

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, May 23, 2001

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

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 184

Relating to: permitting certain individuals to make written requests for medication for the purpose of ending their lives, and providing penalties.

By Senators Risser and Jauch; cosponsored by Representatives Boyle, Carpenter, Pocan and Travis.

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

Senate Bill 185

Relating to: disciplinary procedures for certain local law enforcement officers and fire fighters.

By Senators Burke, Welch, Shibilski, Breske, Decker, Erpenbach, George, Moen, Plache, Risser and Robson; cosponsored by Representatives Bies, Berceau, Boyle, Friske, Gunderson, Johnsrud, Kreibich, Lassa, J. Lehman, Lippert, Miller, Ott, Pocan, Plale, Ryba, Starzyk, Staskunas, Stone, Sykora, Travis and Musser.

To committee on **Labor and Agriculture**.

Senate Bill 186

Relating to: admitting health care records into evidence in a trial or hearing.

By Senators Burke, Darling and Rosenzweig; cosponsored by Representatives Berceau, Lippert, Musser, Turner and Sykora.

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

Senate Bill 187

Relating to: crediting of certain prior service in the U.S. maritime service, including the merchant marine, for annuitants in the Wisconsin retirement system and making an appropriation.

By Senators Erpenbach, Moen and Plache; cosponsored by Representatives Travis, Sinicki, Ryba, Turner, Miller, Musser, Suder and Sykora.

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

Senate Bill 188

Relating to: classifying employees of the department of military affairs who perform security functions at weapons

facilities owned by the state as protective occupation participants under the Wisconsin retirement system.

By Senators Erpenbach, Moen, Grobschmidt and Darling; cosponsored by Representatives Travis, Miller, Turner, Musser and Sykora.

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

Senate Bill 189

Relating to: classifying state employees assigned as security officers at facilities owned, leased, or operated by the University of Wisconsin Hospitals and Clinics Authority as protective occupation participants under the Wisconsin retirement system.

By Senator Erpenbach; cosponsored by Representatives Travis, Turner, Sykora and Musser.

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

Senate Bill 190

Relating to: the commencement of the school term.

By Senators Breske, Welch, S. Fitzgerald, George, Schultz and A. Lasee; cosponsored by Representatives Wade, Krawczyk, Owens, Skindrud, Vrakas, Bies and McCormick.

To committee on **Education**.

Senate Bill 191

Relating to: consumer protection and antitrust telecommunications matters before the public service commission and enforcement of laws relating to telecommunications utilities and providers.

By Senators Erpenbach and Risser; cosponsored by Representatives Powers, Black, Sinicki, Turner, La Fave and Huber.

To committee on **Privacy, Electronic Commerce and Financial Institutions**.

Senate Bill 192

Relating to: the place of confinement of a person on probation.

By Senators Jauch, Darling, Roessler, Huelsman, Schultz and Rosenzweig; cosponsored by Representatives Walker, Balow, Albers, Miller, Ainsworth, Turner, Plouff, Coggs, Sykora, Ward, Vrakas, J. Lehman, Owens, Nass, Staskunas, Musser and Krawczyk.

To committee on **Economic Development and Corrections**.

Senate Bill 193

Relating to: claims for loss of society and companionship in medical malpractice cases.

By Senators George, Lazich, Grobschmidt, Harsdorf, Risser and Plache; cosponsored by Representatives Plale, Krug, Bock, Riley, La Fave, Carpenter, Young, Reynolds and Cullen.

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

REPORT OF COMMITTEES

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

BAZZELL, DARRELL, of McFarland, as Secretary of the Department of Natural Resources, to serve for the term ending at the pleasure of the Governor.

Confirmation.

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

Noes, 0 – None.

EARL, ANTHONY S., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2002.

Confirmation.

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

Noes, 0 – None.

FENHAUS, EDWARD F., of Wausau, as a member of the Waste Facility Siting Board, to serve for the interim term ending May 1, 2002.

Confirmation.

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

Noes, 0 – None.

MCGUIRE, PATRICK E., of Plymouth, 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.

UNDERWOOD, JOAN E., of Plymouth, 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.

Jim Baumgart
Chairperson

The joint committee on **Information Policy and Technology** reports and recommends:

Senate Bill 152

Relating to: the Uniform Sales and Use Tax Administration Act and granting rule-making authority.

Passage.

Ayes, 9 – Senators Jauch, Erpenbach, Shibilski and Harsdorf. Representatives Pettis, Hoven, Montgomery, Schneider and Plouff.

Noes, 1 – Senator Lazich.

Robert Jauch
Senate Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

May 18, 2001

The Honorable, The Senate:

I hereby resign from the Joint Committee on Finance.

Sincerely,

KEVIN SHIBILSKI
State Senator
24th District

State of Wisconsin

May 18, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a), I have appointed Senator Jim Baumgart to the Joint Committee on Finance.

Sincerely,

CHUCK CHVALA
Chair, Committee on Senate Organization

State of Wisconsin

May 18, 2001

The Honorable, The Senate:

Thank you for the opportunity to serve on the Joint Committee on Finance. It truly was an honor and a privilege to be a part of the committee even for one day. Now that my duty is complete, please accept my resignation from the committee, effective at 4:30 P.M. on May 18, 2001.

Sincerely,

JIM BAUMGART
State Senator
9th Senate District

State of Wisconsin

May 21, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a), I have appointed Senator Kevin Shibilski to the Joint Committee on Finance.

Sincerely,

CHUCK CHVALA
Chair, Committee on Senate Organization

State of Wisconsin

Department of Health and Family Services

May 4, 2001

The Honorable, The Senate:

The attached report is submitted to the Legislature pursuant to s. 46.27(11g) and s. 46.277(5m) of the state statutes. State statutes require the Department of Health and Family Services to submit an annual report for the Community Options Program (COP) and Home and Community Based Waivers (COP-W/CIP II). The attached report describes the persons served, program expenditures, and services delivered through the COP, COP-Waiver and CIP II programs in calendar year 1999.

The Community Options Program provides services to all target group populations. COP is closely coordinated with all of Wisconsin's Medicaid Home and Community Based Waivers. With the Department's oversight county agencies are able to ensure that a comprehensive and individualized care plan is provided, while maintaining program flexibility and integrity and maximizing federal matching funds.

Sincerely,

PHYLLIS DUBÉ
Secretary

**State of Wisconsin
Joint Legislative Council**

May 18, 2001

The Honorable, The Senate:

I am pleased to transmit to you the following report to the 2001 Legislature on legislation introduced by the Joint Legislative Council.

RL 2001-02 Legislation on Arts Funding
(2001 Senate Bill 164 and 165)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at http://www.legis.state.wi.us/lc/reports_by_topic.htm.

Sincerely,

TERRY C. ANDERSON
Director

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
2001 Senate Joint Resolution 2	Enrolled Joint Resolution, 16	5/29/01
		8/6/02
		9/3/02
		10/1/02

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Department of Administration**

May 9, 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 April 2001.

On April 2, 2001 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$8 thousand. This shortfall increased to -\$13 thousand on April 11, 2001 and continued until April 12, 2001 when the balance reached \$4 thousand. This shortfall was due to the timing of revenues.

On April 2, 2001 the **Utility Public Benefits Fund** balance was -\$57 thousand. This shortfall increased to -\$61 thousand on April 4, 2001 and continued until April 5, 2001 when the

balance reached \$2.41 million. This shortfall was due to the timing of revenues.

On April 2, 2001 the **Wisconsin Lottery Fund** balance was -\$674 thousand. This shortfall increased to -\$1.1 million on April 3, 2001, increased to -\$2.24 million on April 5, 2001, and continued until April 6, 2001 when the balance reached \$2.3 million. This shortfall was due to the timing of revenues.

On April 6, 2001 the **Historical Society Trust Fund** balance was -\$2 thousand. This shortfall increased to -\$38 thousand on April 20, 2001, to -\$62 thousand on April 30, 2001, and continued into the month of May. As of the date of this letter, it has been resolved.

The Wisconsin Health Education Loan Repayment Fund, Utility Public Benefits Fund, Wisconsin Lottery Fund, and Historical Society Trust Fund shortfalls were not in excess of the statutory interfund 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**.

**State of Wisconsin
Ethics Board**

May 22, 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/>

Devaguptapu, Priya	Calpine
Dicks, Helen Marks	Coalition of Wisconsin Aging Groups Inc
Gerlach, Chet	Wisconsin Ethanol Producers Association
Johnson, Stan	Wisconsin Education Association Council
McClenahan, William	Calpine
Peshek, Peter	Mirant Americas Inc (formerly SEI Wisconsin LLC)
Pledl, Robert	Connect Wisconsin Inc
Schreiber, Martin	Calpine

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

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ALLEN, RAYMOND, of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

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

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint AUGUST, ELAINE, of Milwaukee, as a member of the Nursing Home Administrator Examining Board, to serve for the interim term ending July 1, 2003.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRIMAGE, BRENDA, of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CORDERO, OTTO A., of Sauk City, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2003.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FARROW, JOHN, of Pewaukee, as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

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

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GUTSCHOW, HEIDI J., of Krakow, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the interim term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MULLALLY, DR. ROBERT R., of Onalaska, as a member of the Minnesota–Wisconsin Boundary Area Commission, to serve for the term ending September 25, 2006.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OGDEN, FRANCIS, of River Falls, as a member of the Minnesota–Wisconsin Boundary Area Commission, to serve for the interim term ending September 25, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OLSON, CRAIG W., of River Falls, as a member of the Minnesota–Wisconsin Boundary Area Commission, to serve for the interim term ending September 25, 2005.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint REID, L. ANNE, of West Bend, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM
Governor

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

**State of Wisconsin
Office of the Governor**

May 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WEISENSEL, CHERYL A., of Cottage Grove, as a member of the Prison Industries Board, to serve for the interim term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Economic Development and Corrections.**

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

Senate Clearinghouse Rule 01–023

Relating to minimum equipment.

Submitted by Department of Regulation and Licensing.

Report received from Agency, May 22, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, May 23, 2001.