



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

MONDAY, July 21, 2008

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

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 07-029

Relating to flammable, combustible and hazardous liquids, and affecting small businesses.

Submitted by Department of Commerce.
Report received from Agency, July 7, 2008.
To committee on **Natural Resources**.
Referred on July 18, 2008.

Assembly Clearinghouse Rule 07-036

Relating to adoption of federal emission standard for mercury and additional mercury emission reductions.

Submitted by Department of Natural Resources.
Report received from Agency, July 3, 2008.
To committee on **Natural Resources**.
Referred on July 18, 2008.

Assembly Clearinghouse Rule 07-094

Relating to general permit criteria requiring decontamination of equipment for invasive species and viruses.

Submitted by Department of Natural Resources.
Report received from Agency, July 11, 2008.
To committee on **Natural Resources**.
Referred on July 18, 2008.

Assembly Clearinghouse Rule 07-110

Relating to surface water quality criteria.

Submitted by Department of Natural Resources.
Report received from Agency, July 11, 2008.
To committee on **Natural Resources**.
Referred on July 18, 2008.

Assembly Clearinghouse Rule 08-010

Relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

Submitted by Department of Natural Resources.
Report received from Agency, July 3, 2008.
To committee on **Natural Resources**.
Referred on July 18, 2008.

Assembly Clearinghouse Rule 08-021

Relating to hunting, trapping, captive wild animals, dog training, nuisance animal removal, wildlife rehabilitation, and license issuance.

Submitted by Department of Natural Resources.
Report received from Agency, July 3, 2008.
To committee on **Natural Resources**.
Referred on July 18, 2008.

Assembly Clearinghouse Rule 08-023

Relating to administration of the forest crop law and managed forest law.

Submitted by Department of Natural Resources.
Report received from Agency, July 3, 2008.
To committee on **Forestry**.
Referred on July 18, 2008.

Assembly Clearinghouse Rule 08-032

Relating to long-term care plans including the long-term care partnership program qualifying policies and affecting small business.

Submitted by Insurance Commissioner.
Report received from Agency, July 14, 2008.
To committee on **Ageing and Long Term Care**.
Referred on July 18, 2008.

Assembly Clearinghouse Rule 08-038

Relating to the "buy local" grant program created under s. 93.48, Stats.

Submitted by Department of Agriculture, Trade and Consumer Protection.
Report received from Agency, June 30, 2008.
To committee on **Agriculture**.
Referred on July 14, 2008.

Assembly Clearinghouse Rule 08-041

Relating to video service franchise.

Submitted by Department of Financial Institutions.
Report received from Agency, July 14, 2008.
To committee on **Energy and Utilities**.
Referred on July 18, 2008.

SPEAKER'S COMMUNICATIONS

July 9, 2008

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

Dear Chief Clerk Fuller:

Pursuant to Assembly Rule 3, I have made the following changes to the appointments to the committees of the Legislature listed below:

Assembly Committee on Workforce Development established by Assembly Rule 9: Representative Wieckert will replace Representative Wood as chair.

Joint Survey Committee on Tax Exemptions: Representative Jeskewitz will replace Representative Wood as Assembly co-chair.

Should you have any questions, please contact my office.

Sincerely,
MIKE HUEBSCH
Assembly Speaker

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health Services
Madison

July 11, 2008

To the Honorable, the Legislature:

Pursuant to Wis. Stats., s. 50.04(5)(fr), I am submitting the Department of Health Services' annual report to the Legislature related to Class A violations committed by nursing homes, and forfeitures assessed on nursing homes for those violations.

As defined by Wis. Stats., s. 50.04(3b), a Class A violation is "... a violation of this subchapter or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a nursing home presenting a substantial probability that death or serious mental or physical harm to a resident will result"

The Department issued 33 Class A violations in calendar year 2007. The enclosed report provides details on all Class A violations, including the original forfeiture amount assessed and the status of payment.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

Referred to committee on **Aging and Long-Term Care**.

State of Wisconsin
Department of Health Services
Madison

July 11, 2008

To the Honorable, the Legislature:

The Department of Health Services (DHS) is committed to reducing energy use at all of its facilities per the Energy Cost Reduction Plan guidelines in s. 16.953, Wisconsin Statutes.

In a continuing effort to do so, the Department has included high efficiency equipment and energy reducing building systems into its ongoing capital projects. High efficiency equipment was designed into the new 200-bed facility currently under construction at Sand Ridge Secure Treatment Center. The program statement for the 45-bed Female Treatment Facility at the Wisconsin Resource Center requires the architect/designer to "explore methods, materials and configurations" to conform to State energy concerns and comply with Act 141 and Executive Order 145.

The Department has initiated projects that will ultimately reduce energy consumption at its facilities, including the replacement of inefficient heating and ventilating equipment at the Southern Wisconsin Center, installation of new instantaneous water heaters in the Heating Plant at Mendota Mental Health Institute, and the installation of high efficiency laundry equipment at Central Wisconsin Center. DHS energy reduction efforts continue with the current evaluation of the use of LED street and sidewalk lighting at several of its facilities, the use of an alternate fueled boiler and solar thermal hot water in its laundry and food service areas.

A number of issues, however, complicate the Department's ability to implement energy efforts as rapidly and to the extent that might be desired or might be possible in other state facilities. All of the Department's campuses have components that operate 24 hours per day, 365 days a year. These facilities care for persons who have medical and emotional issues, and have difficulty tolerating disruptions in their daily routine. In addition, many components on our campuses have significant security and/or life safety considerations that must be met. Five of the facilities also must meet regulatory requirements of the Centers for Medicare and Medicaid (CMS) and the Joint Commission. These factors must be carefully considered in planning for the implementation of energy conservation measures.

The attached Energy Cost Reduction Plan worksheets reflect the Department's efforts over the last two years and outline some of its potential efforts in the next two years. The Department has and will continue to make energy efficiency a major part of all its capital improvement projects. In addition, the operating and maintenance staffs at our facilities will continue to look for and identify non-capital improvements resulting in further reduction of our energy usage.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

Referred to committee on **Aging and Long-Term Care**.

State of Wisconsin
Department of Transportation
Madison

July 16, 2008

To the Honorable, the Legislature:

The Department of Transportation has completed the extension study of State Trunk Highway (STH) 138 as

directed under section 9148(non-statutory provisions) in [2007 Wisconsin Act 20](#). The purpose of the study was to identify whether North Tolles Road in Rock County should be added to the STH system as an extension to STH 138. The report is being submitted to the Legislature in the manner prescribed under s. [13.172 \(2\)](#) Wis. Stats.

In conducting the study, various aspects of a typical highway project were evaluated such as land use, roadway and shoulder width, access points, traffic volumes and crashes. Based on the data collected and analysis performed, the existing corridor will provide acceptable operating capacity for at least the next 20 years. No further action is planned at this time.

If you would like any further information, please contact Rose Phetteplace at 608-246-5443.

Sincerely,
FRANK J. BUSALACCHI
Secretary

Referred to committee on **Transportation**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

July 8, 2008

To the Honorable, the Assembly:

As required by s. [13.94\(1\)\(em\)](#), Wis. Stats., we have completed our annual financial audit of the Wisconsin Lottery, which is administered by the Department of Revenue. We have issued an unqualified opinion on the Wisconsin Lottery's fiscal year (FY) 2005-06 and FY 2006-07 financial statements. We also found that the Wisconsin Lottery was in compliance with statutory spending limitations related to prizes, product informational advertising, retailer compensation, and administrative expenses.

Total ticket sales increased \$57.8 million, or 13.3 percent, from FY 2002-03 to FY 2006-07. However, FY 2006-07 ticket sales of \$492.8 million were \$16.2 million, or 3.2 percent, less than those of the previous year. Wisconsin Lottery staff attribute this decrease to the timing of large Powerball jackpots, which have a significant effect on ticket sales. Total operating expenses increased \$42.5 million, or 13.6 percent, from FY 2002-03 to FY 2006-07, primarily because lottery prizes and retailer compensation fluctuate with ticket sales. In FY 2006-07, lottery proceeds of \$160.0 million were distributed to provide property tax relief.

We appreciate the courtesy and cooperation extended to us by Wisconsin Lottery staff in the Department of Revenue.

Sincerely,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

July 11, 2008

To the Honorable, the Assembly:

As required by s. [13.94\(1\)\(dm\)](#), Wis. Stats., we have completed our annual financial audit of State Fair Park. We have issued an unqualified opinion on State Fair Park's fiscal year (FY) 2006-07 financial statements. In addition, we have continued to monitor State Fair Park's financial condition and its efforts to improve its financial performance.

In FY 2006-07, State Fair Park's revenue exceeded expenditures by \$1.3 million, the first time since FY 1998-99. As a result, State Fair Park was able to reduce the accumulated cash deficit to \$9.9 million. The positive operating results are primarily attributable to reduced operating costs as a result of the licensing of the Milwaukee Mile racetrack to a private promoter. However, the promoter has reported financial difficulty, and in February 2008 the license agreement was renegotiated and the annual license fee paid by the promoter was lowered from approximately \$1.8 million to \$1.0 million. Further, a portion of the amount due has been deferred. As a result, State Fair Park will receive only \$725,000 in license fees in 2008.

As part of our audit, we also reviewed conflict of interest allegations related to the management of State Fair Park's Agriculture Department. State Fair Park has begun to take steps to address concerns raised by members of the agriculture community. We include several recommendations for further improvement, including increased communication among the Board, management staff, various advisory committees, and the agriculture community in Wisconsin. In addition, we recommend State Fair Park seek an opinion from the Government Accountability Board on the perceived conflicts of interest between the Agriculture Director's outside business interests and his responsibilities to State Fair Park.

We appreciate the courtesy and cooperation extended to us by the staff of State Fair Park. A response from State Fair Park's executive director follows the appendices.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

July 17, 2008

To the Honorable, the Assembly:

We have completed a review of the Environmental Cooperation Pilot Program (ECP). The program is administered by the Department of Natural Resources (DNR) and was established by [1997 Wisconsin Act 27](#) to test innovative environmental regulatory methods. Since the program's inception, DNR has entered into seven agreements with power generation and manufacturing companies to

reduce pollution. Statutes require the Legislative Audit Bureau to monitor ECPP and report to the Legislature on our findings.

During 2006 and 2007, DNR renewed six of the seven agreements with ECPP companies for a final five-year term. One of two separate ECPP agreements with We Energies was not renewed because environmental goals had been attained and neither DNR nor the company anticipated any further benefits from the program.

Since our last review, DNR has reported environmental performance measures. However, these measures could be improved to identify performance by individual companies.

In order to meet statutory requirements and better assess ECPP's effectiveness, we also suggest that DNR expand its efforts to measure the companies' and its own administrative savings, consider additional strategies for sharing environmental or technical innovations, and employ additional efforts to ensure adequate public involvement.

We appreciate the courtesy and cooperation extended to us by DNR and the ECPP companies we contacted in conducting this review.

Sincerely,
JANICE MUELLER
State Auditor