



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

MONDAY, April 23, 2007

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

AMENDMENTS OFFERED

Assembly amendment 3 to **Assembly Bill 83** offered by committee on **Education**.

Assembly amendment 4 to **Assembly Bill 83** offered by committee on **Education**.

Assembly amendment 5 to **Assembly Bill 83** offered by committee on **Education**.

Assembly amendment 1 to **Assembly Bill 90** offered by Representative Mursau.

Assembly amendment 2 to **Assembly Bill 90** offered by Representative Mursau.

Assembly substitute amendment 1 to **Assembly Bill 171** offered by Representatives Mursau and Murtha.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 06-130

Relating to credit report security freezes.
Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, April 13, 2007.

To committee on **Financial Institutions**.

Referred on April 23, 2007.

Assembly Clearinghouse Rule 06-136

Relating to soil fumigant pesticides containing chloropicrin or metam sodium.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, April 13, 2007.

To committee on **Agriculture**.

Referred on April 23, 2007.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 47

Relating to: the life and service of Joe Bee Xiong.

By Representatives Smith, Zepnick, Hilgenberg, Kreuser, Sheridan, Hintz, Moulton, Hebl, Cullen, Van Akkeren, Turner, Kessler, Seidel, Soletski, Black, Pope-Roberts and Berceau; cosponsored by Senators Kreitlow, Vinehout, Miller, Lehman, Taylor, Roessler, Lassa and Plale.

To committee on **Rules**.

Assembly Joint Resolution 48

Relating to: the life and public service of former Chief Justice Nathan S. Heffernan.

By Representative Van Akkeren; cosponsored by Senator Leibham.

To committee on **Rules**.

Assembly Bill 271

Relating to: the right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority.

By Representatives Kessler, Staskunas, Berceau, Sinicki, Hahn and Turner; cosponsored by Senator Grothman.

To committee on **Judiciary and Ethics**.

Assembly Bill 272

Relating to: the scope of regulated activity under the campaign finance law.

By Representatives Mason, Hintz, Hilgenberg, Garthwaite, Hraychuck, Jorgensen, Soletski, Smith and Hixson.

To committee on **Elections and Constitutional Law**.

Assembly Bill 273

Relating to: application of the open meetings law to legislative party caucuses.

By Representatives Mason and Kaufert.

To committee on **Assembly Organization**.

Assembly Bill 274

Relating to: a state minimum wage and granting rule-making authority.

By Representatives Mason, Zepnick, Turner, Black, Pocan, Young, Boyle, Sinicki, Sheridan, Sherman,

Pope–Roberts, Kreuser, Travis, Van Akkeren, Kessler, Berceau and A. Williams; cosponsored by Senators Decker, Hansen, Carpenter, Miller, Jauch, Lehman, Risser, Sullivan, Erpenbach and Breske.

To committee on **Jobs and The Economy**.

Assembly Bill 275

Relating to: a presumption for purposes of the worker's compensation law that the injury or death of a fire fighter due to heart or respiratory impairment or disease or due to a cerebrovascular accident arose out of the fire fighter's employment.

By Representatives Bies, Albers, Gronemus, Hahn, Hraychuck, Lothian, Molepske, Musser, Owens, A. Ott, Petrowski, Sheridan, Sherman, Townsend and Sinicki; cosponsored by Senators Lassa, Hansen, Lehman, Roessler and Schultz.

To committee on **Labor and Industry**.

Assembly Bill 276

Relating to: appellate procedure regarding restitution in criminal actions, commitments of persons found not guilty by reason of mental disease or defect, and commitments of sexually violent persons.

By Representatives Berceau and Hahn; cosponsored by Senators Miller and Lehman.

To committee on **Judiciary and Ethics**.

Assembly Bill 277

Relating to: adjusting prison sentences for misdemeanors.

By Representatives Berceau, Parisi and Grigsby; cosponsored by Senators Miller and Lehman.

To committee on **Corrections and Courts**.

Assembly Bill 278

Relating to: defendant's presence at a pretrial conference in a criminal case.

By Representatives Berceau and Grigsby; cosponsored by Senators Miller and Lehman.

To committee on **Judiciary and Ethics**.

Assembly Bill 279

Relating to: protective placements and protective services; involuntary administration of psychotropic medication; guardianships, conservatorships, and wards; and services for adults at risk and elder adults at risk.

By Representatives Townsend, Jeskewitz, Hahn, M. Williams, Hines, Pridemore, Musser, Berceau, Strachota, Mursau, Petrowski, Sherman and Krusick; cosponsored by Senators Olsen, Miller, Erpenbach, Roessler, Risser and Plale.

To committee on **Aging and Long Term Care**.

Assembly Bill 280

Relating to: health insurance coverage of a full-time student on medical leave.

By Representatives Nygren, Albers, Ballweg, Berceau, Boyle, Cullen, Gunderson, Molepske, A. Ott, Petrowski, Townsend and Travis; cosponsored by Senators Roessler, Taylor, Kreitlow, Lassa, Lehman and Schultz.

To committee on **Insurance**.

Assembly Bill 281

Relating to: the purposes, authority, and responsibilities of the Educational Approval Board and the regulation of schools by that board.

By Representative Nass; cosponsored by Senator Vinehout, by request of the Educational Approval Board.

To committee on **Colleges and Universities**.

Assembly Bill 282

Relating to: threatening a school official.

By Representatives Albers, Molepske, Musser, Hahn, Berceau, Vos, Nygren, Townsend, Gunderson and Hraychuck; cosponsored by Senators Schultz, Roessler, Olsen and A. Lasee.

To committee on **Criminal Justice**.

Assembly Bill 283

Relating to: creating a refundable individual income tax credit for sales and use taxes paid to replace damaged or destroyed tangible personal property and making an appropriation.

By Representatives Gunderson, Gronemus, Hines, Musser, Nerison and Townsend; cosponsored by Senators Lassa, Leibham, Olsen and Roessler.

To committee on **Ways and Means**.

Assembly Bill 284

Relating to: naming the state trail system.

By Representatives Gunderson, Black, Sheridan, Berceau, Molepske, Pocan, Hahn, Parisi, Turner, Lothian, Mason, Hebl, Mursau, Bies, A. Ott, Townsend and Sinicki; cosponsored by Senators Miller, Kedzie, Erpenbach, Olsen, Wirch, Lehman, Darling, Cowles, Schultz and Plale.

To committee on **Natural Resources**.

Assembly Bill 285

Relating to: requiring an adverse possessor of property to pay fair market value and property taxes.

By Representatives Bies, Huebsch, Sheridan, Gunderson, Jeskewitz, Mursau and Hahn.

To committee on **Property Rights**.

Assembly Bill 286

Relating to: applications to attend a virtual charter school under the open enrollment program.

By Representatives Pridemore, Albers, Vos, Nygren, Wood and Townsend.

To committee on **Education Reform**.

Assembly Bill 287

Relating to: the definition of service animal for purposes of discrimination against a person using a service animal in a public accommodation and harassment of a service animal and providing a penalty.

By Representatives Berceau, Black, Sheridan, Hines, Boyle, Benedict, A. Ott, Hahn, Musser, A. Williams, Townsend, Shilling, Sinicki and Sherman; cosponsored by Senators Risser, Miller, Roessler, Cowles, Cogs and Olsen.

To committee on **Public Health**.

COMMITTEE REPORTS

The committee on **Children and Family Law** reports and recommends:

Assembly Bill 29

Relating to: ordering modifications to legal custody or periods of physical placement contingent upon the occurrence of a specified future event or a specified change in conditions.

Passage:

Ayes: 5 – Representatives Owens, Pridemore, Albers, Kleefisch and Seidel.

Noes: 2 – Representatives Grigsby and Berceau.

To committee on **Rules**.

Assembly Bill 34

Relating to: garnishment of the income of a minor.

Passage:

Ayes: 6 – Representatives Owens, Pridemore, Albers, Kleefisch, Seidel and Berceau.

Noes: 1 – Representative Grigsby.

To committee on **Rules**.

Assembly Bill 39

Relating to: allowing access to pending paternity proceeding information for purposes of administering the child support establishment program.

Passage:

Ayes: 7 – Representatives Owens, Pridemore, Albers, Kleefisch, Grigsby, Seidel and Berceau.

Noes: 0.

To committee on **Rules**.

CAROL OWENS
Chairperson
Committee on Children and Family Law

The committee on **Judiciary and Ethics** reports and recommends:

Assembly Bill 54

Relating to: repeat drunken driving offenders and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

MARK GUNDRUM
Chairperson
Committee on Judiciary and Ethics

COMMUNICATIONS

April 19, 2007

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53708

Dear Chief Clerk Fuller:

I was excused from session on April 17, 2007 and was unable to vote. I am writing to inform you of how I would have cast my vote had I been in attendance. Please include this information in the Assembly Journal.

I would have voted “aye” on passage of the following proposals:

Assembly Bill 52
Assembly Bill 153

Thank you for your time and attention to this matter. If you have any questions or concerns please feel free to contact me.

Sincerely,
JENNIFER SHILLING
State Representative
95th Assembly District

April 19, 2007

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53708

Dear Chief Clerk Fuller:

Please add my name as a co-sponsor of Assembly Bill 190, relating to changing the individual income tax rates of taxation.

Sincerely,
ALBERTA DARLING
State Senator
8th Senate District

REFERRAL OF AGENCY REPORTS

Wisconsin Hospital Association
2005 Uncompensated Health Care Report
Madison

April 17, 2007

To the Honorable, the Legislature:

Enclosed is a hard copy of the fiscal year 2005 Uncompensated Health Care Report produced by WHA Information Center pursuant to s. 153.22, Wis. Stats. The report was posted on our Web site in January 2007. Please feel free to download and print additional copies.

If you have any questions regarding the report you may contact me at 608-274-1820, 800-231-8340 or jkachelski@wha.org.

Sincerely,
JOSEPH KACHELSKI
Vice President, WHA Information Center

Referred to committee on **Health**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

April 17, 2007

To the Honorable, the Assembly:

We have completed a review of information technology (IT) projects that describes and provides cost and funding information for 184 projects in 28 executive branch agencies. We identified 103 projects that were completed in the past two fiscal years at an estimated cost of \$90.6 million, and 81 projects that were ongoing at the start of fiscal year 2006-07 and are expected to cost \$201.1 million upon completion.

Individual projects with costs of \$1.0 million or more represent 92.7 percent of the expected costs of ongoing projects. These large projects are typically complex and entail a significant risk of exceeding estimated costs and time lines. We note particular concerns with six ongoing projects that are expected to cost a total of \$122.7 million upon completion and have already experienced difficulties.

In a detailed review of selected large, high-risk projects, we found evidence of inadequate planning that increased costs and compromised timeliness. Estimated costs for one project to customize software for administering the Unemployment Insurance program increased by \$18.7 million, and another project was suspended after \$23.6 million had been spent. In addition, sales and use tax software with a cost of at least \$24.9 million is being replaced only five years after implementation. Two statewide IT consolidation projects have experienced significant delays and cost overruns. A third, intended to replace approximately 100 types of administrative software and projected to cost at least \$66.6 million upon completion, requires close monitoring.

The Department of Administration (DOA) has broad statutory authority to oversee and coordinate state IT projects. However, its oversight has been inadequate. We include recommendations to improve DOA's collaboration with other agencies in identifying high-risk projects and establishing planning standards, including quantifiable performance

measures. We also include recommendations to enhance legislative oversight of high-risk IT projects.

We appreciate the courtesy and cooperation extended to us by officials and staff of DOA and other agencies. DOA's response follows the appendices.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

April 17, 2007

To the Honorable, the Assembly:

We have followed up on the Department of Revenue's (DOR's) efforts to address concerns related to the processing and distribution of sales and use taxes through its Integrated Tax System (ITS), which was implemented in December 2002. In a letter report issued in December 2005, we summarized challenges DOR faced during implementation of the sales and use tax component of ITS, including an initial backlog in processing sales and use tax returns, various computer programming problems, and errors in distributions from the State to counties and professional sports districts that assess their own sales and use taxes. Difficulties in planning ITS are described in a review of state information technology projects (report 07-5) that we are issuing today.

Our current analyses, together with work performed by the system's developer, indicate the errors we reported in December 2005 have been addressed effectively in ITS. This work provides reasonable assurance that ITS is accurately calculating counties' and two professional sports districts' shares of reported sales and use taxes.

To better understand sales and use tax trends, we analyzed and identified reasons for a decline in 2006 sales and use tax distributions to the Green Bay/Brown County Professional Football Stadium District. We found the decline was largely the result of lower sales and use taxes reported for the football stadium district; certain changes in sales and use tax law; and a reporting error by a single, large business entity.

In February 2007, DOR announced that ITS will be replaced with new software from a different vendor, at an estimated cost of \$3.3 million. Given the challenges faced in implementing ITS, we believe continued oversight will be important to ensure accuracy in the processing and distribution of local governments' sales and use taxes. Our report includes a recommendation for reporting by DOR to the Joint Legislative Audit Committee.

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

Respectfully submitted,
JANICE MUELLER
State Auditor