



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fifth Regular Session

10:20 A.M.

TUESDAY, March 12, 2002

The Assembly met in the Assembly Chamber located in the State Capitol.

Representative Rhoades in the chair.

The Assembly dispensed with the call of the roll.

### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 840** offered by Representative Schooff.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 01-148**

Relating to establishing a separate prescription drug coinsurance benefit, relating to the health insurance risk-sharing plan (HIRSP) with limits on HIRSP policyholder out-of-pocket expenses for covered prescription drugs.

Submitted by Department of Health and Family Services.  
Report received from Agency, February 27, 2002.  
To committee on **Health**.  
Referred on March 8, 2002.

#### **Assembly Clearinghouse Rule 01-151**

Relating to supervised clinical practice.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, February 28, 2002.  
To committee on **Health**.  
Referred on March 8, 2002.

#### **Assembly Clearinghouse Rule 01-157**

Relating to health care loan assistance.  
Submitted by Department of Commerce.  
Report received from Agency, March 1, 2002.  
To committee on **Health**.  
Referred on March 8, 2002.

#### **Assembly Clearinghouse Rule 02-007**

Relating to day care certification.  
Submitted by Department of Workforce Development.  
Report received from Agency, February 28, 2002.  
To committee on **Children and Families**.  
Referred on March 8, 2002.

### SPEAKER'S APPOINTMENTS

March 7, 2002

The Honorable Scott McCallum  
Governor of Wisconsin  
The Capitol, Room 115 East  
Madison, WI 53703

Dear Governor McCallum:

As Assembly Speaker, I am designating Jeffrey Knight as a member of Wisconsin State Elections Board per § 15.61 (Wisconsin Statutes) and Assembly Rule 3. Mr. Knight will fill the vacancy created by the resignation of R.J. Johnson per § 17.03 (Wisconsin Statutes) and serve for the unexpired term. This appointment is effective immediately.

If you have any questions, please contact my legislative assistant, Adam S. Peer, in my office. Thank you in advance for your prompt attention to this matter.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

March 5, 2002

The Honorable John Scocos  
Assembly Chief Clerk  
[John.Scocos@legis.state.wi.us](mailto:John.Scocos@legis.state.wi.us)

Dear Chief Clerk:

As Assembly Speaker, I have appointed Representative Miller to the Joint Committee on Finance per Assembly Rules 3 and 9 on the nomination of the minority leader. Representative Miller will temporarily replace Representative Coggs for the part of the committee meeting on March 5, 2002, when Representative Coggs will recuse himself.

If you have any questions, please contact Adam Peer in my office.

Sincerely,  
*SCOTT R. JENSEN*  
Assembly Speaker

## COMMUNICATIONS

March 5, 2002

Representative Scott Jensen  
Speaker of the Assembly  
211 West, State Capitol  
Madison, WI 53702

Dear Mr. Speaker:

Representative Spencer Coggs is unable to vote at this morning's Joint Finance Committee meeting due to a conflict of interest. Pursuant to Assembly Rule 9, I am asking you to appoint Representative Mark Miller to temporarily replace Representative Coggs for part of the Joint Finance Committee meeting scheduled for today.

Sincerely,  
*SPENCER BLACK*  
Assembly Minority Leader

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Department of Commerce  
Madison

March 11, 2002

To the Honorable, the Legislature:

The 1999-2000 Biennial Budget bill contained a provision that instructed the Department of Commerce to evaluate the operation of section 101.143 (4)(cm) of the statutes and to report the results of the evaluation to the joint legislative audit committee, to the joint committee on finance and the appropriate standing committees of the legislature, no later than the first day of the 14th month beginning after the effective date of this subsection.

Although the department recognizes the importance of the development and evaluation of a usual and customary costs schedule, it has encountered difficulties in developing data necessary to create such a schedule based on past costs. As a result, we are still in the process of fully implementing the usual and customary cost schedule described in section 101.143 (4)(cm). Based on early analysis, the department did implement a competitive bidding process for all commodity services to obtain market-driven cost data. Having now developed an approach to determining usual and customary costs with limited data, the department is reporting on its schedule for full implementation including a date for evaluating the effects of the schedule of costs.

The department has developed a draft schedule of usual and customary costs for consultant activities from available data on hourly rates for consultant employees and from estimates of the typical hours involved in each activity. Estimating is the customary method in the industry for creating budgets for such activities. The department has used staff with experience in the consulting field to estimate the time typically involved in key activities. It proposes to obtain additional input from an advisory committee that includes staff from consulting

firms to further refine the usual and customary cost schedule before implementing the schedule by administrative rule.

In the attached report, the department has also identified potential implementation problems. This will enable the department to determine what data can be gathered during implementation to evaluate the impact of those problems.

We appreciate your efforts to control the costs in the PECFA program and are available to provide any additional information that you might wish regarding current operations and further evaluation reports relating to usual and customary costs.

Sincerely,  
*PHILIP EDW. ALBERT*  
Secretary

Referred to committee on **Natural Resources**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit  
Madison

March 8, 2002

To the Honorable, the Legislature:

As requested by the Joint Legislative Audit Committee, we have completed an evaluation of the State's vehicle emissions testing program in southeastern Wisconsin. The Department of Natural Resources (DNR) determines the parameters of the program in accordance with federal Clean Air Act requirements, while the Department of Transportation (DOT) is responsible for administering the State's contract with a private firm that operates the testing stations. In calendar year 2001, approximately 784,000 vehicle emissions tests were performed at a total cost of \$11.2 million. Motorists pay no fee for testing, which is supported by federal funds, the State's Transportation Fund, and general purpose revenue.

Wisconsin implemented its vehicle emissions testing program to comply with the federal Clean Air Act and to reduce ozone levels. Currently, the program requires most vehicles registered in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha counties to be tested every two years. Although testing is a federal mandate, states have some discretion in designing their programs. Overall, Wisconsin's program is more stringent than the applicable federal model. As a result, DNR officials believe federal air quality standards will be attained in 2002, five years earlier than the federal deadline. The Legislature could consider changing the current program as long as the changes would have no significant effect on emissions levels. We have suggested several options for the Legislature to consider.

We found several areas in which DOT's management of the contract with the private testing firm was inadequate. For example, DOT has not attempted to renegotiate contract payments despite testing volumes 14.7 to 18.2 percent below those anticipated when the contract began in 1995. In

addition, the contractor has failed to meet waiting time standards at a number of testing stations over the course of the contract, but DOT has not pursued liquidated damages for these violations.

We appreciate the courtesy and cooperation extended to us by DNR and DOT. The agencies' responses are appendices 5 and 6.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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**ADJOURNMENT**

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, March 14.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:21 A.M.