

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, March 28, 2001

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

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 29

Relating to: requesting the congressional delegation from Wisconsin to urge Congress to pass President Bush's tax relief plan.

By Senators Welch, S. Fitzgerald, Huelsman, Roessler and Darling; cosponsored by Representatives Leibham, Kreibich, Duff, Urban, J. Fitzgerald, Vrakas, Suder, Krawczyk, Walker, Gunderson, Hoven, Sykora, Stone, McCormick, Townsend, Nass, Owens and Jeskewitz.

To committee on **Universities, Housing, and Government Operations**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 108

Relating to: licensing perfusionists, creating a perfusionists examining council, and granting rule-making authority.

By Senators Erpenbach, Burke, George, Grobschmidt, M. Meyer, Plache, Risser and Rosenzweig; cosponsored by Representatives Skindrud, Berceau, Duff, Gunderson, Hahn, La Fave, Musser, Ott, Plale, Shilling and Urban.

To committee on **Health, Utilities, Veterans and Military Affairs**.

Senate Bill 109

Relating to: regulating the investments of personal representatives, trustees, conservators, and guardians of the estate; and providing rules for allocations between principal and income for trusts and estates.

By Senators Huelsman and George; cosponsored by Representatives Cullen and Gundrum, by request of Wisconsin Commission on Uniform State Laws.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

Senate Bill 110

Relating to: polling hours, time off from work for service as an election official, training of election officials, voting by felons and immigrants, requiring studies and recommendations with regard to voter registration and multilingual voting needs,

establishing satellite stations for purposes of conducting voter registration and absentee voting, and granting rule-making authority.

By Senators Moore, Burke, Shibilski, M. Meyer, Plache and Hansen; cosponsored by Representatives Travis, Pocan, Young, Bock, Turner, Colon, Black, J. Lehman, Morris–Tatum, Riley and Richards.

To committee on **Universities, Housing, and Government Operations**.

Senate Bill 111

Relating to: classifying county jailers as protective occupation participants for the purposes of the Wisconsin retirement system.

By Senators Moen, Burke, Breske, Baumgart, S. Fitzgerald, M. Meyer, Risser, Rosenzweig, Schultz and Plache; cosponsored by Representatives Freese, Musser, Ainsworth, Albers, Balow, Berceau, Bies, Gronemus, Gunderson, Huebsch, Johnsrud, Lassa, Leibham, Loeffelholz, McCormick, Pettis, Plouff, Ryba, Seratti, Shilling and Sykora.

To joint survey committee on **Retirement Systems**.

Senate Bill 112

Relating to: the biennial fee for certification of an adult day care center as a provider of medical assistance.

By Senators Grobschmidt, Burke, Schultz and Darling; cosponsored by Representatives Sinicki, Carpenter, Plouff, Musser, Ryba, Turner, Gronemus, F. Lasee, Loeffelholz, Krawczyk, Riley, Jeskewitz and Grothman.

To committee on **Human Services and Aging**.

Senate Bill 113

Relating to: the use of bicycle helmets and providing a penalty.

By Senators Risser, Burke and Rosenzweig; cosponsored by Representatives Urban, Berceau, Young, Riley, J. Lehman, Miller and Morris–Tatum.

To committee on **Human Services and Aging**.

Senate Bill 114

Relating to: the tobacco control fund, supplemental payments to certain hospitals, payments to counties for costs of tobacco-related illnesses and health care benefits and for any other tobacco-related costs, grants to tobacco farmers, granting rule-making authority, and making appropriations.

By Senator George; cosponsored by Representatives Friske, J. Lehman, Young, Krawczyk and Berceau.

To committee on **Health, Utilities, Veterans and Military Affairs**.

Senate Bill 115

Relating to: campaign financing with respect to the office of justice of the supreme court, making appropriations, and providing penalties.

By Senators George, Risser, Robson, Grobschmidt, Rosenzweig, Darling, Burke, Plache, Baumgart, Wirch and Shibilski; cosponsored by Representatives Bock, Musser, Ainsworth, Young, Pocan, Gunderson, Carpenter, Berceau, Reynolds, Ryba, Richards, Black, Plouff, Meyerhofer, Cullen, Coggs, Balow, Turner, J. Lehman, Shilling, Morris-Tatum, Travis, Kreuser, Hebl, Schooff, Riley, Huber, Krug, Miller, Lassa and Sinicki.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

Senate Bill 116

Relating to: notification to the legislature of a proposed rule.

By Senators Moen, Burke, Breske, Harsdorf, Schultz and Rosenzweig; cosponsored by Representatives Suder, Kestell, Sherman, Huber, Musser, Ryba, J. Lehman, Kreibich, Plouff, Sykora, Turner, Staskunas, Petrowski, Seratti and Powers.

To joint committee for **Review of Administrative Rules.**

Senate Bill 117

Relating to: including dentists and dental hygienists as health care professionals for the purpose of forming service corporations.

By Senators Moen, Burke, Welch, Darling, Baumgart, Rosenzweig, Cowles and Roessler; cosponsored by Representatives Nass, Starzyk, Kedzie, Walker, Ryba, Wasserman, Shilling, Plouff, Kestell, Lippert, Musser, Urban, Gundrum, Seratti, Krawczyk, Ward, Kreibich, Grothman, Gunderson, Jeskewitz, Albers, Sykora, Townsend, Owens, Vrakas, Ainsworth, McCormick, J. Lehman, La Fave and M. Lehman.

To committee on **Health, Utilities, Veterans and Military Affairs.**

Senate Bill 118

Relating to: the procedures for changing the number of school board members, for establishing a plan of apportionment of school board members, and for providing election to numbered seats on a school board.

By Senator Huelsman; cosponsored by Representatives Albers and Owens.

To committee on **Education.**

Senate Bill 119

Relating to: liability of shareholders to corporate employees.

By Senators Huelsman, Roessler, Schultz and Rosenzweig; cosponsored by Representatives Duff, Sykora, Albers, Kedzie, Nass, Plale, Seratti, Vrakas, Hundertmark, Owens and Skindrud.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

REPORT OF COMMITTEES

The committee on **Economic Development and Corrections** reports and recommends:

BLANCHARD, BRENDA J., of Madison, as Secretary of the Department of Commerce, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.

Noes, 0 – None.

Robert Jauch
Chairperson

The committee on **Environmental Resources** reports and recommends:

CUPP, MARK E., of Blue River, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

GARN, HERBERT S., of Middleton, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

KAPUSTA, JOE A., of Antigo, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

NOWACKI, RICHARD, of Pewaukee, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2002.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

STEIMEL, RICHARD J., of Dane, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

UPHOFF, ROBERT, of Dunn, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

BIERMAN, DEWAYNE G., of Sparta, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

FORBES, GEORGINA, of Madison, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

GROSSMAN, DR. RONALD E., of Mequon, as a member of the Medical Examining Board, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

JANES, JAMES R., of Butte des Morts, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

JOHNSON, DR. SIDNEY E., of Marshfield, as a member of the Medical Examining Board, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

NEVIASER, B. ANN, of Madison, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

PRECIA, JOYCE I., of Waukesha, as a member of the Board of Nursing, to serve for the interim term ending July 1, 2003.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

SAINI, DR. BHIPINDER, of Elm Grove, as a member of the Medical Examining Board, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

SANNER, LINDA, of Portage, as a member of the Board of Nursing, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

STARKE, WILLIAM H., of Fort Atkinson, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.
Noes, 0 – None.

Rodney Moen
Chairperson

PETITIONS AND COMMUNICATIONS

Senate Petition 2

A petition by approximately 20,000 citizens of the State of Wisconsin in opposition to the proposals to hold a hunting season on Mourning Doves and Sandhill Cranes.

By Senator Moen.

To committee on **Environmental Resources**.

State of Wisconsin Medical College of Wisconsin

March 20, 2001

The Honorable, The Senate:

Enclosed is the biennial report of the Medical College of Wisconsin, prepared according to the statutory requirement under section 13.106. This report covers the period ending June 30, 2000, and contains information in the following areas:

- financial status of the family practice residency sites
- number of family practice residents choosing to practice in medically underserved areas of the state upon graduation
- number of graduates entering family practice as a career

Please feel free to contact me at (414) 456-8217 if you have any questions or would like additional information.

Sincerely,

DONNA K. GISSEN
Assistant Vice President
Planning and Government Affairs

State of Wisconsin Department of Administration

March 15, 2001

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), 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 balances during the month of February 2001.

On February 1, 2001 the **Wisconsin Health Education Loan Repayment Fund** balance was –\$2 thousand. This shortfall increased to –\$4 thousand on February 13, 2001, to –\$5 thousand on February 14, 2001, and continues into the month of March. As of the date of this letter, it is expected to be resolved soon. This shortfall is due to the timing of revenues.

On February 1, 2001 the **Utility Public Benefits Fund** balance was -\$4.24 million. This shortfall decreased to -\$905 thousand on February 8, 2001, increased to -\$1.44 million on February 16, 2001, to -\$2.17 million on February 22, 2001, and to -\$2.76 million on February 27, 2001. This shortfall continued until March 6, 2001 when the balance reached \$425 thousand. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund and Utility Public Benefits Fund shortfalls were not in excess of the statutory borrowing limitation 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.

Sincerely,

GEORGE LIGHTBOURN
Secretary

Referred to the joint committee on **Finance.**
Urban Open Space Foundation

March 22, 2001

The Honorable, The Senate:

As you know, Wisconsin's annual grant to nonstock, nonprofit corporation for urban land conservation (Sec. 23.0957) was awarded to Urban Open Space Foundation in 2000, and it has made an extraordinary difference in helping our Foundation accomplish its important mission.

As a grant recipient, UOSF is required each fiscal year to submit a report detailing the activities for which the grant was expended. Copies of the report are to be submitted to "the Department of Natural Resources and the appropriate standing committees of the legislature as determined by the speaker of the assembly or the president of the senate." On behalf of the Board of directors of the Urban Open Space Foundation, I respectfully submit the following report. Upon review, I think you'll be pleased to note we have managed to leverage the state's investment more than thirteen to one with private-sector funds.

Finally, thank you for helping protect and enhance Wisconsin's critical neighborhood lands and waters by overseeing this grant. This capacity-building financial resource is both needed and appreciated.

Sincerely,

HEATHER MANN
Executive Director

State of Wisconsin
Ethics Board

March 27, 2001

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2001 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us/>

Cornelius, Kevin **Oneida Tribe of Indians of Wisconsin**
Cruz, Lorenzo **CenturyTel Service Group LLC**
Cullen, Lee **Wisconsin Customers for Affordable Local and Long Distance Service**
Hermes, Ronald **Wisconsin Independent Beverage Association**
Lobb, William K **Marquette University**

Mercaitis, Steve **Wisconsin Personal Services Alternatives Inc (WPSA)**

Meske, Scott J. **Municipal Electric Utilities of Wisconsin**
Pawlisch, Curt **Wisconsin Customers for Affordable Local and Long Distance Service**

Petak, George **Goodwill Industries of Southeastern Wisconsin and Metropolitan Chicago, Inc**

Peterson, Craig **Goodwill Industries of Southeastern Wisconsin and Metropolitan Chicago, Inc**

Tenuta, James **Wisconsin Independent Beverage Association**

Thompson, Kelli **Goodwill Industries of Southeastern Wisconsin and Metropolitan Chicago, Inc**

Tries, John **Goodwill Industries of Southeastern Wisconsin and Metropolitan Chicago, Inc**

Ulijasz, Pamela **Goodwill Industries of Southeastern Wisconsin and Metropolitan Chicago, Inc**

Winters, Amy **Wisconsin Christmas Tree Producers Association**

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,

ROTH JUDD
Director

State of Wisconsin

Southeast Wisconsin Professional Baseball Park District

March 26, 2001

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of February 2001 for your review and consideration. As the enclosed report indicates, Miller Park continues to develop with the District Board's objectives of building the premier baseball facility in the country; scheduled for play Opening Day 2001: within budget: and with strong community participation.

Please feel free to contact me if you have any questions or comments regarding the enclosed report.

Sincerely,

MICHAEL R. DUCKETT, P.E., R.L.S.
Executive Director

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

State of Wisconsin
Revisor of Statutes Bureau

April 1, 2001

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
00- 73	April 1, 2001
00-118	April 1, 2001

Sincerely,
GARY L. POULSON
Deputy Revisor

Senate Clearinghouse Rule 99-115

Relating to police pursuit.

Submitted by Department of Justice.

Report received from Agency, March 26, 2001.

Referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**, March 28, 2001.

Senate Clearinghouse Rule 99–151

Relating to cheese grading, packaging and labeling.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, March 22, 2001.

Referred to committee on **Labor and Agriculture**, March 28, 2001.

Senate Clearinghouse Rule 00–132

Relating to tramways, lifts and tows.

Submitted by Department of Commerce.

Report received from Agency, March 27, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, March 28, 2001.

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

Senate Clearinghouse Rule 00–124

Relating to continuing education requirements.

No action taken.

Senate Clearinghouse Rule 99–159

Relating to pharmacy intern training.

No action taken.

Rodney Moen
Chairperson

MESSAGES FROM THE ASSEMBLY

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 4

Assembly Bill 45

Assembly Bill 62

Assembly Bill 135

Adopted and asks concurrence in:

Assembly Joint Resolution 49

Concurred in:

Senate Bill 7

Senate Joint Resolution 22

Senate Joint Resolution 26

Senate substitute amendment 1 to **Assembly Bill 37**

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 4

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unparoled felon.

By Representatives Petrowski, Starzyk, Pettis, Bies, Jensen, Montgomery, Friske, Huebsch, Walker, Musser, Hahn, Stone, Vrakas, Plale, Freese, La Fave, Nass, Leibham, Kestell, Ladwig, Ainsworth, D. Meyer, Hundertmark, Townsend, McCormick, Owens, Jeskewitz, Grothman, Hoven, Duff, Gronemus, Skindrud, F. Lasee, Gunderson, Kedzie, Suder, Kreibich, Ott, Urban, Loeffelholz, J. Fitzgerald, Lippert and Krawczyk; cosponsored by Senators Huelsman, Harsdorf, Schultz, Roessler, S. Fitzgerald and Darling.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

Assembly Bill 45

Relating to: fees paid to witnesses in courts other than municipal court.

By Representatives Ward, Nass, Duff, Gronemus, Gunderson, Hahn, Huber, Huebsch, Jeskewitz, Krawczyk, Ladwig, La Fave, Lassa, Miller, Musser, Powers, Stone, Sykora, Townsend, Urban, Wasserman and Williams; cosponsored by Senators Baumgart, Darling, S. Fitzgerald, Huelsman, A. Lasee, Moen and Roessler.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

Assembly Bill 62

Relating to: local ordinances governing drug paraphernalia.

By Representatives Foti, Krawczyk, Hundertmark, La Fave, Ainsworth, Albers, Duff, Hahn, Jeskewitz, Ladwig, M. Lehman, Leibham, Musser, Ott, Owens, Petrowski, Plouff, Seratti, Stone, Urban, Vrakas and Wade; cosponsored by Senators Erpenbach, Farrow, Burke, Darling, S. Fitzgerald, Huelsman, Roessler and Schultz.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

Assembly Bill 135

Relating to: the requirement to obtain a public warehouse keeper's license.

By Representatives Gunderson, Ladwig, Krawczyk, Nass, Musser, Vrakas, Starzyk, Ward, Wade, Huber, Ainsworth, Freese, Gronemus, Grothman, Kedzie, Kestell, Albers, M. Lehman, Lippert, Plouff, Powers, Owens, Stone, Ott, J. Fitzgerald, Williams and Seratti; cosponsored by Senators M. Meyer, Breske, Farrow, Huelsman, Robson, Baumgart, Wirch, Schultz, Plache, Shibilski, Roessler and S. Fitzgerald.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

Assembly Joint Resolution 49

Relating to: modifying the session schedule for the 2001–2002 biennial session period to extend the March 2001 floorperiod solely for consideration of 2001 Senate Bill 54 and 2001 Assembly Bill 215.

By Representatives Jensen and Foti.

Read and referred to committee on **Senate Organization**.