective	12-01-2006
Clearinghouse Rule 06-044	effective	12-01-2006
Clearinghouse Rule 06-051	effective	12-01-2006
Clearinghouse Rule 06-061	effective	12-01-2006
Clearinghouse Rule 06-062	effective	12-01-2006
Clearinghouse Rule 06-063	effective	12-01-2006
Clearinghouse Rule 06-065	effective	12-01-2006
Clearinghouse Rule 06-071	part eff	12-01-2006
	part eff	04-01-2007
Clearinghouse Rule 06-075	effective	12-01-2006
Clearinghouse Rule 06-076	effective	12-01-2006
Clearinghouse Rule 06-087	effective	12-01-2006
Clearinghouse Rule 06-088	effective	12-01-2006
Clearinghouse Rule 06-091	effective	12-01-2006
Clearinghouse Rule 06-095	effective	12-01-2006

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

October 23, 2006

To the Honorable, the Legislature:

Attached please find the Department of Administration's contractual service purchasing report for Fiscal Year 2006 pursuant to §16.705(8), Wis. Stats.

State government continues to reduce reliance on contracting. In FY06, agencies cut contractual services spending by \$5,356,356, or 1.26%, from FY05 levels. Likewise, the UW System trimmed contract spending by \$5,070,460, or 6.89%. Together, State of Wisconsin contractual services spending decreased by \$10,426,816, or 2.08%, from FY05.

In addition to directing agencies to place less reliance on contracts, Governor Doyle recently signed important legislation and an order to increase the transparency and accountability of state contracting:

- **Cost Benefit Legislation.** On January 5, 2006, Governor Doyle signed 2005 Wisconsin Act 89 requiring agencies and the UW to conduct a cost-benefit analysis of each proposed contractual service procurement over \$25,000. On July 1, 2006, DOA implemented an emergency rule specifying uniform procedures for determining whether services are appropriate for contracting. The permanent Act 89 rule is pending final approval.

- **Executive Order 137.** On February 2, 2006, Governor Doyle signed Executive Order 137 directing that no employee of the Office of the Governor, and any unclassified agency head, commissioner, deputy agency head, executive assistant or division administrator may serve on a Request for Proposals evaluation committee. This Order ensures that all contract proposals are evaluated by career civil servants and other disinterested evaluators.

- **Contract Sunshine Act.** On May 19, 2006, Governor Doyle signed 2005 Wisconsin Act 410 requiring every State executive, legislative and judicial agency to post on the Internet all bids, proposals, orders or contracts of \$10,000 or more. This legislation provides for greater transparency of contracting across all of State government.

If you have questions about this report, please contact Patrick Farley, Administrator, DOA Division of Enterprise Operations, at 266-0779.

Sincerely,
STEPHEN E. BABLITCH
Secretary

Referred to committee on **Government Operations and Spending Limitations.**

State of Wisconsin
College Savings Program Board
Madison

November 7, 2006

To the Honorable, the Legislature:

We are pleased to submit the 2005-2006 College Savings Program Annual Report. This ninth annual report covers the EdVest and tomorrow's scholar plans, highlighting the key developments in the program over the past fiscal year, with summaries of the financial statements. The program experienced significant growth and success in FY06. As of June 30, we were helping to meet the college savings needs of over 214,000 current and future students and families nationwide with over \$1.7 billion in assets under management.

Highlights for the year:

- In a nationwide competitive procurement, the program's administrative contracts were re-bid and Wells Fargo was selected as program manager for a five-year term.
- Account owners now enjoy lower fees, as the annual account fee payable to the Board and the annual account maintenance fee payable to Wells Fargo are now waived for Wisconsin residents.
- Total program fees now include some of the lowest among all "529" college savings plans nationally.

The College Savings Program Board and staff look forward to continued growth with quality service to participants in this exciting program. We're sending a cover letter regarding this report to all state legislators and will post the report on our website www.ost.state.wi.us/home/edvest.htm If you have any questions regarding the Annual Report, please contact Marty Olle at 264-7886.

Sincerely,
SENATOR ALBERTA DARLING
Chair, College Savings Program Board

JACK C. VOIGHT
Vice-Chair, College Savings Program Board

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

State of Wisconsin
Department of Administration
Madison

November 14, 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 third quarter of 2006. 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-Federal Relations.**

State of Wisconsin
Department of Public Instruction
Madison

November 16, 2006

To the Honorable, the Legislature:

In accordance with ss. [115.28 \(39\)](#) and [115.361 \(2\)](#), Wis. Stats., the Department of Public Instruction submits this report relating to alcohol and other drug abuse programs in public schools. The report provides an evaluation of its 2004-2006 school-based alcohol and other drug abuse (AODA) prevention and intervention initiatives. The department's AODA program consists of grant-making, training, and technical assistance.

If you have any questions regarding this document, please contact Douglas White, Director, at 266-5198.

Sincerely,
ELIZABETH BURMASTER
State Superintendent

Referred to committee on **Education.**

State of Wisconsin
Department of Administration
Madison

November 30, 2006

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 October 2006.

On October 26, 2006, the Medical Assistance Trust Fund cash balance closed at a negative \$12.4 million. This negative balance continued through October 31, 2006, when the fund's cash balance closed at a negative \$12.0 million. The Medical Assistance Trust Fund cash balance reached its intra-month low of a negative \$12.5 million on October 30, 2006. The negative balance was due to the difference in the timing of revenues and expenditures.

On October 26, 2006, the Wisconsin Health Education Loan Repayment Fund cash balance closed at a negative \$2 thousand. This negative balance continued through October 31, 2006, when the fund's cash balance closed at a negative \$2 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On October 26, 2006, the Worker's Compensation Fund cash balance closed at a negative \$1.7 million. This negative balance continued through October 31, 2006, when the fund's cash balance closed at a negative \$1.7 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The Medical Assistance Trust Fund, Wisconsin Health Education Loan Repayment Fund, and Worker's Compensation 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,
STEPHEN E. BABLITCH
Secretary

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

State of Wisconsin
Department of Health and Family Services
Madison

December 1, 2006

To the Honorable, the Legislature:

The Department of Health and Family Services is pleased to provide you this annual report of the Wisconsin Food Security Consortium's plans to address food insecurity, as required under s. 46.76(4) and (5).

The Wisconsin Food Security Consortium continues making progress in devising strategies to end hunger and food insecurity in Wisconsin. Key steps in 2006 include:

- The Consortium expanded its membership to include several more local food security representatives, and improved communications among Consortium members through regular emails. A web site is being planned.

- The Consortium meetings throughout 2006 continued providing updates from the various programs associated with the Consortium, including School Breakfast Programs, Summer Food Program, Emergency Food Programs, FoodShare and the FoodShare Access Program.

- The Consortium established a governance structure with by-laws. The structure represents an independent partnership, rather than a committee appointed by and reporting to DHFS. A Steering Committee consisting of Consortium members meets monthly and carries out the work of the Consortium.

- The Steering Committee wrote and submitted a Wisconsin Food Security Partnership grant application to The Wisconsin Partnership Fund for a Healthy Future. It proposes to plan and conduct a statewide gathering on the issue of hunger that will result in the development and dissemination of an Action Plan that offers a menu of specific steps which state and local leaders from the public and private sectors can take to help minimize hunger and food insecurity.

The WIC Program is planning a Food Insecurity Survey of its participants for January 2007.

These successes indicate the continued commitment of the Department, with the assistance of the Food Security Consortium, to fight hunger in Wisconsin.

Sincerely,
HELENE NELSON
Secretary

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

AGENCY REPORTS

State of Wisconsin
Legislative Reference Bureau
Madison

October 2006

To the Honorable, the Legislature:

The LRB has completed another successful year of service to the Wisconsin Legislature. At the request of members of the legislature and others, we prepared thousands of bills, amendments, and resolutions. We published numerous briefs and other documents helping to explain the legislative process and the acts of the legislature.

In August 2005, the LRB began publishing *Governing Wisconsin*, a series of educational papers that will cover the entire curriculum in civics education. We target these papers to Wisconsin high school students, as they introduce the vocabulary and the basic concepts of how government works in Wisconsin. We believe this series may also be useful to legislators as handouts when members speak to groups. Each issue of *Governing Wisconsin* is posted at <http://www.legis.state.wi.us/lrb/gw/>. This new publication underscores the Bureau's commitment to civics education. We have worked closely with the Department of Public Instruction to identify topics and focus the series for use in the classroom.

We continue to offer the LRB Seminars, our popular training program on legislative topics and processes. We have experimented with saving some sessions on DVD for later viewing.

The LRB continues to host many international visitors—members and staff of parliamentary organizations who are interested in the Wisconsin legislative process. We enjoy these visits and believe we have a duty to present information about the legislature and its procedure. These visitors also remind us how lucky we are to live and work in a representative democracy.

Sincerely,
STEVE MILLER
Director

State of Wisconsin
Legislative Audit Bureau
Madison

November 14, 2006

To the Honorable, the Assembly:

We have completed a best practices review of local government operations, as directed by s. 13.94(8), Wis. Stats. This report focuses on the emergency management activities of Wisconsin's counties, which have primary local responsibility for emergency planning and response and for coordinating the emergency management efforts of municipalities within their borders. The Department of Military Affairs (DMA) is the lead state agency in planning for and responding to emergencies, and its Division of Emergency Management coordinates federal, state, local, and private emergency management efforts statewide. The Office of Justice Assistance (OJA) administers some federal emergency management grants.

In fiscal year 2005-06, counties received 48.6 percent, or \$19.4 million, of the \$39.9 million in emergency management funds available through DMA and OJA. Municipalities and school districts, state agencies, technical colleges, the University of Wisconsin System, and Native American tribes received the remaining funds. Federal grants funded 90.0 percent of these awards.

Through a survey of the 72 county emergency management directors and an analysis of ten county emergency management plans, we identified best practices related to preparing for and responding to emergencies. Other units of government and individuals may find them useful in carrying out their own emergency management responsibilities.

We appreciate the courtesy and cooperation extended to us by DMA, OJA, and the many local government officials who

responded to our survey and our additional requests for information.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

November 16, 2006

To the Honorable, the Assembly:

As requested by the Joint Legislative Audit Committee, we have completed an evaluation of state efforts to manage chronic wasting disease (CWD), a fatal neurological disease of deer. The Department of Natural Resources (DNR) is responsible for coordinating CWD management in the wild deer population. Farm-raised deer are the responsibility of the Department of Agriculture, Trade and Consumer Protection (DATCP). The Wisconsin Veterinary Diagnostic Laboratory provides CWD testing and carcass disposal services, while the Department of Health and Family Services investigates possible effects on human health. Through fiscal year (FY) 2005-06, these agencies spent \$32.3 million managing the disease.

DNR has developed several strategies to manage CWD, within the geographic areas in which infected deer are known to live, which are known as CWD zones. They include altering the length and rules of hunting seasons, establishing a ban on baiting and feeding deer, using sharpshooters, and creating monetary incentives for hunters to shoot more deer.

To date, DNR's efforts to eradicate CWD in the free-ranging deer population have not been effective. Neither the estimated number of deer in CWD zones nor the percentage infected with CWD has decreased. In addition, fewer deer have been killed in the CWD zones: the number declined from 23.1 deer per square mile in the 2003 hunting season to 17.4 deer per square mile in the 2005 hunting season.

In an October 2006 report to the Natural Resources Board, DNR conceded the need to modify its management efforts to more effectively address CWD. We include options for DNR and the Legislature to more effectively address the disease and control costs in the future.

We appreciate the courtesy and cooperation extended to us by staff of DNR, other state agencies, and interest groups. DNR's response follows the report.

Respectfully submitted,
JANICE MUELLER
State Auditor